

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 4, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Rodriguez

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 - OCTOBER 5, 2011 - 9:00 A. M.

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

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

MAYOR'S REPORT - Proposed Noise Ordinance Update

CONSENT AGENDA NUMBERS 1 through 22

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from the Mayor's Office of Intergovernmental Relations for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$71,244.00 - General Fund

PURCHASING AND TABULATION OF BIDS - NUMBERS 2 and 3

2. **BASELINE PAVING AND CONSTRUCTION, INC** for Construction Services for Roof System Replacements at Fire Station Nos. 38 & 57 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for General Services Department **DISTRICTS A - STARDIG and G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - continued

3. **PRIME TREES, INC** for Spending Authority to Address Emergency Tree Removal Services for the Parks & Recreation Department - \$50,000.00 - General Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 4 through 22

4. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Ben Johnston House	3325 Chevy Chase Drive	<u>DISTRICT G - PENNINGTON</u>
Scurry-Bybee House	1912 Larchmont Road	<u>DISTRICT G - PENNINGTON</u>
Westwood-Millikin-Frucht House	3120 South MacGregor Way	<u>DISTRICT D - ADAMS</u>
Hill-Perry House	3602 South MacGregor Way	<u>DISTRICT D - ADAMS</u>
William D. Royston House	2224 Looscan Lane	<u>DISTRICT G - PENNINGTON</u>
Marion L. Martin House	2521 Stanmore Drive	<u>DISTRICT G - PENNINGTON</u>
5. ORDINANCE **AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to noise and sound level regulation; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; providing for severability
6. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: proposed amendments to the Strategic Partnership Agreements between the City of Houston and **FALLBROOK UTILITY DISTRICT; FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166; HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109; and NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 280; FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194; FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed amendments to Strategic Partnership Agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230; HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3; BRIDGESTONE MUNICIPAL UTILITY DISTRICT; REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494; FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364; REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238; HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1; HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183; SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT; MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19; SPRING CREEK UTILITY DISTRICT; and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris, Fort Bend and Montgomery Counties; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings
HEARING DATES - WEDNESDAY - 9:00 A.M. - NOVEMBER 9 and 16, 2011

RESOLUTIONS AND ORDINANCES - continued

7. ORDINANCE appropriating \$187,700.00 out of C&E - GRB Consolidated Construction Fund; approving and authorizing the commission of an art installation entitled "A Timeline of Jones Hall" to be located at Jesse H. Jones Hall for the Performing Arts; approving and authorizing Professional Artist Services Agreement between the City and **CORE STUDIO, LLC, d/b/a CORE DESIGN STUDIO**; and de-accessioning a work of art known as the "Gazebo Roof" located in the Root Square Memorial Park - **DISTRICT I - RODRIGUEZ**
8. ORDINANCE approving and authorizing agreement between the **HERMANN PARK CONSERVANCY** and the City of Houston for the provision and acceptance of Local Matching Funds for the Construction of the Fannin/Main Esplanades in Hermann Park - **DISTRICT D - ADAMS**
 - a. ORDINANCE approving and authorizing agreement between the **TEXAS DEPARTMENT OF TRANSPORTATION** and the City of Houston for the Fannin/Main Esplanades in Hermann Park Transportation Enhancement Project - **DISTRICT D - ADAMS**
9. ORDINANCE approving and authorizing grant agreement between the **U. S. SOCCER FOUNDATION** and the City of Houston for Soccer for Success After School for Houston's Economically Disadvantaged Urban Communities - **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**
10. ORDINANCE awarding sole source contract to **IDEA INTEGRATION dba IDEA** for Software and Hardware Technical Support and Maintenance Services for the City's Data Collection Mobile Unit for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$419,418.00 - Dedicated Drainage & Street Renewal Fund
11. ORDINANCE amending Ordinance No. 2006-0975 to increase the maximum contract amount for contract between the City of Houston and **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments - \$240,000.00 - Fleet Management Fund
12. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential lots within the **FAIRWAY LANDING SUBDIVISION and GREENWAY SUBDIVISION, SECTIONS 1-4** and certain improved single-family residential lots in the **PARK PLACE SUBDIVISION and LUM TERRACE SUBDIVISION AND REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ**
13. ORDINANCE approving and authorizing amendment to Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** (Approved by Ordinance No. 2003-1320) for the Metro Light Rail System for the Main Street Corridor Advanced Train Management System - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
14. ORDINANCE appropriating \$449,133.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Lift Station Renewal/Replacement (Approved by Ordinance No. 2005-0362); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

15. ORDINANCE appropriating \$575,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Work Order for Wastewater System/Substitute Service Support; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
16. ORDINANCE appropriating \$4,178,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Multiple Satellite Wastewater Treatment Plant 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 testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ**
17. ORDINANCE appropriating \$2,763,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Sims South Wastewater Treatment Plant 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, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
18. ORDINANCE appropriating \$947,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **GIN-SPEN, INC** for Legend Lane Lift Station Replacement; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON**
19. ORDINANCE appropriating \$1,777,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Jim Lee Park Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG**
20. ORDINANCE appropriating \$5,837,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for North 60-Inch Condition Assessment Support Package; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
21. ORDINANCE granting to **JIANQI AN d/b/a GREENLAND WASTE COLLECTION, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions
FIRST READING

RESOLUTIONS AND ORDINANCES - continued

22. ORDINANCE No. 2011-820, passed second reading September 28, 2011
ORDINANCE granting to **HERITAGE-CRYSTAL CLEAN, LLC A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions
THIRD AND FINAL READING

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 23

MISCELLANEOUS

23. **SET A PUBLIC HEARING DATE** relative to the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE) - DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - OCTOBER 19, 2011

MATTERS HELD - NUMBER 24

24. ORDINANCE authorizing the issuance of purchase order(s) to **DRC EMERGENCY SERVICES, LLC** for Emergency Tree Removal Services relating to drought disaster relief for the City of Houston - \$4,500,000.00 - General Fund - **TAGGED BY COUNCIL MEMBER COSTELLO**
This was Item 14 on Agenda of September 29, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
OCTOBER 4, 2011 2:00PM**

NON-AGENDA

3MIN 3MIN 3MIN

MS. BRENDA MAZZONE – 4431 Kinloch Dr. – 77084 – 281-815-7101 – Layoffs

MR. WILLIAM BEAL – Homeless – No phone – This is it from Michael Jackson

MS. MILDRED JONES – 714 E. 41st – 77022 – 713 695-7644 – Sidewalk Project; on 41st Street

MR. JOHN CIESLEWICZ – 1250 Dubarry Lane – 77018 – 713 683-0703 – Drainage

MR. REGINALD BUTLER – 12220 Sapling Way – 77031 – 713 505-4824 – Ordinances

MS. HATTIE MORGAN – 2828 Collingsworth, #48 – 77022 – 832 405-6855 – Community

MR. JOSEPH BALLARD – 6302 Rocky Nook - Humble – 77396 – 281 850-0388 – Ponzy Scheme at
Municipal Courts

MS. MARY H. TAYLOR – 1403 Fashion Hill Dr. – 77088 – 281 445-0682 – Water bill extortion high and
Charged \$100 for cut off

MR. PAT POWERS – 6518 Neff – 77074 – 713 771-7237 – John Wayne Pine Tree in Memorial Park

PREVIOUS

1MIN 1MIN 1MIN

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy
my born little girl from birth



TEXAS MUNICIPAL LEAGUE

President **Robert Cluck**, Mayor, Arlington
Executive Director **Bennett Sandlin**

September 19, 2011

Darrin Hall
Director of Government Affairs
City of Houston
PO Box 1562
Houston, TX 77251-1562

Darrin
Dear ~~Mr. Hall~~:

Enclosed is the renewal invoice for your city's membership in the Texas Municipal League. Our success depends on our member cities, and we want to thank you for continuing to support the League and its programs.

The League was created in 1913 as an informal association of 14 cities. Today, TML has a membership of over 1,115 member cities. Over the years, the League has undergone many changes, but our basic mission has remained the same: to serve the needs and advocate the interests of our member cities.

We hope you will take advantage of the many services available to you as a member city. In summary, some of these services are:

- **TML represents your city's interests at the state and federal levels.** Over the years, the League's legislative record is one of unparalleled success. Due to the combined strength of our member city officials, thousands of proposals that would have undermined municipal government have been defeated, and hundreds of beneficial bills have been enacted.
- **TML provides legal and technical information on all aspects of city government.** The League employs full-time attorneys who are available to provide member cities with advice and information on municipal legal matters. On a daily basis, the legal staff responds to TML member cities' written and oral questions on a wide range of legal matters.
- **TML offers a wide variety of training sessions and conferences to enhance the knowledge and skills of municipal officials.** The two largest training efforts are the TML Annual Conference and Exhibition and the Elected Officials' Conference. In addition, TML has conducted workshops on land use, telecommunication franchising, annexation and land development, grant-writing, open meetings/open records, employment law, and successful youth programs. Many more are planned for the coming twelve months.

- **TML maintains the most comprehensive file of city government information in the state for members' use.** TML publishes a wide variety of documents and periodicals designed to keep the membership informed on current municipal issues and developments. The best known of the TML publications is its monthly magazine, *Texas Town & City*. With a circulation of 13,000, the magazine is a primary means of communicating with the TML membership. Other publications include the newly updated *Handbook for Mayors and Councilmembers*, the *Texas City Officials Directory and Buyer's Guide*, and the *TML Legislative Update*. Additional publications are available upon request.
- **TML serves as the forum for molding the diverse views of city officials into coherent statewide policies.**
- **TML sponsors two very successful group risk pool programs that produce huge dollar savings for TML member cities.**

Again, thank you for your participation. We look forward to another successful year. If we can be of help to you or your city officials, please give us a call at (512) 231-7400 or consult our Web site at www.tml.org.

Sincerely,



Bennett Sandlin
Executive Director

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9128

Subject: Approve the Purchase of Construction Services for Roof System Replacements at Fire Station Nos. 38 & 57 for the General Services Department
S50-C24047E

Category #
4

Page 1 of 1

Agenda Item

2

FROM (Department or other point of origin):

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

Origination Date

September 14, 2011

Agenda Date

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
A, G

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

Ordinance No. 2009-1234 Passed: 12/2/2009

RECOMMENDATION: (Summary)

Approve the purchase of construction services for roof system replacements at Fire Station Nos. 38 & 57 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education in an amount not to exceed \$302,298.48 for the General Services Department.

Spending Authority Amount: \$302,298.48

Finance Budget

\$302,298.48 - Fire Consolidated Construction Fund (4500) - Appropriation Ordinance No 2009-1234, Passed: 12/02/2009

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of construction services for roof system replacements at Fire Station Nos. 38 & 57 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education in the proposed amount of \$274,816.80 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$27,481.68 for a total amount not to exceed \$302,298.48 for the General Services Department and that authorization be given to issue purchase orders, as required, to the Harris County Department of Education contractor, Baseline Paving and Construction, Inc. The Harris County Department of Education (HCDE) entered into the contract with Baseline Paving and Construction, Inc. on May 18, 2010 for an initial one-year term with six one-year options to renew for a maximum duration of seven years.

Fire Station No. 38 has two 17 year old flat roofs with a history of roof leaks, dating back to 2005, over the apparatus and living quarters areas. Multiple repairs have been made over the years and the perimeter metal edge integral to the roof has rotted, allowing water penetration and damaging the interior of the building. Fire Station No. 57 has a 44 year old pitch metal roof over the apparatus area, also with a history of roof leaks/repairs dating back to 2004. Metal components have deteriorated on both the roof and the internal gutter system allowing water penetration and damaging the roof structure in the apparatus area.

The scope of work requires the construction contractor to provide all equipment, labor, materials, tools, supervision and transportation necessary to furnish and install metal roofs at Fire Station No. 38, located at 1120 Silber Road and Fire Station No. 57, located at 13602 Memorial Drive. Materials and workmanship shall be warranted for one-year and the contractor shall have 125 calendar days to complete the work on this project upon receipt of the notice to proceed.

Pay or Play Program:

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

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA
A

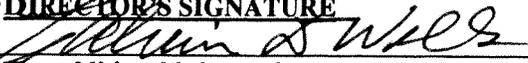
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9150

Subject: Spending Authority to Address Emergency Tree Removal Services for the Parks and Recreation Department S50-L24074E	Category # 4	Page 1 of 1	Agenda Item 3
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date September 15, 2011	Agenda Date OCT 05 2011
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: Luci Correa Phone: (832) 395-7057 Ray DuRousseau Phone: (832) 393-8726	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
 Approve spending authority in an amount not to exceed \$50,000.00 to address emergency tree removal services for the Parks and Recreation Department.

Estimated Spending Authority: \$50,000.00	Finance Budget
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\$50,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:
 The City Purchasing Agent recommends that City Council approve spending authority in an amount not to exceed \$50,000.00 to address emergency tree removal services for the Parks and Recreation Department and that authorization be given to issue an automated (SAP) purchase order to Prime Trees, Inc. in an amount not to exceed \$50,000.00. Dead and diseased trees in exposed areas pose an eminent threat to the health and safety of the citizens of Houston; thus the requirement to remove the trees as soon as possible..

Since June 2011, the City of Houston began experiencing an extraordinary amount of dead and dying trees citywide due to extreme hot weather and drought conditions. On August 1, 2011, the City's Contractor (Southeast Texas Trees, LLC) for tree removal services was terminated for cause due to the Contractor's repeated failure to timely and adequately perform the work/services specified in its contract with the City.

The trees, which are dead or dying, diseased and nested onto other trees pose an immediate public safety threat and health hazard. Therefore, subsequent to the termination of the aforementioned contractor, the City issued an emergency purchase order (EPO) to Prime Trees, Inc. in an amount of \$50,000.00 to remove dead and diseased trees throughout the City. This amount, however, proved to be insufficient to mitigate the hazardous conditions caused by the extreme draught. Therefore, on August 25, 2011, the City issued a second EPO to Prime Trees, Inc. in an amount not to exceed \$50,000.00. Since the two purchase orders issued to Prime Trees, Inc. totaled \$100,000.00; City Council is, therefore, required to approve the second EPO.

The scope of work requires the Contractor to provide all equipment, labor, materials, tools, supervision and transportation necessary to remove designated dead and diseased trees throughout the City. The Contractor shall be required to take special care not to disturb and/or damage structures adjacent to trees. The disposal of the dead trees will be as determined by the Department's designated representative.

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

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Reso

SUBJECT: Approval of a resolution designating six Landmarks in accordance with Chapter 33, Code of Ordinances		Category #	Page 1 of 1	Agenda Item # <i>4</i>
FROM (Department or other point of origin): Planning and Development		Origination Date September 23, 2011		Agenda Date OCT 05 2011
DIRECTOR'S SIGNATURE: <i>Mallone R. Spivey</i>		Council District affected: D, G		
For additional information contact: Courtney Spillane Phone: (713) 837-7894		Date and identification of prior authorizing Council action:		

copy

RECOMMENDATION: (Summary)
Approval of a resolution designating six Landmarks

Amount and Source of Funding: N/A

Finance Budget:

SPECIFIC EXPLANATION:
A property owner may initiate an application for the designation of a Landmark. These applications for Historic Landmark designation were initiated by the owners.

A public hearing was held by the Houston Archaeological and Historical Commission and there were no objections to the designations. The Houston Archaeological and Historical Commission determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark designations.

Photos of the proposed landmarks can be found by going to the following on the Planning Department's website:
<http://www.houstontx.gov/planning/HistoricPres/Landmarks.html>

	LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:
1	Ben Johnston House 3325 Chevy Chase Drive	Owner	G	8-17-2011
2	Scurry-Bybee House 1912 Larchmont Road	Owner	G	8-17-2011
3	Westwood-Millikin-Frucht House 3120 South MacGregor Way	Owner	D	8-17-2011
4	Hill-Perry House 3602 South MacGregor Way	Owner	D	8-17-2011
5	William D. Royston House 2224 Looscan Lane	Owner	G	8-17-2011
6	Marion L. Martin House 2521 Stanmore Drive	Owner	G	8-17-2011

MG: kc

Attachments: Applications and Staff Reports

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department
C.A. McClelland, Chief, Police Department
Terry A. Garrison, Chief, Fire Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Handwritten initials

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Ben Johnston House
OWNERS: Robert and Bonnie Baldwin
APPLICANTS: Same
LOCATION: 3325 Chevy Chase Drive – River Oaks

AGENDA ITEM: II.a
HPO FILE NO: 11L249
DATE ACCEPTED: Jul-8-11
HAHC HEARING: Aug-17-2011

SITE INFORMATION

Tract 6, Block 13, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The site includes a two-story, brick veneer single family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Ben Johnston House at 3325 Chevy Chase Drive, designed by well-known architect Charles Oliver, was built in 1927 as a speculative home by the River Oaks Corporation. Oliver was the in-house architect for the River Oaks Corporation from 1926 to 1931. Eventually, Oliver would design 75 homes in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. The Johnston House is an exceptional example of Oliver's work in the English picturesque style, with its half-timbering, high-pitched cross-gables façade, and massive chimney. The Ben Johnston House appears to have been the second house completed on Chevy Chase Drive.

Ben Johnston was a Houston car dealer of Ford automobiles and president of Johnston Motor Company, which was located at the corner of San Jacinto and McKinney. He and his family lived in the house for two decades.

The Ben Johnston House meets Criteria 1, 4, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

The house at 3325 Chevy Chase was built by the River Oaks Corporation as a speculative home and completed in early 1927. It appears to have been the second house completed on Chevy Chase Drive; 3559 Chevy Chase was the only other residence listed in the 1927 City Directory when the Johnstons took possession of the home. The home received a lot of notice upon completion and articles appeared in both the *Houston Post* and *Houston Chronicle*. On March 26, 1927, the *Houston Chronicle* featured the home with a large photograph and the following:

"Ben Johnston Buys English Style Home in River Oaks; Architecture is Unusual – Hugh Potter, president of River Oaks Corporation, announced Saturday that Ben H. Johnston, President of Johnston Motor Company, has purchased an English style home at 3325 Chevy Chase Drive. This home is one of a number designed and constructed especially for River Oaks Corporation...The house is replete with unusual features, designed to enhance comfort and beauty. Mr. Oliver has contrived to achieve an effect of weathered beauty, as well as an abode of comfort and hospitality. Every room in the house is cross ventilated, and every important room is ventilated from three ways. Perhaps the most interesting feature is the unusual use of slate. The roof is of English thatch slate... slate lintels are used

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above the windows. The floors of the entrance hallway and of the south and west porticos are of real slate as is the open hearth in the living room..."

At the same time, the *Houston Post* ran the following:

"B.H. Johnston Buys Home in River Oaks – ... This home was one of a series designed by local architects and constructed for River Oaks Corporation...It was sold to Mr. and Mrs. Johnston before completion and has never been opened to public inspection. Since it was begun, it has attracted widespread interest throughout Houston."

The large photograph presents the home as it looks today with one slight change. There is a one story entry vestibule that runs in a diagonal fashion. This entryway has been simplified over the years and now is flush with the home.

Benjamin Harrison Johnston ("Ben") (1888-1952) was born in Fort Scott, Kansas and spent his childhood in Dallas. He started his career in Dallas working for a Ford dealership, and later moved to San Antonio where he had purchased his own dealership. He moved to Houston in 1918 at the age of 30 and purchased the Universal Car Company, which was located on Main and Dallas (the site of the future Foley's which was constructed in 1946). In 1933, he purchased the Roy Hohl Motor Company and renamed it Johnston Motor Company. He listed his business in the City Directory as an "authorized sales and service provider for Ford Automobiles." He served as President of his company which was located at the corner of San Jacinto and McKinney. He belonged to several social and community organizations, including Houston Country Club, Oak Cliff Lodge #705, AF&AM of Dallas, the Scottish Rite Bodies of San Antonio and the Arabia Temple Shrine. When he died in 1952, he left behind his wife Helen and one daughter, Mrs. Mark M. Garnett.

The Johnstons lived in the home approximately 20 years and sold to Paul C. Harris in the late 1940s. Paul Harris remained in the home for about 10 years and the home is listed as vacant by 1961. A series of owners then followed including: Jane A. Goodrich (1968), James C. Shindler (1973), and Levi Laub (1980). The current owners, Bob and Bonnie Baldwin, purchased the home in 1999 from Mary Maher Laub, the former wife of Levi Laub.

The home was designed by noted Houston architect, Charles Oliver, who was the in-house architect for the River Oaks Corporation from 1926 to 1931. According to notes from Stephen Fox, Oliver was a native of Dallas and had previously worked in the architectural/construction firm of the Russell Brown Company, which constructed many stylish homes in Dallas and Houston during the first quarter of the 20th century. Oliver worked for the Russell Brown Company from 1916 until 1926, when he was hired away by the River Oaks Corporation. Eventually, Oliver would design 75 homes in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. Some of his most distinctive homes are the Mediterranean style homes, of which approximately six are still standing in River Oaks. Some of Oliver's houses include:

- 2203 Brentwood, 1925 (Mediterranean)
- 1903 Bellmeade, 1926 (Mediterranean)
- 2508 Pelham Drive, 1927 (Charles Oliver's family home)
- 1528 Kirby Drive, 1927-28

- 1827 Kirby Drive, 1927-28
- 3394 Chevy Chase, c. 1928 (Georgian)
- 1925 Bellmeade, 1928 (Registered Landmark Home)
- 2007 River Oaks Boulevard, 1929 (home of Mike Hogg, developer of River Oaks)
- 3015 Del Monte, c. 1929 (Tudor)
- 2504 Pelham Drive, c. 1929 (Norman)
- 2141 Pine Valley, c. 1930 (Tudor)
- 3223 Chevy Chase, c. 1934 (Mediterranean)
- 3358 Inwood Drive, 1930 (Christie home)
- 1407 Kirby Drive, 1930 (Manorial)
- 2970 Lazy Lane, 1934 (as consulting architect to James C. Mackenzie with Birdsall Briscoe)

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Ben H. Johnston House was designed in an English picturesque style by Charles Oliver. Oliver was well versed in all the revival styles; this is an exceptional example of his work with English-style architecture, with its half-timbering, high-pitched cross-gables façade, and massive chimney. The house faces north on Chevy Chase and is sited in the middle of the lot. The house is faced in brick veneer that has been painted white.

The main massing is centered under a side gabled roof of slate that slightly overhangs the façade of the house. A massive chimney and two front gabled bays project forward from this main mass on the front façade. These bays are capped with front gabled roofs of slate.

The front facade of the house can basically be divided in to three parts. The eastern most part is under the main side gabled roof. On the first story is a tall two-part casement window with rectangular lights and transom, topped by a brick label mold. A two-part casement window with rectangular lights and transom is located under a overhanging eave of roof that forms a sort of decorative eyebrow. To the west of this section is the massive chimney. The massive chimney steps into a double flued chimney capped by two chimney pots. The chimney is faced in brick but there is no discernable brick pattern work to it. One the first floor, there is a small rectangular casement window built into the chimney. The chimney is taller than the house itself.

The second part of the front façade features the front gabled bays – an entrance bay and a projecting bay. The entrance bay features a massive batten front door with glazing. The door is constructed of vertical wooden panels. The window is covered with an ironwork screen. Bands of brick with a flat arched top surround the door creating an inset entry. A large entablature of wood with a flat arch surrounds the entry. On the second story facade of the entrance bay are two 8-light casement windows that are surrounded by thick wooden frames with a flat arched top. A rectangular attic vent is centered above this window in the attic story. The final front gabled section of the house is located to the west of the entrance bay and projects forward from it. This bay features a four-part casement window with 3-over-6 lights in each window. These windows are closely set and are topped with a brick label mold. The second story features half-timbering and another, larger four-part casement window with diagonal panes. These casement windows

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- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- (7) Whether specific evidence exists that unique archaeological resources are present;
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

AND

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

STAFF RECOMMENDATION

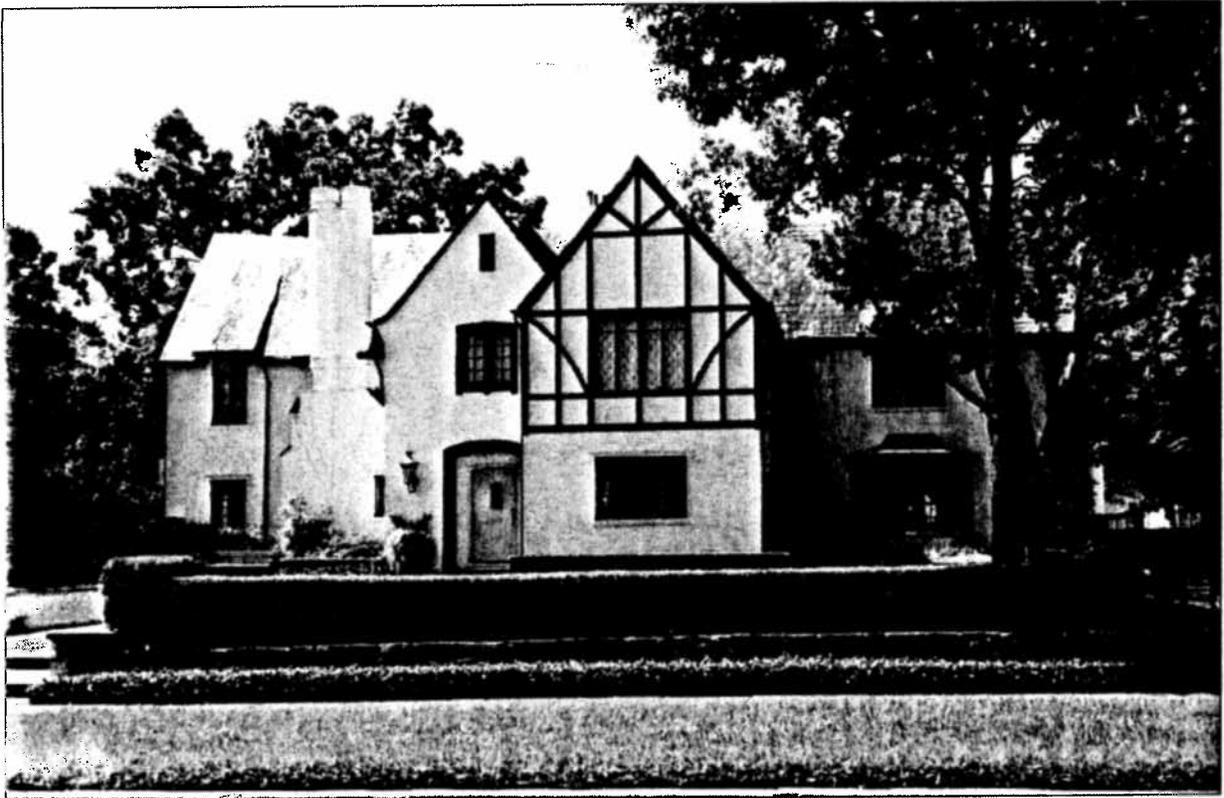
Staff recommends that the Houston Archaeological and Historical Commission recommend to City Council the Landmark Designation of the Ben Johnston House at 3325 Chevy Chase Drive.

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EXHIBIT A
BEN JOHNSTON HOUSE
3325 CHEVY CHASE DRIVE

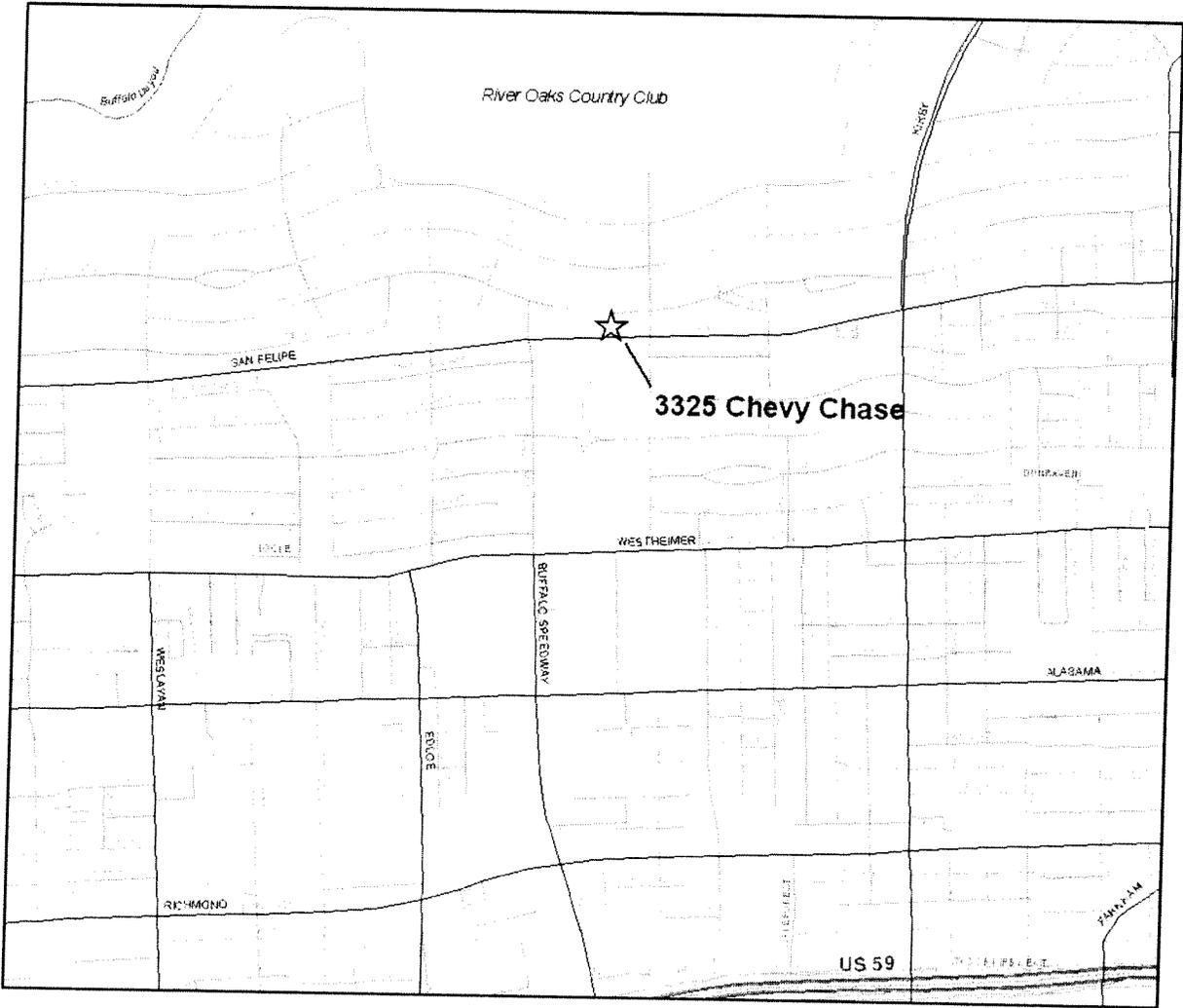


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EXHIBIT B
SITE LOCATION MAP
BEN JOHNSTON HOUSE
3325 CHEVY CHASE DRIVE



LANDMARK DESIGNATION REPORT

LANDMARK NAME: Scurry-Bybee House**OWNER:** Ben Guill**APPLICANT:** Same as Owner**LOCATION:** 1912 Larchmont Road - River Oaks**AGENDA ITEM:** II.b**HPO FILE NO:** 11L250**DATE ACCEPTED:** Jul-11-2011**HAHC HEARING:** Aug-17-2011**SITE INFORMATION**

Lot 10, Block 6, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The site includes a two-story, brick veneer, single-family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation**HISTORY AND SIGNIFICANCE SUMMARY**

The Scurry-Bybee House was constructed in 1936-37 for Mr. and Mrs. Tom Scurry. Scurry was a prominent lawyer for Baker, Botts, Andrews and Wharton. The house was designed by John F. Staub, one of Houston's most prominent residential architects, who used the 1847 Kellum-Noble House as his inspiration.

In 1960, the house was purchased by Faith and Charles Bybee, early Houston preservationists who campaigned to preserve Houston's Old Market Square and worked to restore homes and buildings at Round Top, Warrenton, Washington-on-the-Brazos, and Frelsburg. Charles Bybee was a banker and philanthropist, and Faith Bybee was a lifelong collector of American antiques who engaged in a "friendly rivalry" with Ima Hogg. In 1954, Faith Bybee co-founded the Heritage Society with her brother-in-law Harvin C. Moore and Marie Phelps in order to save the Kellum-Noble House. It is fitting that she would later live in John Staub's adaptation of this home in River Oaks. In 1974 and after a fire, Faith Bybee sold the home to her nephew and wife, Harvin Moore III and Nancy Powell Moore, who remained in the home for the next 20 years.

The Scurry-Bybee House meets Criteria 1, 4, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

James Thomas Scurry, Sr. was born in 1898. He came to Houston in 1929 to work for and eventually became a partner at what was then called Baker, Botts, Andrews and Wharton. Scurry specialized in servicing oil and gas clients. In 1937, he was elected to the Board of Director of the Houston Lighting and Power Company. He and his wife, Sarah Chambers Scurry, had two sons and a daughter. The Scurry family owned the home for approximately 9 years. They sold to Willard E. Shuart, an attorney (1945), who later sold to Sami B. Symington, an oilman (1949).

The home found stability when it was purchased by Faith and Charles Bybee around 1960. Charles Bybee (1900-72) was "banker and philanthropist" according to the *Handbook of Texas*. He was the President of Houston Bank and Trust when he moved into the home on Larchmont. Bybee and his wife worked together restore "Texas homes and buildings at Round Top, Warrenton, Washington-on-the-Brazos, and Frelsburg. He also owned land in Harris, Fort Bend,

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Galveston, Washington, and Fayette counties. The couple campaigned to preserve Houston's Old Market Square and was active in the Institute of International Education.”

Faith Bybee (1900-96) was a lifelong collector of American antiques and engaged in a “friendly rivalry” with Ima Hogg. She collected fine furniture and acquired homes in which to display it. She was a preservationist and, in 1954, co-founded the Heritage Society with Harvin C. Moore (her brother-in-law) and Marie Phelps to save the 1847 Kellum-Noble House. It is fitting that she would live in John Staub’s adaptation of this home in River Oaks.

In 1974 and after a fire, Faith Bybee sold the home to her nephew and his wife, Harvin Moore III and Nancy Powell Moore. The Moores remained in the home for the next 20 years and sold to Nathaniel and Pat Gregory (1990) who later sold to James and Nancy Glanville (1991). Ben Guill purchased the home from the Glanvilles in 2002.

The home was architecturally described in the 1980 *Houston Architecture Survey*:

“The house for Mr. and Mrs. Tom Scurry is an elegant and skillful mixture of two Southern regional building types: the Charleston town house and the Louisiana plantation. John F. Staub, Houston’s best known residential architect used the Kellum-Noble house, built in Houston in 1847, as his inspiration.”

The home was designed by John F. Staub and later added on to in the rear by Harvin C. Moore, who also undertook the restoration of the Kellum-Noble House in Heritage Park.

In addition, Stephen Fox chronicles the design and construction of the home in his book *The Country Houses of John F. Staub*, in which he writes of the Scurry-Bybee House:

“As Barnstone observed, Staub, rather than reproducing the symmetrical front elevation of the Kellum-Noble House, rotated the historical model so that its L-plan, inset, two-story gallery to shade the south and east faces of the house. Views from the living and dining room are directed toward the south-facing side garden. These reception rooms and the three bedrooms on the floor above were oriented to the prevailing south-east breeze.”

According to the *Handbook of Texas Online*, John Staub (1892-1981) began his architectural practice in New York in 1916. In 1921, he came to Houston to supervise a project in the Shadyside neighborhood, and went on to establish his own practice here in 1923. Staub is best known as an architect of single-family houses and is closely identified with the River Oaks neighborhood. His first independent commission in Houston was the River Oaks Country Club. As mentioned, above, he was then retained by the Hogg brothers to design two model homes for the developing River Oaks subdivision. As his career progressed, he was tapped as primary architect (with Birdsall Briscoe named associate architect) to design Bayou Bend, the home of Ima Hogg. Between 1924 and 1958, he designed thirty-one houses in River Oaks, in addition to making designs for homes that were never built, as well as designing renovations and extensions for existing homes. Outside of River Oaks, Staub homes from this period were built in Broadacres, Courtlandt Place, and the Fort Worth neighborhood of River Crest. Additional Staub homes may be found in Beaumont, Dallas, and Memphis, Tennessee, some of which are open to the public as museums.

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According to Howard Barnstone's book, some of the River Oaks homes designed by John F. Staub include:

- House for Country Club Estates, 3374 Chevy Chase, 1924
- Joseph H. Chew House, 3335 Inwood, 1925
- House for Country Club Estates, 3260 Chevy Chase, 1925
- Kemerton Dean House, 1912 Bellmeade, 1925 City of Houston Landmark
- John F. Staub House, 3511 Del Monte, 1925
- Hubert B. Finch House, 3407 Inwood, 1926
- Bayou Bend for Ima Hogg, 2940 Lazy Lane, 1926
- Judge Frederick C. Proctor Home, 2950 Lazy Lane, 1926 (as associate to Birdsall Briscoe), Demolished.
- Harry C. Hanszen House, 2955 Lazy Lane, 1930
- Wallace E. Pratt House, 2990 Lazy Lane, 1931, Demolished.
- J. Robert Neal House, 2960 Lazy Lane, 1931 City of Houston Landmark
- George A. Hill, Jr. House, 1604 Kirby Drive, 1931
- Hugh Roy Cullen House, 1620 River Oaks Boulevard, 1933
- David D. Bruton House, 2923 Inwood Drive, 1933 City of Houston Landmark
- Clarence M. Frost House, 2110 River Oaks Boulevard, 1933
- Ravenna for Stephen P. Farish, 2995 Lazy Lane, 1934
- William J. Crabb House, 2416 Pine Valley Drive, 1935, Demolished.
- Robert Bowles House, 3015 Inwood Drive, 1935
- George S. Heyer Home, 2909 Inwood Drive, 1935
- Oak Shadows for Ray L. Dudley, 3371 Chevy Chase, 1936
- Tom Scurry House, 1912 Larchmont, 1936
- James L. Britton House, 1824 Larchmont, 1936
- Robert D. Strauss House, 1814 Larchmont, 1937
- John M. Jennings House, 2212 Troon Road, 1937
- Dan J. Harrison House, 2975 Lazy Lane, 1938
- Claud B. Hamill House, 2124 River Oaks Boulevard, 1938
- Edward H. Andrews House, 3637 Inwood Drive, 1939, demolished
- Rienzi for Mr. and Mrs. Harris Masterson, III, 1406 Kirby Drive, 1952 (S,R&H)
- House for Mr. and Mrs. Ben M. Anderson, 3740 Willowick, 1956 (S,R&H) City of Houston Landmark
- House for Mr. and Mrs. George A. Peterkin, Senior, 2005 Claremont, 1957 (S,R&H)

In addition to residential work, Staub designed the parish house of Palmer Memorial Church, the Junior League Building, and the Bayou Club in Houston. His firm designed buildings for the campuses of the University of Texas, Rice University, University of Houston, and the Texas Medical Center. He was the primary architect on the John Reagan High School project as well. Staub, Rather, and Howze also consulted with Jim Goodwin of Pierce and Pierce in the new building and planetarium for the Houston Museum of Natural Science.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Scurry-Bybee House was designed in a Louisiana French Plantation style, but its model was the Kellum-Noble House in Houston. The Kellum-Noble House is an early Houston home that certainly used models from Louisiana and the South in its own design. The house faces east and is sited on the north end of a double lot, thus leaving the southern lawn open. The lot was purchased for \$4,500 in 1936.

The Scurry-Bybee House features an L-shaped plan, and is two stories tall. It is faced in red brick. The south façade features two-story verandah with brick piers on the first story and wooden piers on the second story. Both the tops of the brick and the wooden piers feature capitals. The banisters are square.

The roof of the house is hipped and covered in composite shingles. The eastern or front façade of the house features two 9-over-9 floor level wooden sash windows with shutters on the first story and two 6-over-6 wood sash windows with shutters on the second floor. The front entrance of the house is accessed at the junction of the "L", under the gallery.

A second entrance of the house is on the north façade and is only partially visible from the street. It is in a two-story section of the house that projects north from the "long L" of the house's plan. The entry features a wooden paneled door with sidelights. A large window is above on the second story.

As mentioned above, Faith and Charles Bybee engaged Harvin C. Moore, prominent Houston architect, to design a rear addition. Harvin Moore was a natural choice as he had been instrumental in saving the Kellum-Noble House. According to Nancy Powell Moore, there was a fire in 1974 that impacted the rear of the home during the Bybee's ownership. She and her husband, Harvin Moore III, purchased the home from the Bybees, completed a restoration and moved in in early 1975.

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(<http://www.tshaonline.org/handbook/online/articles/fby08>), accessed June 17, 2011. Published by the Texas State Historical Association.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Courtney Spillane, Planning and Development Department, City of Houston.

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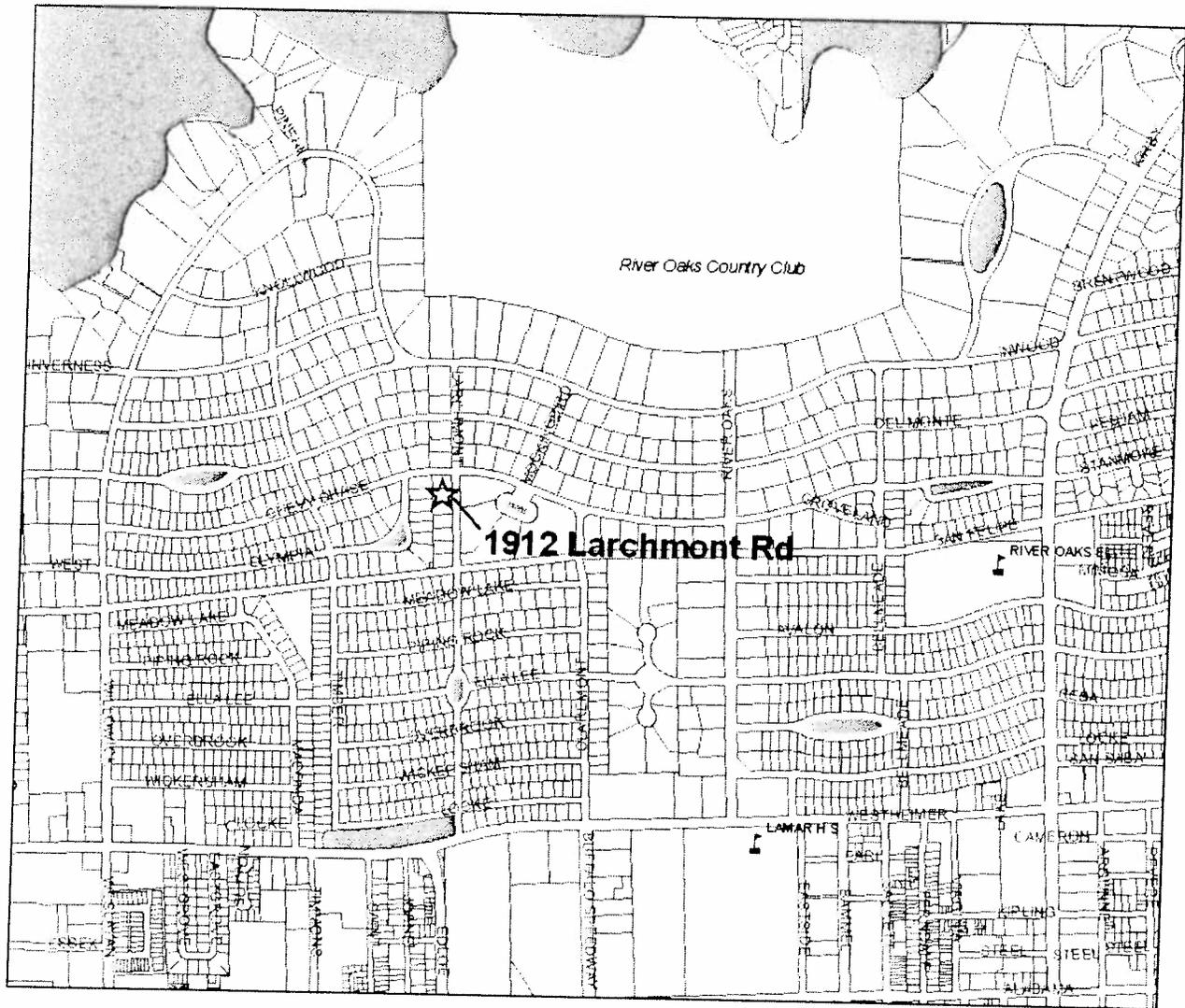
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EXHIBIT A
SCURRY-BYBEE HOUSE
1912 LARCHMONT ROAD



EXHIBIT B
SITE LOCATION MAP
SCURRY-BYBEE HOUSE
1912 LARCHMONT ROAD
NOT TO SCALE



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LANDMARK DESIGNATION REPORT

LANDMARK NAME: Westwood-Milliken-Frucht House

OWNER: Robert J. Conwell

APPLICANT: Same as owner

LOCATION: 3120 South MacGregor Way – Riverside Terrace

AGENDA ITEM: II.c

HPO FILE NO: 11L251

DATE ACCEPTED: Jul-13-2011

HAHC HEARING: Aug-17-2011

SITE INFORMATION

Lot 4 and Tract 3A Block 44, Riverside Terrace, Section 8, City of Houston, Harris County, Texas. The site includes a two-story brick veneer single-family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Westwood-Milliken-Frucht House at 3120 South MacGregor Way was designed and constructed in 1931-32 by Hayes & Orem. Hayes & Orem, a partnership of LeRoy Hayes and Herbert Orem, designed and constructed homes in the late 1920s and early 1930s in River Oaks, Boulevard Oaks and Riverside Terrace. The house at 3120 South MacGregor Way was designed in an English Picturesque style and was first occupied by H.O. Westwood, an executive in the canning industry. Later residents included prominent Houstonians Dr. Gibbs Milliken, who owned the house from 1936-1945, and Sig Frucht, who was in the produce business and owned the house from 1949 to 1967.

First platted in 1924, the affluent neighborhood of Riverside Terrace in southeast Houston became known as the 'Jewish River Oaks' from the 1930s through the 1950s. Architects who designed houses in the neighborhood included John Chase, John Staub, Birdsall P. Briscoe, Bolton & Barnstone, Joseph Finger, Bailey A. Swenson, and MacKie and Kamrath. Beginning in the 1950s, the neighborhood transitioned to primarily African-American families. The 1985 documentary "This Is Our Home, It Is Not For Sale" by Jon Schwartz gives a 60-year overview of the community and its struggle to integrate. Today, the neighborhood contains numerous examples of outstanding architecture from the late Art Deco and mid-century modern eras, interspersed with small motels and apartments.

The Westwood-Milliken-Frucht House meets Criteria 1, 4, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

Hayes & Orem

The Westwood-Milliken-Frucht House at 3120 South MacGregor Way was designed and built by Hayes & Orem, a partnership of LeRoy Hayes and Herbert Orem, who designed and built houses in the late 1920s and early 1930s in several affluent Houston neighborhoods.

LeRoy Hayes was born in 1896. Hayes worked in 1922 as a clerk for the Fidelity Trust Co., a real estate company. In 1924, Hayes was working for the Varner Realty Company, which was then selling homesites in Norhill. LeRoy Hayes died in March 1981 in Houston.

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Herbert Orem was born in Missouri in 1879 and came to Houston by 1902, where he is listed in the City Directory as a typesetter for Miller & Orem. Orem died in 1937 and is buried in Hollywood Cemetery.

Work by Hayes & Orem is listed in the Texas General Contractors Association Journal in 1928. An office address is not listed in the city directories of these years. However, by 1934, they are no longer working together. In 1934, Leroy Hayes worked as a clerk at the Federal land Bank. Herbert Orem was back at his previous job as the Secretary of the Houston-Galveston Typothetae (typesetting) and later worked as the Executive Secretary at the Texas Graphic Arts Zone Federation until his death.

Hayes & Orem designed and constructed the following buildings in Houston:

Residential:

- 2512 Prospect, Riverside Terrace (1928) – for a client
- 1716 North Blvd., Boulevard Oaks Historic District (1929) – for a client
- 1728 North Blvd., Boulevard Oaks Historic District (1929) – for a client
- 2310 Arbor (apartments), Riverside Terrace (1929) – for a client
- 2505 Pelham Road, River Oaks (1929) – speculative house
- *1525 Lombardy, Broadmoor (1929) – speculative house
- 1720 North Blvd., Boulevard Oaks Historic District (1930) – speculative house
- *3227 Avalon, River Oaks (1930) – Speculative house
- 2515 Riverside Drive, Riverside Terrace (1930) – Speculative house

Non-residential:

- 4336 Bell Street, Eastwood (Duplex), 1928 – speculative property
**Demolished*

Homes listed under L.R. Hayes only, for the years 1932-1933:

- 3439 Wichita Street, Southwood (1932) – for a client
- 3334 S. MacGregor Drive, Riverside Terrace (1933) - for the MacGregor Drive Realty Co. This house is very similar to 3120 S. MacGregor Drive.
- 2250 Albans Road, Southampton (1933) - for a client

Following the dissolution of Hayes & Orem, LeRoy Hayes partnered with Roger N. Hancock to form Hancock & Hayes. Roger N. Hancock had also been building during this period. They kept offices in the Sterling Building. Hancock & Hayes went on to build numerous homes in the mid-1930s, including 108 Avenue B in Garden Villas, which was chosen as the July Home of the Month for McCall's Magazine in 1937. However, by the mid-1940s their partnership has also dissolved. Hayes continued work as an architect and contractor, while Hancock entered the lumber and labor business. Roger Hancock was born in 1890 and died in 1978.

H.O. Westwood

Although the home was built in 1931-32, the first occupant of the home, H.O. Westwood, does not appear at the address until the City Directories in 1934. H.O. Westwood was the Vice President and General Manager of the Southwestern Can Company. He and his wife Grace, and their three children Robert, Helen and Margaret lived in the house until 1936.

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Dr. and Mrs. Gibbs Millikin

In 1936, Dr. Gibbs and Harriet Milliken moved into the house. The Millikens had three children - Harriet, Alice and Gibbs. Dr. Milliken was born in New York City, New York, in 1895, the son of Samuel E. and Sallie Gibbs Milliken. Dr. Milliken came to Houston in 1925 after working as a professor of pathology at UTMB in Galveston, Texas. His professional education was attained in Edinburgh, Scotland, and at UTMB. Dr. Milliken was a member of Phi Gamma Delta and Phi Chi medical fraternity. He also served in the 166th Infantry in France during World War II. He had several papers published during his career. His son, Gibbs Milliken, was a professor at the University of Texas.

Dr. Gibbs Milliken died at the age of 49 on March 23, 1945, in his home. He was buried in the Forest Park Lawndale Cemetery. Harriett Bain Millikin died in San Antonio on March 15, 1974. She was also buried at Forest Park Lawndale.

Sigmund (Sig) Frucht

The next owners of the house, Mr. and Mrs. Sigmund (Sig) Frucht, moved in to the house in 1949. Frucht was the son of Austrian immigrants who moved from Galveston to Houston in the early part of the 20th century. He graduated from Sam Houston High School. Frucht was in the produce business at the Sig Frucht Company, located on Commerce Avenue. His brothers were also in the produce business. Frucht's personal history, the Sig Frucht Collection, is part of the Houston Metropolitan Research Center. The Collection contains a short biographical sketch of Frucht, included here:

“Sig Frucht, born in 1899 in Galveston, Texas emerged from humble beginnings to become one of Houston's most successful and beloved businessmen by the 1940s. Mr. Frucht was best known for his devotion to his business, Sig Frucht Produce, his family and the sports team he sponsored; the Sig Frucht Ramblers. Little is known about Mr. Frucht's early years however it is clear that he maintained a close relationship throughout his life with the Boy's Town orphanage for boys in Nebraska. He was made an Honorary Citizen of Boy's Town and corresponded with Father Flanagan for many years.

He enlisted in the U. S. Army at the age of 19 and worked in the produce distribution warehouse where he was stationed in Australia. His army Sergeant reported that Lt. Frucht usually worked 16 hour days without complaint. Shortly after his honorable discharge in 1918 he began Sig Frucht Produce, Inc. in the old Houston produce market downtown on Commerce Street. He soon earned the moniker “The Grapefruit Kid” because of his tenacity in promoting the retail purchase of Ruby Red® grapefruit grown in Texas' Rio Grande Valley instead of imported grapefruit. He was the pioneer in promoting the Ruby Red® that we find so frequently abundant today. He steadily worked until Sig Frucht Produce became known worldwide to grocers as a supplier of quality avocados, vegetables, bananas, grapefruit and citrus, and other fruit thought to be exotic at that time such as mango and papaya. In households Sig Frucht Produce was known for their delightful mail order gift baskets. When the new Houston Produce Terminal was built Sig Frucht was elected President and remained in that post for five annual terms. Sig Frucht Produce, Inc. remained in business for 50

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years. During that time Mr. Frucht started his day at 3:00 or 4:00 a.m. He spoke of the romance and adventure of being in the produce industry. Indeed, his occupation took him to foreign countries. The most notable of these was Havana, Cuba where Mr. Frucht developed many close business relationships and friendships. After retirement he continued to maintain his office and mail order catalog at the Houston Produce Terminal. He continued to foster solid relationships with local grocers such as the Weingarten family and others close to the produce industry.

Despite heading a time-consuming business, Mr. Frucht found time to contribute to the community by sponsoring the Ramblers Club sports team. The Ramblers Club was founded by a group of young Jewish men that competed with other teams in a number of different sports. This was a very important way to occupy the time and nurture the talents of these young men during the depression when work was difficult to find and time was abundant. All of the Ramblers went on to become respectable and productive citizens in adulthood. Other ways Mr. Frucht was an influence in the community include becoming an honorary sheriff's deputy in service of his close friend, Sheriff, Buster Kern and serving as a Harris County Grand Juror for three terms.

Sig Frucht made and kept friends throughout his life. He had a risqué and mischievous sense of humor as evidenced by the memorabilia with which he chose to decorate his scrapbooks. This was tempered by a truly caring, kind and generous humanitarian who valued his relationships and work above all else."

The late Houston restaurateur and philanthropist Felix Tijerina worked for Sig Frucht's produce company in the 1920s. They became lifelong friends, according to a biography of Tijerina.

Subsequent owners of 3120 S. MacGregor Way include Mr. and Mrs. Edward Moore (1967-2007), and current owner Robert Conwell. Conwell purchased the home in 2007, and has restored the house. It is exceptionally maintained.

Riverside Terrace

The first section of Riverside Terrace was platted in 1924. Development of the area was started by Henry Frederick MacGregor, who came to Houston in 1883 and began investing in real estate. By 1900, MacGregor was instrumental in extending Houston's residential area southward by building several subdivisions in the South Main area.

During the first two decades of the 20th century, "street-car suburbs," flourished in Houston and residential developments spurred extension of streetcar lines. But by the mid-1920s, the growing popularity of the automobile led to new "automobile suburbs" in Houston. Several of these were laid out on either side of Brays Bayou in the vicinity of Hermann Park. One such suburb is Riverside Terrace.

When Riverside Terrace opened, early sales brochures stressed the premier location of this subdivision as being near the South Main cultural, medical, educational, and social facilities. The first section of the project – an area bounded by Almeda, Blodgett, Live Oak, and Oakdale – was financed by the Guardian Trust Company. The developer, using the same sales rhetoric as the River Oaks Corporation, noted that there would be "rigid building restrictions...so that each

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purchaser is assured beforehand of the exact character of the improvements with which he will be surrounded." The successful venture attracted other developers, and the suburbs of Washington Terrace and Riverside were platted. Today, the entire area is known as Riverside Terrace.

The area was once home to a large number of Jewish families such as the Weingartens, the Fingers, the Sakowitz, and the Battlesteins, who were excluded from River Oaks. From the 1930s until the post-war era, the neighborhood became known as the 'Jewish River Oaks,' and was just as affluent and swanky.

The demographics began to change drastically in the 1950s when the first African-American family moved into the neighborhood. In 1952, a wealthy African-American cattleman named Jack Caesar moved his family into the neighborhood. He stayed despite a bomb being detonated on his front porch. In the middle 1950s, the white and Jewish families began moving out to the suburbs. In the early 1960s, white residents who saw potential for an integrated neighborhood tried to stabilize it by posting signs that read: "This Is Our Home, It Is Not For Sale," which is also the title of a 1985 documentary by Jon Schwartz that gives a 60-year overview of the community and its struggle to integrate. Eventually all but a few whites and Jews succumbed to pressures by their neighbors' departure and left Riverside Terrace entirely.

It wasn't long before Riverside Terrace was once again home to prominent, wealthy families – this time African-American. College professors, doctors, lawyers and politicians moved into the large homes and mansions.

Architects who designed some of the first homes in the neighborhood included John Chase, John Staub, Birdsall Briscoe, Bolton & Barnstone, and Joseph Finger. Several distinctive modern houses were designed by the office of Bailey A. Swenson. The architectural firm of MacKie and Kamrath also produced structures of modern design. One home, published in *Architectural Record* in 1942, was described as having excited neighborhood controversy for being so modern. Today, the neighborhood contains numerous examples of outstanding architecture from the late Art Deco and mid-century modern eras, interspersed with small motels and apartments.

Home construction and commercial development have recently revived, especially on the southern edge of the area. The homes in Riverside Terrace are as diverse as the characters that shaped its history. Houses range from 2,000 to 6,000 square feet. Lots can be as large as two acres. Prices range from \$30,000 to \$1 million.

While many changes have occurred over the years, Riverside Terrace continues to be home to many Houstonians who enjoy being a short distance from downtown, the Museum District, and the Medical Center.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Westwood-Milliken-Frucht House at 3120 South MacGregor Way was built in 1931-32 and covers 4,191 square feet on a 18,094 square foot lot. It faces north with a view of the bayou, and was originally on three lots. The two lots on either side of the house were sold and contain newer mid-century homes.

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The house is designed in an English Picturesque style. The main block of the house is under a side gabled roof with a varied roof height. It has a multi gabled front façade. The house is faced with red and black brick, with some decorative stone detailing.

The house can be divided into four parts on the front façade. To the far east is a one-story later addition (pre-1950), constructed of brick. It features a bay window with fixed paned lights and stucco detailing.

To the west in the main historic house is a bank of four 1-over-1 windows with 2-light transoms above, topped with a stone lintel. Above on the second story is a bank of three 1-over-1 wood sash windows and one 1-over-1 sash window.

The entrance bay projects slightly from the main block and is faced in stone. It features a wood paneled front door recessed under arches of brickwork and an arch of stone. Above the entry on the second story is a diagonally paned wood sash window with shutters. It is capped with a front facing gable.

The west bay project forward from the entrance bay and is faced with brick. The first story facade features a large bay window of five fixed windows with 2-over-4 panes. It is capped with a metal roof. On the second story façade is a bank of three 1-over-1 wood sash windows capped with a stone lintel. An attic vent punctuates the front gable in the attic story. There is decorative stone work at the ends of the front gabled roof.

The house has been well maintained over the years and is in excellent condition. The upstairs bathrooms of the house have never been renovated. All of them are completely intact and representative of period bathroom interiors.

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The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Courtney Spillane, Planning and Development Department, City of Houston.

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EXHIBIT A
WESTWOOD-MILLIKEN-FRUCHT HOUSE
3120 SOUTH MACGREGOR WAY

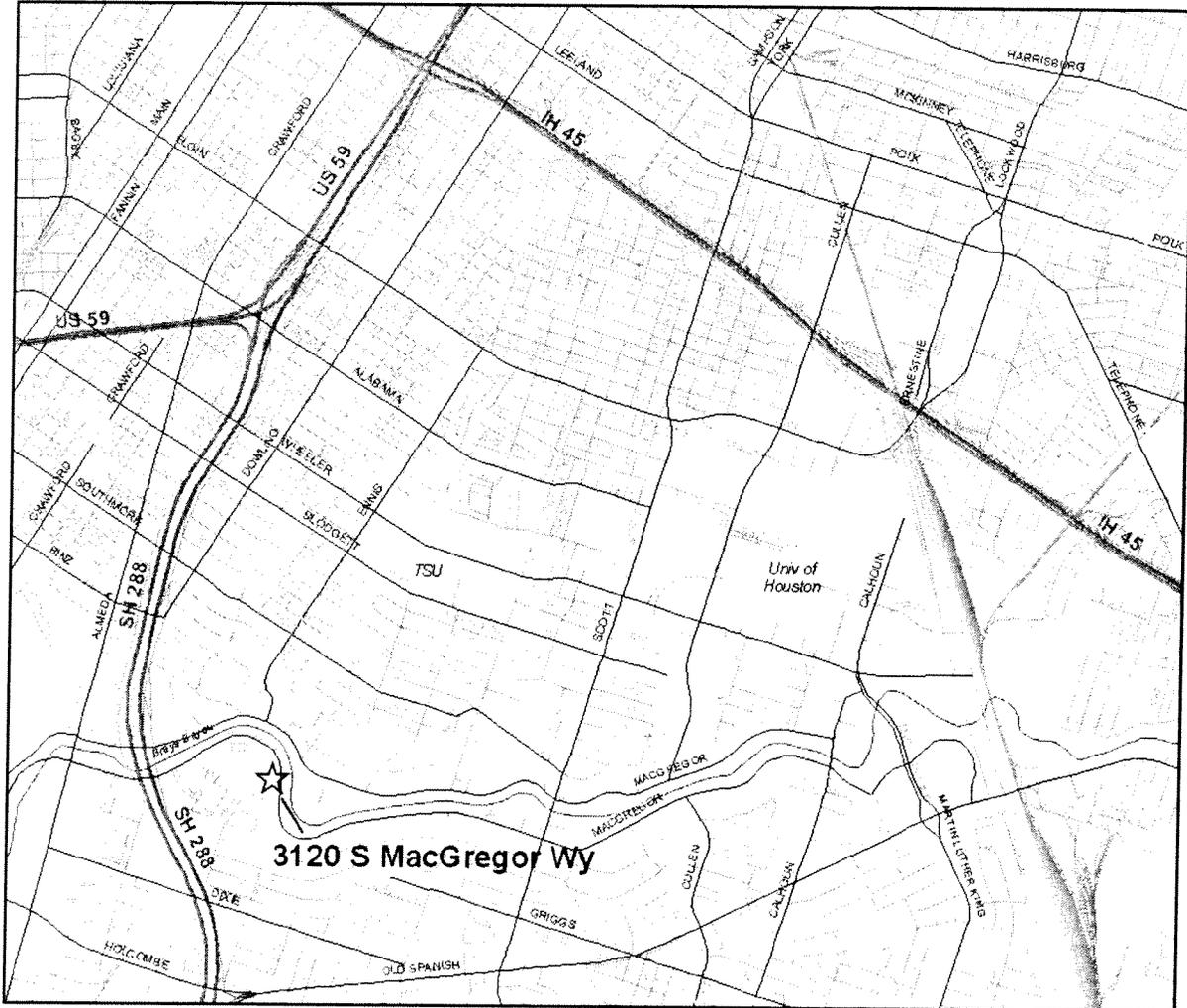


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EXHIBIT B
SITE LOCATION MAP
WESTWOOD-MILLIKEN-FRUCHT HOUSE
3120 SOUTH MACGREGOR WAY
NOT TO SCALE



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LANDMARK DESIGNATION REPORT

LANDMARK NAME: Hill-Perry House

OWNER: Samuel and Jonte Wesley

APPLICANT: Same

LOCATION: 3602 South MacGregor Way – Riverside Terrace

AGENDA ITEM: II.d

HPO FILE NO: 11L252

DATE ACCEPTED: Jul-15-2011

HAHC HEARING: Aug-17-2011

SITE INFORMATION

Tract 1, Block 55, Riverside Terrace Section 10, City of Houston, Harris County, Texas. The site includes a historic, two-story stone veneer single-family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Hill-Perry House at 3602 South MacGregor Way was built in 1949 for Dr. J. Ernest Hill, a prominent Houston dentist, and his wife, Hazle Hill. The house is unique to Riverside Terrace because of its use of Austin stone, an unusual choice for Houston. The house is designed in a traditional style but has a modern, streamlined appearance.

The Hills lived in the home from 1949-1968. It was then purchased by Drs. J.O. and Cynthia Shepard Perry. Dr. Cynthia Perry was a Professor at TSU, and is a former Ambassador to Sierra Leone and Burundi. She most recently was the United States Executive Director of the African Development Bank.

First platted in 1924, the affluent neighborhood of Riverside Terrace in southeast Houston became known as the 'Jewish River Oaks' from the 1930s through the 1950s, with homes designed by prominent architects such as John Staub and Birdsall P. Briscoe. Beginning in the 1950s, the neighborhood transitioned to **primarily** African-American families. The 1987 documentary "This Is Our Home, It Is Not For Sale" by Jon Schwartz gives a 60-year overview of the community and its struggle to integrate. The ownership change of 3602 South MacGregor Way from the Hills to the Perrys is representative of the rapid racial transition of Riverside Terrace that occurred in the 1960s and 1970s.

The Hill-Perry House meets Criteria 1, 3, and 4 for Landmark designation.

HISTORY AND SIGNIFICANCE

Dr. J. Ernest Hill was born in Smith County, Texas, on August 30, 1899. He was married to Hazle Hill, who was born in 1902 in Dallas and grew up in Coleman, Texas, and then Houston. The Hills were married in 1924 and were living in the Houston Heights by 1930. They bought the lot in Riverside Terrace in June of 1948, and began construction of the house. After Hazle Hill's death in 1961, Dr. Ernest Hill married Virginia Dickerson. The Hills lived at 3602 S. McGregor until 1968, when they moved to the Linkwood neighborhood.

Dr. Ernest Hill attended school at Sam Houston State University in Huntsville, Texas, and taught school for two years before attending Texas University Dental College in Houston. He provided 53 years of professional dental service to citizens of Houston. Dr. Hill was an involved member

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of the Houston community as President of the Houston Downtown Optimist Club and Governor of this District for the Optimist Club. He was a 65-year member of Masonic Lodge No. 1189 AF and AM, and a member of the Scottish Rite and Arabia Temple Shrine for over 50 years.

Dr. Ernest Hill died at the age of 92 on June 15, 1992. He was buried in the Forest Park Lawndale Cemetery.

The next owners of the home were the Drs. James O. and Cynthia Shepard Perry. The Council of American Ambassadors website contains the following history of Dr. Cynthia Perry:

“Dr. Perry was most recently the United States Executive Director of the African Development Bank. A native of Indiana, Dr. Perry was the US Ambassador to Sierra Leone from 1986-1989 and to Burundi from 1989-1993.

Her career began in 1957 with the Nichols Investment Corporation. Dr. Perry later joined the IBM Corporation as an educational representative in the Office Products Division. From 1968-1971, she was the Director of the National Teachers Corps at the University of Massachusetts, where she received her Doctorate in International Education in 1972. Joining the faculty of Texas Southern University in 1971, she was an Associate Professor and Associate Director of Teacher Corps/Peace Corps and then became a full Professor and Dean of International Affairs from 1978-1982.

Her first assignment to Africa was at the University of Nairobi in 1968 through Operation Crossroads Africa. From 1971-1973, Mrs. Perry and her husband, Dr. James O. Perry, trained a group of Peace Corps volunteers in Sierra Leone. In 1974, she led a special educational delegation to Sierra Leone, Ghana, Nigeria and Liberia. She lived in Kenya from 1974-1976, trained Peace Corps paramedical volunteers, lectured at the University of Nairobi and was a consultant to the US Information Service in Kenya, Nigeria and Zambia. In 1976, she was appointed Staff Development Officer at the UN Economic Commission for Africa. From 1982 until her appointment, Mrs. Perry was Chief of the Education and Human Resources Division in the Africa Bureau of the US Agency for International Development.”

Riverside Terrace

The first section of Riverside Terrace was platted in 1924. Development of the area was started by Henry Frederick MacGregor, who came to Houston in 1883 and began investing in real estate. By 1900, MacGregor was instrumental in extending Houston’s residential area southward by building several subdivisions in the South Main area.

During the first two decades of the 20th century, “street-car suburbs,” flourished in Houston and residential developments spurred extension of streetcar lines. But by the mid-1920s, the growing popularity of the automobile led to new “automobile suburbs” in Houston. Several of these were laid out on either side of Brays Bayou in the vicinity of Hermann Park. One such suburbs is Riverside Terrace.

When Riverside Terrace opened, early sales brochures stressed the premier location of this subdivision as being near the South Main cultural, medical, educational, and social facilities. The

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first section of the project – an area bounded by Almeda, Blodgett, Live Oak, and Oakdale – was financed by the Guardian Trust Company. The developer, using the same sales rhetoric as the River Oaks Corporation, noted that there would be “rigid building restrictions...so that each purchaser is assured beforehand of the exact character of the improvements with which he will be surrounded.” The successful venture attracted other developers, and the suburbs of Washington Terrace and Riverside were platted. Today, the entire area is known as Riverside Terrace.

The area was once home to a large number of Jewish families such as the Weingartens, the Fingers, the Sakowitz, and the Battlesteins, who were excluded from River Oaks. From the 1930s until the post-war era, the neighborhood became known as the ‘Jewish River Oaks,’ and was just as affluent and swanky.

The demographics began to change drastically in the 1950s when the first African-American family moved into the neighborhood. In 1952, a wealthy African-American cattleman named Jack Caesar moved his family into the neighborhood. He stayed despite a bomb being detonated on his front porch. In the middle 1950s, the white and Jewish families began moving out to the suburbs. In the early 1960s, white residents who saw potential for an integrated neighborhood tried to stabilize it by posting signs that read: "This Is Our Home, It Is Not For Sale," which is also the title of a 1985 documentary by Jon Schwartz that gives a 60-year overview of the community and its struggle to integrate. Eventually all but a few whites and Jews succumbed to pressures by their neighbors' departure and left Riverside Terrace entirely. It wasn't long before Riverside Terrace was once again home to prominent, wealthy families – this time African-American. College professors, doctors, lawyers and politicians moved into the large homes and mansions. The change in ownership from the Hills to the Perrys in 1968 is representative of the rapid racial transition of Riverside Terrace that occurred in the 1960s and 1970s.

Architects who designed some of the first homes in the neighborhood included John Chase, John Staub, Birdsall Briscoe, Bolton & Barnstone, and Joseph Finger. Several distinctive modern houses were designed by the office of Bailey A. Swenson. The architectural firm of MacKie and Kamrath also produced structures of modern design. One home, published in *Architectural Record* in 1942, was described as having excited neighborhood controversy for being so modern. Today, the neighborhood contains numerous examples of outstanding architecture from the late Art Deco and mid-century modern eras, interspersed with small motels and apartments.

Home construction and commercial development have recently revived, especially on the southern edge of the area. The homes in Riverside Terrace are as diverse as the characters that shaped its history. Houses range from 2,000 to 6,000 square feet. Lots can be as large as two acres. Prices range from \$30,000 to \$1 million.

While many changes have occurred over the years, Riverside Terrace continues to be home to many Houstonians who enjoy being a short distance from downtown, the Museum District, and the Medical Center.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Hill-Perry House is unique to Riverside Terrace because of its use of Austin stone, an unusual choice for Houston. The house is designed in a traditional style but has a modern, streamlined appearance. In this way, it is a representation away from strict Revival-style architecture into a more modern interpretation of traditionalism.

The designer of the Dr. J. Ernest Hill House is unknown, but the house is unique for the use of Austin stone. The Hill House was built in 1949 and covers 6,022 square feet on an acre-sized lot (46,818 square foot land area). The house was built as a residential single family home. It is sited to the east of the lot, allowing the natural topography of the western portion of the lot to form a sort of park for the home.

The home is one massive block, with an entrance in the center. It is covered with irregularly-sized stone laid in horizontal bands. The entrance bay is located slightly east of center under a front gabled roof. It features the entrance on the first floor. The entrance is an oversized wooden paneled door with an arched fanlight and sidelights. The entrance is recessed from the front façade, under an arched stone opening. The stone in the entryway is placed vertically around the entry and projects slightly from the façade. Above the entrance on the second story façade are two 12-light fixed metal windows surrounded by thick bands of stone that project slightly from the front façade, and stone label molds above. Centered under the roof in the attic story is a decorative blind oculus of stone.

To both sides of the entrance bay is a floor length 28-light fixed metal window capped by stone label molds and surrounded by thick bands of stone that project slightly from the front façade. On the second story are two 12-light fixed metal windows surrounded by bands of stone. The windows are placed just under the cornice of the house, which continues on all four sides of the house.

The roof of the house is covered with composite shingles. The current owner has made some alterations to the front façade of the house, including replacing the windows of the house. This alteration does not significantly change the appearance of the house. The house is in excellent condition.

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The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Courtney Spillane, Planning and Development Department, City of Houston.

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Archaeological & Historical Commission

Planning and Development Department

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

Sec. 33-224. Criteria for designation

(a) The HAHC, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S NA

S - satisfies D - does not satisfy NA - not applicable

- (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
- (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- (7) Whether specific evidence exists that unique archaeological resources are present;
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

AND

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

STAFF RECOMMENDATION

Staff recommends that the Houston Archaeological and Historical Commission recommend to City Council the Landmark Designation of Hill-Perry House at 3602 South MacGregor Way.

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EXHIBIT A
HILL-PERRY HOUSE
3602 SOUTH MACGREGOR WAY

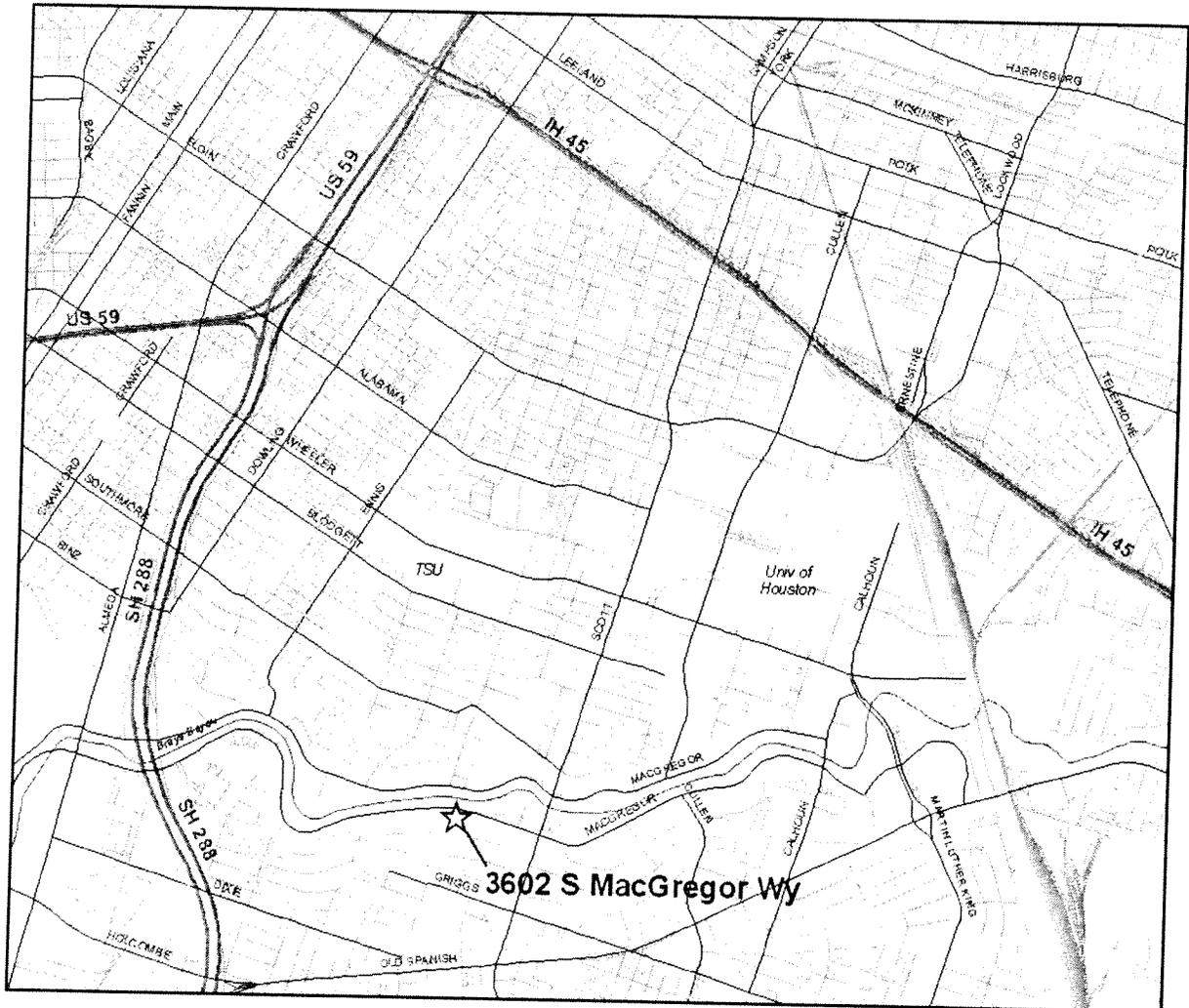


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EXHIBIT B
SITE LOCATION MAP
HILL-PERRY HOUSE
3602 SOUTH MACGREGOR WAY
NOT TO SCALE



LANDMARK DESIGNATION REPORT

LANDMARK NAME: William D. Royston House
OWNERS: Elizabeth and James W. Whitehead, III
APPLICANTS: Elizabeth and James W. Whitehead, III
LOCATION: 2224 Looscan Lane – River Oaks

AGENDA ITEM: II.f
HPO FILE NO: 11L254
DATE ACCEPTED: Jul-29-2011
HAHC HEARING: Aug-17-2011

SITE INFORMATION

Lot 13, Block 48, River Oaks Section 3, City of Houston, Harris County, Texas. The building on the site is two-story brick and stucco veneer residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The residence at 2224 Looscan Drive, designed by well-known architect Charles Oliver, was built in 1927-28. The home was built for William Davis Royston, Certified Public Accountant, who had his own business, William D. Royston, CPA, Co., in the First National Bank Building. Charles Oliver classified the William D. Royston House as “American in design.” The house is unique in that it was the very first home built in River Oaks Section 3 (the “Buffalo Drive Section”); the *Houston Chronicle* stated that construction began on the house “the day the last square yard of paving [of the section] was laid.”

The William D. Royston House meets criteria 1, 4, and 6 for Landmark Designation.

HISTORY AND SIGNIFICANCE

The first mention of the Royston home came on October 23, 1927 when a drawing of the home and the following appeared in the *Houston Chronicle*:

“Drawing of Royston Home – Artist’s drawing of J.D. Royston’s home now in the course of construction in River Oaks. This home, the first to be erected in the 3rd or Buffalo Drive section, was begun the day the last square yard of paving was laid. Architect Charles W. Oliver classified it as “American” in design.”

Upon completion in 1928, the following appeared in the *Houston Post-Dispatch* along with a large photograph of the home:

“The first home to be built in the Buffalo Drive section of River Oaks, that section most recently under development, was the residence of W.D. Royston family at 2242 (sic) Looscan Lane. Charles W. Oliver, AIA, architect for the River Oaks Corporation, who designed it classifies it as an “American” type house. It is planned along lines that are considered distinctly an American development in home architecture.

It embodies a happy combination of common brick and stucco, one of its most interesting features being a studio sleeping porch which takes the form of an old-style lean-to on the southeast side of the house.

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Downstairs there is a living room, dining room, breakfast room and kitchen and the sleeping porch. Upstairs there are two bedrooms and a bath. The house is heated by a warm air heating plant.”

William D. Royston (1888-1971) was a native of Bastrop who lived in Houston for approximately 59 years. He married Frances Lenore Taylor in 1925 in Houston. Royston was a Certified Public Accountant who had his own business, William D. Royston, CPA, Co. with offices in the First National Bank Building. The 1932 City Directory lists his firm as “Auditors, Income Tax Service.” His obituary of August 20, 1971 shows that he served in World War I and was a 50-year member of the Masonic Lodge.

William and Frances Royston lived in the house at 2224 Looscan Lane from the late 1920s until the mid 1950s, approximately 30 years. They sold the house to Dudley W. Denton, an accountant with Winkelman, David and Johnson, who lived in the home for the next 25 years. After this stable ownership, the home went through a series of owners, including Robert Lehman (1984), Joseph Archer (1986), Richard Calfee (1988), Nancy Taylor (1999), Jeroen Baaima (2002) and the current owners, Elizabeth and James Whitehead (2005).

The home was designed by noted Houston architect, Charles Oliver, who was the in-house architect for the River Oaks Corporation from 1926 to 1931. According to notes from Stephen Fox, Oliver was a native of Dallas and had previously worked in the architectural/construction firm of the Russell Brown Company, which constructed many stylish homes in Dallas and Houston during the first quarter of the 20th century. Oliver worked for the Russell Brown Company from 1916 until 1926, when he was hired away by the River Oaks Corporation. Eventually, Oliver would design 75 homes in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. (Some of his most distinctive homes include the Mediterranean style homes, of which approximately six are still standing in River Oaks.) Some of Oliver’s houses include:

- 2203 Brentwood, 1925 (Mediterranean)
- 1903 Bellmeade, 1926 (Mediterranean)
- 2508 Pelham Drive, 1927 (Charles Oliver’s family home)
- 1528 Kirby Drive, 1927-28
- 1827 Kirby Drive, 1927-28
- 3394 Chevy Chase, c. 1928 (Georgian)
- 1925 Bellmeade, 1928 (Registered Landmark Home)
- 2007 River Oaks Boulevard, 1929 (home of Mike Hogg, developer of River Oaks)
- 3015 Del Monte, c. 1929 (Tudor)
- 2504 Pelham Drive, c. 1929 (Norman)
- 2141 Pine Valley, c. 1930 (Tudor)
- 3223 Chevy Chase, c. 1934 (Mediterranean)
- 3358 Inwood Drive, 1930 (Christie home)
- 1407 Kirby Drive, 1930 (Manorial)
- 2970 Lazy Lane, 1934 (as consulting architect to James C. Mackenzie with Birdsall Briscoe)

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The William D. Royston House sits in the center of its lot on Looscan Lane, facing south. The house is two-story; the first story is faced in red brick and the second story is stucco.

The house contains a front entrance in a one-story wing located to the west of the main two-story portion of the house. This entrance is recessed about three feet under the roof. The front door is a wood paneled door. There is an arched multi-light fanlight above and sidelights on either side of the door. This entrance is not original and has been changed.

The main two-story block of the house is anchored by a massive brick chimney that projects from the house in the center of this block. It rises high above the height of the house. To the west of the chimney on the first floor façade is a large multi-light bay window with metal roof. This bay window is a later addition, but the style is consistent with the wood-sash windows that were there before. Above the window on the second story façade are paired 6-over-6 windows. Directly west of the chimney on the second floor façade is an oval shaped 9-light window. To the east of the chimney and flush with the chimney on the first floor facade is a multi-light fixed window under a composite shingle roof. This window is also an alteration from the original window but it retains the style of the original. Above the window on the second story façade are paired 6-over-6 windows.

A slight alteration to the house has taken place at the front entrance. The original house had the same one-story entrance wing but it was recessed farther from the front lien of the house and contained a shed roof that shielded the front entry. There were separate paneled doors on the front and west façade of this entry. A slight shed canopy was over the west entry. A porch had a wooden balustrade. The original front entry was very awkward; it is not a surprise that it has been changed over time. The current entry door and lights are in keeping with the “American” design of the house.

An addition to the house is set back far from the front façade and is minimally visible from the right-of-way. The house is in excellent condition and has been well maintained.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Courtney Spillane, Planning and Development Department, City of Houston.

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Fox, Stephen, ed., *Houston Architectural Guide*, 2nd edition, American Institute of Architects/Houston Chapter, 1999.

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EXHIBIT A
WILLIAM D. ROYSTON HOUSE
2224 LOOSCAN LANE

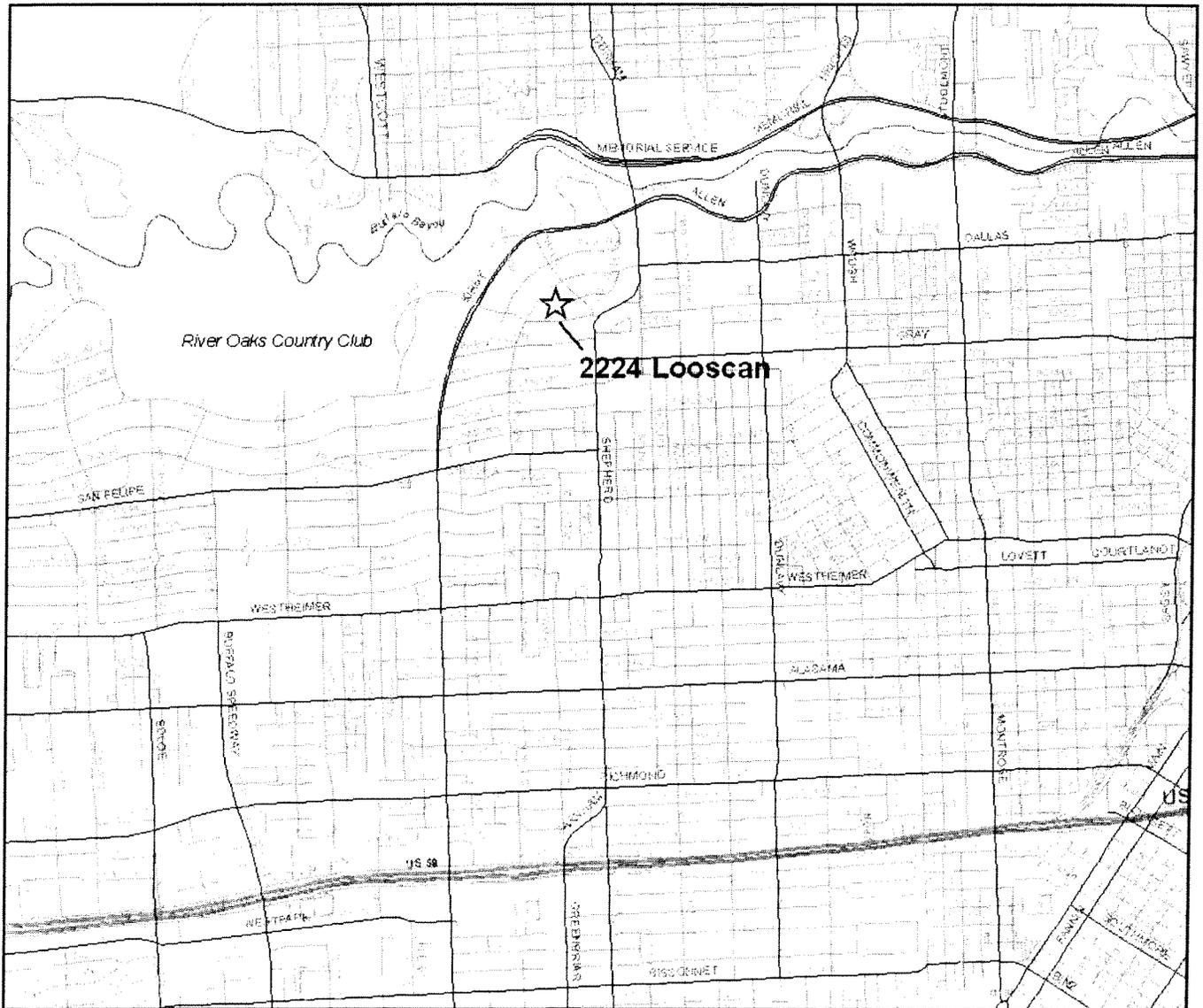


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EXHIBIT B
SITE LOCATION MAP
WILLIAM D. ROYSTON HOUSE
2224 LOOSCAN LANE
NOT TO SCALE



CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Marion L. Martin House
OWNERS: Robert and Margaret Murray
APPLICANTS: Same
LOCATION: 2521 Stanmore Drive – River Oaks

AGENDA ITEM: II.g
HPO FILE NO: 11L255
DATE ACCEPTED: Jul-8-11
HAHC HEARING: Aug-17-2011

SITE INFORMATION

Lot 8 and Tr. 9A, Block 41, River Oaks Sec. 1, City of Houston, Harris County, Texas. The building on the site is a two-story stucco-clad single-family residence. It sits on the River Oaks Courts on Stanmore Drive.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Marion L. Martin House at 2521 Stanmore Drive, designed by architect Cameron Fairchild, was built in 1936-37 as a speculative home by the River Oaks Corporation. This stucco-clad Colonial-Revival style house is one of five homes sited around a horseshoe-shaped court on Stanmore Drive. Architect Cameron Fairchild designed all five of the houses that the River Oaks Corporation built around the first of the River Oaks Courts on Stanmore Drive in 1936. Fairchild began his long architectural career in Houston in 1925 and was noted for his eclectic single-family residences in affluent Houston neighborhoods, particularly River Oaks.

The first owner of the house was Marion L. Martin, who worked in finance and later owned his own company, Marion L. Martin & Co, a local division of the Fidelity Deposit Company of Maryland.

The Marion L. Martin House at 2521 Stanmore qualifies for Landmark Designation under Criteria 1, 4, and 6.

HISTORY AND SIGNIFICANCE

River Oaks Courts

The Marion L. Martin House at 2521 Stanmore was built by the River Oaks Corporation as a speculative home and completed in 1937. The concept of the River Oaks Courts was conceived by the River Oaks Corporation as a way to avoid placing homes on the heavily traveled San Felipe Road. By turning homes inward around a horse-shoe and thus in a sense creating a common front yard, the River Oaks Corporation was able to place more homes for sale. There are six such courts on Stanmore Drive, and two on adjacent Sharp Place. The house at 2521 is one of the first five homes built under this concept. These original homes were intended to sell for about \$15,000.

Architect Cameron Fairchild was hired to design the first five homes (2517, 2521, 2523, 2525 and 2529 Stanmore Drive) to create a unity of design that would showcase the idea to homebuyers. The 1980 *Houston Architectural Survey* tells that similar “enclave” plans were used successfully in contemporary garden suburbs such as in Greenbelt, Maryland.

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The survey also reports that:

“H.A. Kipp, engineer for River Oaks Corporation, laid out site plan. E.B. Crawford was contractor for the houses. Court was originally designed for seven houses, but River Oaks Corporation partitioned off middle lots to provide larger sites on either side.”

The homes received a lot of notice and articles appeared in *Good Housekeeping* and the *Houston Post*. In February 1937, *Good Housekeeping* extolled the virtue of planned suburbs, and described the River Oaks Court homes:

“Today, fortunately, in many of our cities and towns “new developments,” as new community planning is often called, are to be found. Consider these carefully. Where large tracts of land are bought and planned for residential sections by a responsible real-estate company, your risks are lessened. Good developments have the proper restrictions in architecture, intercommunity planning, parkways, recreation centers for children, fine schools, churches, and even convenient shopping centers.

This month, we illustrate a group of moderately priced houses, built on a central court, in the beautiful River Oaks section of Houston, Texas, under the direction of Hugh Potter....Here are moderately priced houses, ideally planned, which are excellent examples of the importance of neighborhood. They are a part of a beautiful general plan, where the finest residences with the largest property are at the core or heart of some 1000 acres, graduating to smaller plots which come under the same fine restrictions, careful zoning, and good architectural and building standards. Notice the care with which the garage drives are kept to the back, adjoining a boulevard; notice the space between the houses and the privacy which each house enjoys, although sharing the charm of the trees, green grass and roses of the central court...

Thus we see that the restrictions, the zoning, the careful planning by real-estate developers to keep each small section a part of a beautiful whole, maintain property values and pleasant surroundings at a high standard through a period of years. This, then, establishes the fact – Neighborhood is of First Importance.”

On December 20, 1936, the *Houston Post* ran the following about the courts:

“River Oaks Corporation today presents something new in subdivision development and home building, an idea which relates land platting to home architecture. The above five homes have been completed, facing a private court on Stanmore drive. Each home is different in design, but there is architectural harmony within the group. The court idea presents a new defense from traffic hazards, especially where children are concerned. The property in the center of the court has been set aside and developed into a private park, utilizable as part front yard by all residents of the court. The homes were designed by Cameron D. Fairchild, Houston architect. Each has an electrically controlled heating system.”

The first owner of 2521 Stanmore was Marion L. Martin, who worked in finance and later owned his own company, Marion L. Martin & Co, a local division of the Fidelity Deposit Company of Maryland. He and his family lived in the house until 1945, when it was purchased by a Houston physician, Dr. A. Louis Dippel. Dr. Dippel was a graduate of University of Texas and held an office in what is now Midtown on Fannin Street.

Edward C. Hutcheson purchased the home in 1954 and lived in the home until his death in 1986. Hutcheson was the son of prominent Houstonians William Palmer and Eleanor Hutcheson, who were

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John Staub's first clients in Houston for 1405 North Boulevard in Broadacres. Edward Hutcheson was educated at the Hill School and graduated from Princeton University. He saw action in World War II. He met his wife Beechie Chew, the daughter of a naval officer, in Rhode Island while recovering from malaria. When they returned to Houston after the war, he put himself through South Texas College of Law with Beechie's assistance. He enjoyed the study of history and wrote a family history *The Freedom Tree*. He was a founder of the Texas Bill of Rights Foundation and was involved with organizations that dealt with poverty and education. After Hutcheson's death, Beechie married Ike Kampmann and moved to San Antonio. They had several children.

In 1988, the house was purchased by Reginald and Patricia Hirsch; Patricia and Richard Rice bought the house in 2000; and the current owners, Meg and Nelson Murray, purchased the house in 2004.

Cameron Fairchild

Born in Waco, Cameron Fairchild began his architectural practice in Houston in 1925. Over the course of a long career, he became noted for his eclectic single-family "country houses" in affluent Houston neighborhoods such as Shadow Lawn, Boulevard Oaks, Braeswood, Riverside Terrace, and River Oaks.

Fairchild was especially identified with River Oaks, where he designed the Lamberth–Abercrombie House at 2221 River Oaks Boulevard (1928, COH Protected Landmark), one of the first houses built on River Oaks Boulevard. Fairchild designed all five of the houses that the River Oaks Corporation built around the first of the River Oaks Courts on Stanmore Drive in 1936. Fairchild also designed 2112 Brentwood (1934, COH Landmark); 2911 Ella Lee Lane for his brother William Fairchild (1936, COH Landmark), 3244 Ella Lee Lane; 3320 Chevy Chase Drive; and the 17-story River Oaks Apartments (1965).

During his long career, Fairchild designed or remodeled numerous public buildings in Houston, including the Jesse H. Jones Library Building at the Texas Medical Center (1954); the 14-story downtown First Savings Building (1964; demolished 2002); and South Texas College of Law. He was also responsible for numerous alterations and additions to Trinity Episcopal Church on Main Street, where he was a parishioner, vestry member, and senior warden.

Fairchild was also very active in Galveston, where he designed many homes for the city's elite, and public buildings such as the seven-building student housing complex at University of Texas Medical Branch (1955). Beyond Houston and Galveston, Fairchild designed the Cody Memorial Library (1939) and the Lois Perkins Chapel (1948) on the campus of Southwestern University in Georgetown, Texas, and the Taylor Public Library in Taylor, Texas (1959). According to the Taylor Public Library website, Fairchild was chosen to design the library "because of his high standing in the profession of architecture and because Taylor had been the childhood home of both Mr. Fairchild and of his wife, the former Helen Tarkington."

Fairchild was born in Waco, Texas, on August 20, 1902. He was educated at Southwestern University in Georgetown and the University of Texas, from which he graduated in 1924. From 1924 to 1925, he worked for the Austin architect George L. Walling. In 1925, Fairchild began independent practice in Houston. He took a brief leave from architecture to serve in the armed forces during World War II. Fairchild served two terms as president of the Houston Chapter of the American Institute of Architects. He maintained his practice for over 50 years before retiring to Pine Bluff, Arkansas, where he died in June 1985.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The house at 2521 Stanmore is designed in the Colonial Revival style. It faces northwest on the southeast lot of the court. The two-story house is clad in stucco. The original house features a hipped roof. A later addition to the northeast of the house is set back from the original house and its roof intersects with the original house. Although clearly a later addition, it relates to the original in form, height and detailing.

The original house has a three part front facade. The central bay contains the entrance, which has been slightly modified to contain double doors. The doors are paneled wood with glass lights. A small portico with a pedimented roof, Doric columns and pilasters projects slightly from the front façade. While there is evidence of a small canopy or portico in the 1936 photograph and on the 1951 Sanborn maps, the current portico with its pedimented roof is a later renovation to the house.

To either side of the front entry are two sets of triple wood sash windows set in a 4-over-4, 6-over-6, 4-over-4 combination on the first story facade. The windows have non-working shutters placed to either side. Above the entry on the second story is one 6-over-6 wood sash window with working shutters. This window is flanked by two sets of smaller triple wood sash windows set in a 4-over-4, 6-over-6, 4-over-4 combination. These are placed directly under the roof eave, which slightly overhangs the house. A belt course, faced in stucco, runs between the first and second stories.

The addition features two sets of triple wood sash windows set in a 6-over-6, 9-over-9, 6-over-6 combination on the first story facade. On the second story façade are two sets of smaller triple wood sash windows set in a 4-over-4, 6-over-6, 4-over-4 combination. As with the original house, the second story windows are placed directly under the roof eave, all windows have non-working shutters, and a belt course, faced in stucco, runs between the first and second stories.

The house is undergoing remodeling by Stern and Bucek Architects. More information about this will be in the accompanying Certificate of Appropriateness application. The changes to the front façade of the house will include the following:

- The addition of a 9-light gabled dormer window to the attic story, above the entrance.
- A redesign of the existing, non-original porch and entry doors.

The house is in excellent condition. If designated, the house will become the first house designated on the River Oaks Courts on Stanmore Drive.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Courtney Spillane, Planning and Development Department, City of Houston.

BIBLIOGRAPHY

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Fox, Stephen, ed., *Houston Architectural Guide*, 2nd edition, American Institute of Architects/Houston Chapter, 1999.

Good Housekeeping, "The Studio Decorated this House for Exhibition in Houston, Texas," February 1937.

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Houston City Directories, 1937 to present.

Houston Post, "Plan for the Development of River Oaks Court," June 21, 1936.

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Houston Post, "Five Homes on River Oaks Private Court," December 20, 1936.

www.findagrave.com

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

Sec. 33-224. Criteria for designation

(a) The HAHC, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

- | S | NA | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation; | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event; | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation; | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city; | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood; | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation; | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present; | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride. | |

AND

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224b).

STAFF RECOMMENDATION

Staff recommends that the Houston Archaeological and Historical Commission recommend to City Council the Landmark Designation of Marion L. Martin House at 2521 Stanmore Drive.

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Planning and Development Department

EXHIBIT A
MARION L. MARTIN HOUSE
2521 STANMORE DRIVE

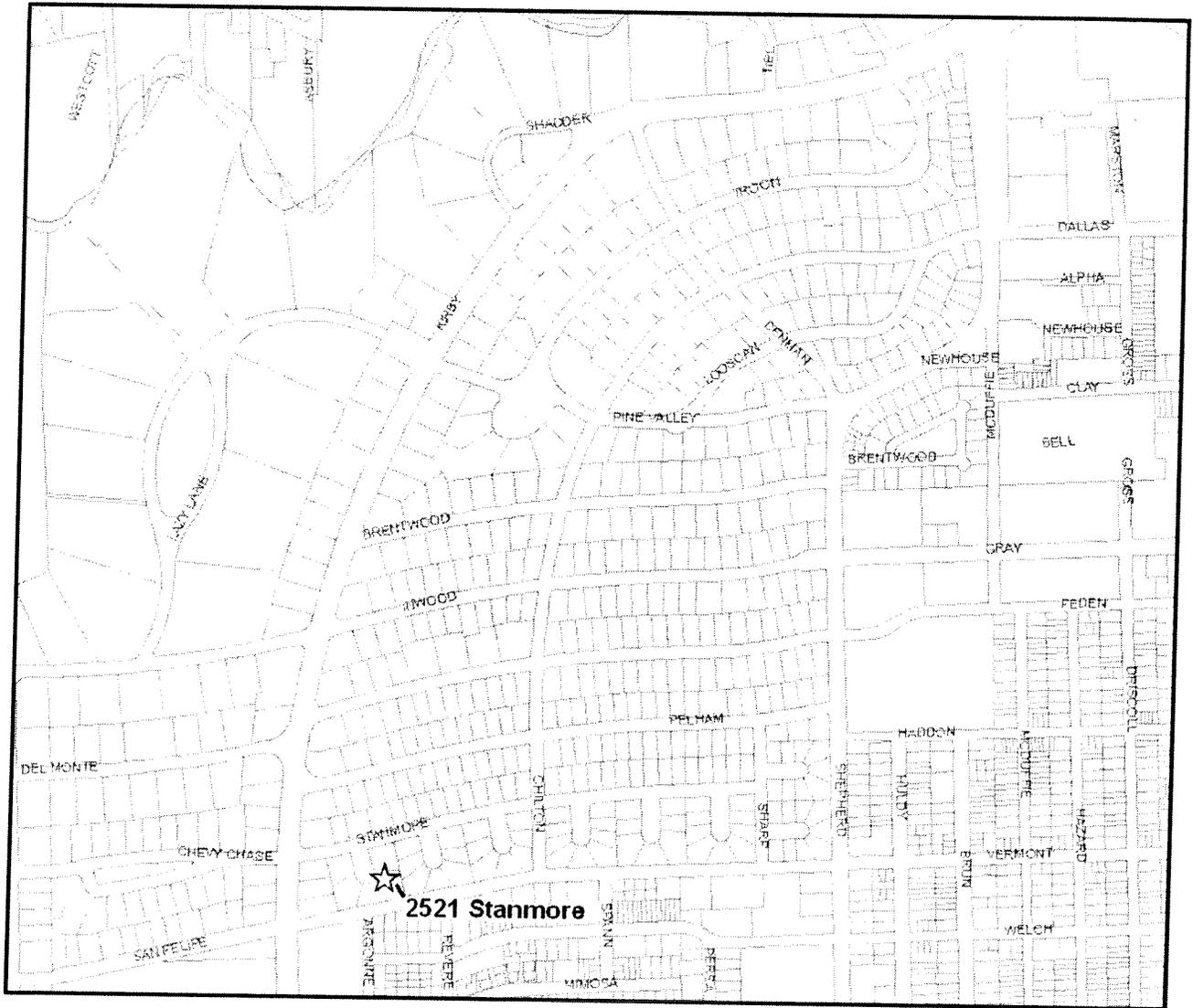


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Planning and Development Department

EXHIBIT B
SITE LOCATION MAP
MARION L. MARTIN HOUSE
2521 STANMORE DRIVE
NOT TO SCALE



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: APPROVE AN ORDINANCE AMENDING CHAPTER 30 OF THE HOUSTON CODE OF ORDINANCES, RELATED TO NOISE AND SOUND LEVEL REGULATION

Category #

Page 1 of 2

Agenda Item

5

FROM (Department or other point of origin):

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

Origination Date

September 28, 2011

Agenda Date

OCT 05 2011

DIRECTOR'S SIGNATURE

AMJ

Council District(s) affected
All

For additional information contact:

Kathryn Bruning Phone: (832) 394-9414
Christopher Newport Phone: (713) 837-9533

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance amending Chapter 30 of the Houston Code of Ordinances, related to Noise and Sound Level regulations within the City of Houston.

Amount of Funding: N/A

Finance Budget

SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department ("ARA") recommends that City Council approve an Ordinance amending Chapter 30 of the Code of Ordinances ("The Code"), related to Noise and Sound Level regulation in the City of Houston. The proposed Ordinance represents the recommendations of an inter-departmental Working Group, which consisted of personnel from ARA, HPD, the Legal Department, and various representatives from the Mayor's Office and City Council staff. The goal of the recommendations was to enhance the enforcement capability of HPD officers and the City Prosecutor and to better address complaints regarding noise from a City-wide perspective.

The proposed Ordinance revisions were precipitated by a mandate from the Fifth Circuit Court of Appeals to remove the restriction contained in Chapter 30 of issuing no more than 2 Outdoor Amplified Sound permits in a rolling thirty-day period. In the course of identifying other opportunities to improve Chapter 30 and the City's response to noise complaints, several challenges were identified. These included the fact that Chapter 30 addresses Noise and Sound Level regulations City-wide; it is not contemplated nor designed to address specific geographic areas with the City Limits. Furthermore, Chapter 30 approaches Noise and Sound Level regulations from a nuisance abatement perspective, rather than specific design standards as in the Building Code, while recognizing there are certain Constitutional rights associated with the use of sound amplification equipment. Chapter 30, and these proposed revisions, attempt to strike a balance between minimizing the disruption of personal comfort and repose while preserving the public's ability to exercise free speech within the limits of the fourth largest City in the United States.

The revisions to Chapter 30 accomplish several primary objectives. The ordinance delivers improved language by adding or deleting language that inhibited user comprehension and the ability of the City to rigorously prosecute violations of Chapter 30. The Bass Sound provision has been strengthened to enable HPD Officers to address noise complaints without sound meters, which are in short supply. HPD Officers will also be provided with additional flexibility with respect to where they may make determinations as to whether or not a violation exists, either on a complainant property or at the property line of a property on which sound is being generated. HPD Officers may also take action independent of a complaint from a citizen via the introduction of a definition of "plainly audible" in Section 30-1 of Chapter 30. The recommended revisions would also install a tiered permitting structure which will improve the ability of citizens to comply with Chapter 30 requirements and provide new incentives to remain compliant.

The new Amplified Sound permit provides permittees with the ability to produce sound at a level less than or equal to 75 decibels from the hours of 8:00 am to 10:00 pm Sunday through Thursday, and 8:00 am to 11:00 pm on Fridays and Saturdays. Three permit terms would be available to applicants: daily, extended daily (not to exceed 5 days), and 1 year. The fees associated with these permits are \$30, \$60, and \$1000, respectively, which corresponds with the cost incurred by the City to administer and issue the permits. The recommended revisions also provide the City with the new ability to revoke a permit, with due process protections for permittees.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 9/28/2011	Subject: Approve an Ordinance Amending Chapter 30 of the Houston Code of Ordinances, Related to Noise and Sound Level Regulations	Originator's Initials CAN	Page 2 of 2
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The proposed ordinance does not recommend modifications to the various maximum permissible sound levels provided in the current ordinance. Although a sound study proved to be prohibitively costly, the Working Group conducted a survey of the maximum permissible sound levels and regulations of 20 other Texas and national governmental jurisdictions. The findings of this research indicate that the maximum permissible sound levels prescribed in Chapter 30 are consistent with those adopted by other demographically and developmentally similar metropolitan areas.

In addition to the recommendations contained within this Ordinance, the Working Group also identified several administrative process improvements to enhance complaint tracking and the identification of opportunities for more rigorous enforcement activity. These process improvement recommendations included enhancement of HPD call codes regarding noise complaints and development of informal conflict resolution programs in conjunction with other agencies, such as the Texas Alcoholic Beverage Commission, where appropriate. HPD has incorporated these recommendations, and has seen particularly encouraging results from the development of its Good Neighbor Program. HPD has also developed a communications plan to provide formal Force-wide training program related to these Ordinance revisions and administrative improvements. HPD will finalize the training program upon Council approval of the recommended amendments.

The proposed amendments to Chapter 30 were presented at 5 separate industry and community stakeholder meetings, and discussed at length via email and telephone conversations with interested citizens. These recommendations were also presented to the Development and Regulatory Affairs Committee on July 22, 2011.

Recommendation:

ARA recommends City Council approval of the recommended revisions to Chapter 30 of the Code of Ordinances.

Chapter 30

NOISE AND SOUND LEVEL REGULATION

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning provided below:

Annual permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route for a one-year period from the date of permit issuance.

Daily permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route on a designated day.

Daytime hours shall means the hours from 7:00 between 8 a.m. on one day and 10:00 p.m. the same day.

dB(A) shall means the intensity of a sound expressed in decibels.

Director means the director of the administration and regulatory affairs department or his designee.

Emergency shall means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work shall means any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or property from exposure to danger, or (iv) restoring public utilities.

Extended daily permit means a current and valid permit authorizing the use of sound amplification equipment at a specific location or upon a specific route at designated times for a period not to exceed five consecutive days.

Nighttime hours shall means the hours between 10:01 p.m. on one day and 67:59 a.m. the following day.

Nonresidential property shall mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been developed other than as residential properties, ~~properties that are undeveloped properties,~~ and properties that are devoted to public purposes, such as public streets and parks.

Permit means an annual permit, daily permit, or extended-daily permit.

Permittee means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization or any other entity holding a permit issued pursuant to this chapter.

Plainly audible when describing a sound or noise means any amplified sound or noise that can be clearly heard by a person with normal hearing faculties such that a reasonable person would believe such sound or noise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter. The term does not require the clear appreciation of specific words of speech or specific words of a song.

Property line shall mean, with respect to single occupancy properties on the same side of a street, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to single occupancy properties on opposing sides of a street, the term means the curb line or line that separates the real property and the adjacent street. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Residential property shall mean any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

Sound nuisance shall mean any sound that either exceeds the maximum permitted sound levels specified in section 30-65 of this Code, or for purposes of sections 30-3, 30-4, and 30-57 of this Code, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others of this Code, ~~otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.~~

Sec. 30-2. General prohibitions.

~~_____ (a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.~~

~~_____ (b) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound that either exceeds the maximum permitted sound levels specified in section 30-6 of this Code or, for purposes of sections 30-3, 30-4, and 30-5 of this Code, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.~~

~~_____ (c)~~

Sec. 30-2. General prohibitions.

(a) It is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any loud, unnecessary, or unusual sound or noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a sound or noise is loud, unnecessary, or unusual, the following factors shall be considered:

- (1) The time of day;
- (2) The proximity of the source of the sound or noise to residential structures;
- (3) Whether the sound or noise is recurrent, intermittent, or constant;
- (4) The volume and intensity of the sound or noise;
- (5) Whether the sound or noise has been enhanced in volume or range by any type of electronic or mechanical means; and
- (6) Whether the sound or noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) The acts enumerated in the following sections of this chapter, among others, are declared to be loud, disturbing, and unnecessary noises sound nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

Sec. 30-3. ~~Noisy vehicles generally.~~

~~—The use of any motor vehicle so out of repair, so loaded, or so noisy that it creates any loud and unreasonable grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.~~

Sec. 30-4. ~~Amplified sound.~~

~~(a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet from the property line of a property or premises in which the amplification is located shall be presumed to be violative of this section.~~

~~(b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that (i) the motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function and (ii) the use is in compliance with all other provisions of this chapter, including but not limited to section 30-8 of this Code, if applicable.~~

Sec. 30-5. ~~Noisy animals and birds.~~

The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful ~~as a sound nuisance in violation of this chapter,~~ regardless of whether the sound so created by said animal or bird is within the permissible levels specified in section 30-65 of this Code.

Sec. 30-64. Noisy vehicles generally.

It is unlawful to operate or cause to be operated any motor vehicle so out of repair or so loaded that it creates any loud and unreasonable grating, grinding, rattling, or

squeaking sound regardless of whether the sound so created by the motor vehicle is within the permissible levels specified in section 30-5 of this Code.

Sec. 30-5. Maximum permissible sound levels.

(a) In addition to the violations established by the preceding sections of this chapter, ~~no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible it is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound~~ at any location beyond the property lines of the property on which the sound is being generated that when measured as provided in section 30-76 of this Code exceeds the applicable dB(A) level listed below for the property on which the sound is received:

- (1) *Residential property:*
 - a. 65 dB(A) during daytime hours.
 - b. 58 dB(A) during nighttime hours.
- (2) *Nonresidential property:* 68 dB(A) at all times.

Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this chapter is a violation of this chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.

(b) Regardless of the measurable dB(A) level established ~~above in this chapter and measured as in a manner~~ provided in section 30-67, ~~below, the generator~~ creation of any sound of such a nature as to cause causing persons occupying or using any property other than the property upon which the sound is being generated to be aware of sympathetic vibrations or resonance caused by the sound shall ~~also~~ be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.

Sec. 30-76. Method of sound measurement.

Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of

the measured sound. A windscreen for the microphone shall be used. Measurements of sound generated shall be taken from the property line of the nonresidential property or residential property where the sound is received ~~to~~ towards the source of the sound.

Sec. 30-7. Amplified sound in vehicles.

(a) It is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, computer or other sound source in a vehicle that, when operated disturbs the peace, quiet, and comfort of the neighboring inhabitants, or is plainly audible at a distance of 50 feet from the vehicle from which the sound is emanating.

(b) It is an affirmative defense to prosecution under this section that the sound source is a vehicle or trailer that is:

- (1) A mobile sound stage or studio used on a stationary basis at a location not situated upon any street for the purpose of providing sound during daytime hours for an event; and
- (2) In compliance with all other provisions of this chapter, including but not limited to sections 30-8 and 30-9 of this Code, if applicable.

Sec. 30-8. Permit required for use of outdoor sound amplification equipment.

~~(a) No~~ It is unlawful for a person shall to use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of a buildings or enclosed structure or other causes sounds produced, reproduced, or amplified within a building or enclosed structures in a manner that to exceeds the levels specified in section 30-56, when measured from the property line of the property where the sound is being received, without first obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both. The permit:

- ~~(1) May be obtained by making application to the director of the city department so designated by the mayor.~~
- ~~(2) Requires payment of a \$30.00 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.~~
- ~~(3) Is valid for one 14 hour period between the hours of 8:00 a.m. and 10:00 p.m.~~

~~(4) Shall not be issued to the same or any other person for the same location more than twice during any 30 day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.~~

~~(5) Shall not~~

(b) In no event shall the issuance of a permit authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 75 dB(A) when measured from the property line of the nearest receiving property. Permits shall be granted only for the amplification of music or human speech, or both; provided however, no permit shall be issued to an applicant who has:

~~(b) The permit application required to be filed pursuant to this section shall contain the following information:~~

- (1) Had a permit revoked within the twelve-month period prior to the date of application; or
- (2) Received two or more convictions or entered two or more pleas of guilty or nolo contendere, or any combination thereof, in return for a grant of deferred disposition for violations of this chapter within the thirty-six month period prior to the date of application.

(c) Each applicant desiring to obtain a permit shall apply on a form provided by the director and shall submit the following information:

- (1) The date of the application and the date and hours for which the permit is requested, including the permit classification being requested;
- (2) The name and address of the applicant;
- (3) The name and address of the person who will have charge of the sound amplifying amplification equipment;
- (4) The purpose for which the sound equipment will be used;
- (5) The physical address and a description of the location or proposed route where the sound amplification equipment will be used;
- (6) A description of the type of sound amplifying equipment to be used; and
- (7) Any other information reasonably requested by the director for administration of this chapter.

Sec. 30-9. Permit issuance; classification and terms.

(a) All permits issued pursuant to this chapter shall be issued according to the following permit classifications:

(1) Daily permits:

- a. Valid for an authorized date and time between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit; and
- b. Requires payment of \$30.00 for the administrative costs of issuing the permit.

(2) Extended daily permits:

- a. Valid for the authorized dates and times between the hours of 8 a.m. and 10 p.m. as expressed on the face of the permit; and
- b. Requires payment of \$60.00 for the administrative costs of issuing the permit.

(3) Annual permits:

- a. Valid for the 14-hour period between the hours of 8 a.m. and 10 p.m. Sunday through Thursday; and the 15-hour period between the hours of 8 a.m. and 11 p.m. Friday and Saturday; and
- b. Requires payment of \$1,000.00 for the administrative costs of issuing the annual permit.

(b) If at the time of submitting the permit application an applicant is unable to pay the full amount of the applicable permit application fee pursuant to subsection (a), the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the applicant is unable to pay the full amount of the fee for the permit; and
- (2) A statement of the exact amount the applicant is able to pay for the permit fee at the time the application is delivered to the director.

Sec. 30-10. Permit application review—approval; denial and appeal.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit.

(b) In addition to the provisions of subsection (b) of section 30-8 of this Code, the submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the requested permit. In the event of denial, the applicant shall be given written notice of the basis for such action. An applicant may file an appeal of the denial of a requested permit by filing such appeal in writing with the director not later than 15 days following the date of the director's decision.

(c) If the reason for the denial of a requested permit is curable, the director shall allow the applicant, upon a written request, to submit an amended application to cure the defect in lieu of filing an appeal. If the requested permit is again denied, the applicant shall still be entitled to file an appeal not later than 15 days following the date the director's decision regarding the amended application. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

(d) An informal hearing shall be conducted by an impartial hearing officer appointed by the director who shall render a decision within 30 days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he has satisfied all requisites of this chapter, including all rules and regulations promulgated by the director regarding sound amplification equipment permits, and is therefore in good standing to receive the requested permit.

(e) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with section 1-9 of this Code and applicable state laws.

Sec. 30-11. Permit suspension; revocation.

(a) A permit may be suspended or revoked if, following notice and a hearing conducted by the impartial hearing officer, it is determined:

- (1) The permit was issued in error;
- (2) The applicant provided materially false or incomplete information on the permit application;
- (3) The permittee failed to comply with all applicable provisions of this chapter;
or
- (4) The permittee or any agent or employee of the permittee responsible for the oversight or operation of the sound amplification equipment received two or more convictions or entered two or more pleas of guilty or nolo contendere.

or any combination thereof, in return for a grant of deferred disposition within a thirty-six month period for violations of any provision of this chapter.

(b) The hearing officer may take into consideration in his decision any written complaints received by the director from surrounding property owners concerning a permittee's use of sound amplification equipment in violation of any provision of this chapter; provided however, such complaints shall not be the sole basis for the suspension or revocation of a permit.

Sec. 30-12. Waiting period before becoming eligible to reapply for a sound amplification permit.

A permittee whose sound amplification permit has been revoked pursuant to items (1), (2), or (3) of subsection (a) of section 30-11 of this Code shall be required to wait a period of one year from the date the revocation became final before becoming eligible to reapply for a sound amplification permit.

Sec. 30-13. Permit not transferable.

A permit is personal to the permittee to whom it is issued and may not be transferred or otherwise assigned. A permit shall constitute a privilege to which no property interests or property rights of any kind or character shall apply.

Sec. 30-14. Display of permit.

A permittee shall at all times have in his possession and conspicuously display the permit authorizing the use of sound amplification equipment upon a designated route or at a physical address in such a manner that the permit is easily visible by law enforcement officers and members of the public. Any failure to display a permit shall create the presumption that no permit for the use of sound amplification equipment has been issued.

Sec. 30-15. Change of information.

It shall be the duty of each permittee to submit to the director any change in information required to be submitted pursuant to this article. Any change in information shall be submitted on the form prescribed by the director within ten calendar days of any change.

Sec. 30-16. Defenses.

The following defenses shall apply to any offense established in this chapter:

- (a1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.

- (b~~2~~) The sound was produced by an authorized emergency vehicle.
- (c~~3~~) The sound was produced by emergency work.
- (d~~4~~) The sound was generated:
 - (1)~~a~~. At a lawfully scheduled stadium event;
 - (2)~~b~~. By a parade and spectators and participants on the parade route during a lawful parade;
 - (3)~~c~~. By spectators and participants at lawfully scheduled amphitheater event;
 - (4)~~d~~. By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (5)~~e~~. By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (6)~~f~~. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or cosponsored by the city and is in full compliance with a permit issued by the city.
- (e~~5~~) The sound was produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, conducted between the hours of 7:00 a.m. and 8:00 p.m., which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received.
- (f~~6~~) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (g~~7~~) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7~~8~~:00 a.m. and 8:00 p.m., provided the device did not produce a sound exceeding 85 dB(A) when measured from the property line of the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was operated.

- (h8) The sound was generated as authorized under the terms of a permit issued under sections 30-8 and 30-9 of this Code.
- (i9) The sound was produced by the operation of any air conditioning unit that did not produce a sound exceeding 65 dB(A) on residential property or 75 dB(A) on nonresidential property, when measured at or near 15 feet from the air conditioning unit producing property line of the non-residential or residential property where the sound being measured is received to the source of the sound.
- (j10) The sound was produced ~~by church bells or church chimes when used as~~ part of a religious observance or service during daytime hours, provided the sound did not cumulatively exceed five minutes duration in any one hour period.
- (k11) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic and school entertainment events.

Sec. 30-~~10~~17. Penalty.

Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished by a fine ~~of not more than \$500.00~~ to exceed \$1,000.00. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.

Sec. 30-18. Regulations.

The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.

SUBJECT: Ordinance calling Hearings for Proposed Strategic Partnership Agreements with certain utility districts in the Houston area		Category #	Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Planning and Development		Origination Date September 28, 2011	Agenda Date October 5, 2011	
DIRECTOR'S SIGNATURE: <i>Martene A. Saprick</i>		Council District affected:		
For additional information contact: Margaret Wallace Phone: 713-837-7826		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) It is recommended that City Council pass the Ordinance calling Hearings on proposed Strategic Partnership Agreements with certain utility districts in the Houston area.				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes. The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts: New Agreements: Barker Cypress MUD Fort Bend County MUD No. 23 Fort Bend County MUD No. 30 Fort Bend County MUD No. 143 Fort Bend County MUD No. 194 Harris County MUD No. 96 Harris County MUD No. 183 Harris County MUD No. 205 Harris County MUD No. 215 Harris County MUD No. 238 Harris County MUD No. 280 Harris County MUD No. 364 Harris County MUD No. 494 Harris County WCID No. 89 Harris-Fort Bend Counties MUD No. 1 Montgomery County MUD No. 19 Reid Road MUD No. 2 Southern Montgomery County MUD Spring Creek UD Amendments to existing Agreements: Bridgestone MUD (3 rd Amendment) Fallbrook UD (1 st Amendment) Fort Bend County MUD No. 50 (3 rd Amendment) Harris County MUD No. 36 (1 st Amendment) Harris County MUD No. 166 (1 st Amendment) Harris County MUD No. 230 (1 st Amendment) Harris County MUD No. 412 (1 st Amendment) Harris County WCID No. 109 (2 nd Amendment) Harris-Fort Bend Counties MUD No. 3 (1 st Amendment) Northwest Harris County MUD No. 21 (1 st Amendment) Reid Road MUD No. 1 (1 st Amendment)				
In each of these Districts, except HC MUD No. 412, the sales taxes collected in the areas will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land. There is no population located in these territories proposed to be annexed for limited purposes.				
The hearings will be held on November 9, 2011 and November 16, 2011 in City Council chambers.				
Cc: Marta Crinejo David Feldman		Sameera Mahendru Kelly Dowe		
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:	Other Authorization:		

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance related to the City's Art Collection; appropriating the sum of \$187,700; approving and authorizing the commission of an art piece entitled "A Timeline of Jones Hall" to be located at Jones Hall; approving and authorizing an agreement between the City and Core Studio, LLC dba Core Design Studio; and de-accessioning a work of art known as the "Gazebo Roof" located in Root Square Memorial Park.

Category #

Page
1 of 1

Agenda Item#

7

FROM: (Department or other point of origin):
Dawn Ullrich, Director
Convention and Entertainment Facilities Department

Origination Date

September 1, 2011

Agenda Date

OCT 05 2011

DIRECTOR'S SIGNATURE:

[Handwritten Signature: Dawn Ullrich]

Council Districts affected:

District 1

For additional information contact:

Stephen W. Lewis

Phone: 713-853-8888

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

That City Council approve and authorize an Ordinance related to the City's Art Collection; appropriating the sum of \$187,700; approving and authorizing the commission of an art installation entitled "A Timeline of Jones Hall" to be located at Jesse H. Jones Hall for the Performing Arts; approving and authorizing an agreement between the City and Core Studio, LLC dba Core Design Studio; and de-accessioning a work of art known as the "Gazebo Roof" located in Root Square Memorial Park.

Amount of Funding: \$187,700

Finance Budget:

Fund 8800 C&E – GRB Consolidated Construction Fund

SPECIFIC EXPLANATION: The Convention and Entertainment Facilities Department ("CEFD") requests that City Council approve this art commission, the agreement for the design and construction of the piece with Core Studio LLC dba Core Design Studio and the appropriation of the funds for the agreement services. The Houston Arts Alliance has previously approved the artist selection and design of the commission (see attached letter). The art installation, using content provided by Houston Endowment, the Houston Symphony, Society for Performing Arts and previous occupants/performers at Jones Hall, will create a loose historical timeline that tells the story from the early site location, to City Auditorium, to the inception of Jones Hall, the design and ground-breaking, past performances, and notable highlights. In collaboration with Steven Fenberg the entrepreneurial drive that helped build Houston into a metropolis; notes on Mr. Jones' political life based on civic leadership for Federal and Local Governments and, finally, his philanthropic ideals that have perpetuated well beyond his years.

An additional feature will include the installation of an art piece entitled, "Interlude." The word "Interlude" is to reveal itself as a textual element, stretching across the back of the middle low wall in Jones Hall Foyer. An all-white, subtle visual texture focusing on materials and craftsmanship pulls colors and forms from existing formal elements in building. A thin white sheet of metal is laser-cut with thousands of hexagonal holes revealing the word Interlude. A second layer of white laminated plywood, with a larger pattern of hexagonal holes, form the backing while creating a narrow chamber to allow sound to emanate from the speakers behind.

In addition to the commission of the new piece described above, both CEFD and the Houston Arts Alliance request that the Gazebo Roof, located in Root Square Memorial Park, which is comprised of photographic imagery laminated into wedge-shaped glass lites that form the roof of the gazebo, be de-accessioned and reclassified as an architectural treatment for the City. This piece has had on-going conservation issues due to its exposure to the environment and to human interaction. The lites have been broken and replaced numerous times. Although de-accessioned, the department will continue to treat this piece with all due care and consideration. The Houston Arts Alliance supports the de-accessioning as shown by the attached letter.

The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors.

REQUIRED AUTHORIZATION

Finance Department

Other Authorization

Other Authorization

November 17, 2010

Dawn Ullrich
Director
City of Houston, Convention & Entertainment Facilities Department
1001 Avenida de Las Americas
Houston, Texas 77010

Dear Ms. Ullrich,

In November 2009 CORE Design Studio was contracted by the Houston Arts Alliance on behalf of the City of Houston to perform Design Proposal Services on the following project:

Jesse H. Jones Hall Commemorative Design Treatment

Please accept this letter as the agency's recommendation for acceptance of these services.

Thank you for your continued support of and investment in our city's Civic Art Collection.

Sincerely,



Jonathon Glus
Chief Executive Officer

Cc: Joseph Cooper, CEFD
Matthew Lennon, HAA
Piper Faust, HAA

July 20, 2011

Dawn Ullrich, Director
City of Houston - Convention & Entertainment Facilities Department (CEFD)
1001 Avenida de las Americas
Houston, TX 77010

Dear Ms. Ullrich,

At your request, the Houston Arts Alliance Civic Art Committee (CAC) reviewed the following work of art for de-accessioning during the July 20, 2011 CAC meeting. CAC will recommend to City Council that the following artwork should be formally de-accessioned from the City of Houston Art Collection:

Gazebo Roof
2003
Ann Stautberg
Laminated glass
Root Square Memorial Park, 1400 Clay St.

The artwork is comprised of photographic imagery laminated into wedge-shaped glass lites that form the roof of a gazebo. The artwork is installed onto a painted steel gazebo in Root Square Memorial Park, exposed to the elements and to human interaction. Frequent damage to the glass lites and the high cost of re-fabrication and repair have made it no longer feasible for CEFD to keep this object on display.

Gazebo Roof is a work of civic art by a well-recognized Texas Artist. The CAC noted that this artist should continue to be represented in the City of Houston collection. Therefore, the CAC strongly recommends that the CEFD commission a new work or direct purchase an existing work by Ann Stautberg for public display.

The review of objects for de-accession from the City of Houston Art Collection is the responsibility of HAA according to Section 6.6 of the City Ordinance No. 2006-731. Please be advised that HAA is not currently under contract with the City to perform Collection Management Services, and therefore the CEFD will be responsible for managing the de-accession process for this object. Please contact HAA staff if you wish to have this process managed by HAA.

Sincerely,

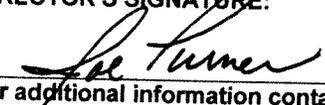

Marshal Lightman
Chair, Civic Art Committee

CC: Joseph Cooper, CEFD
Jonathon Glus, HAA CEO
Matthew Lennon, HAA Director of Civic Art + Design
Jimmy Castillo, HAA Collection Manager

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Interlocal agreement between the City of Houston and the Hermann Park Conservancy for the provision and acceptance of local matching funds for the construction of the project Fannin/Main Esplanades at Hermann Park.	Page 1 of 1	Agenda Item # 8
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date	Agenda Date OCT 05 2011
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DIRECTOR'S SIGNATURE:  Joe Turner, Director	Council District affected: D
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For additional information contact: Luci Correa (832) 395-7057	Date and identification of prior authorizing Council action: 8/3/11 – Resolution # 2011-21
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RECOMMENDATION: (Summary)

The Houston Parks and Recreation Department recommends City Council pass an ordinance authorizing the execution of an Interlocal agreement between the City of Houston and the Hermann Park Conservancy for the provision and acceptance of the local matching funds for the construction of the project Fannin/Main Esplanades at Hermann Park.

Amount and Source of Funding: N/A

PROJECT:

On August 3, 2011, City Council approved Resolution # 2011-21 authorizing the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, Federal Highway Authority and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Fannin/Main Esplanades at Hermann Park was one of the five projects selected within the City.

The scope of the project is to design and construct new, shared-use paths within the esplanade from the Texas Medical Center to the Meacom Fountain. The total length is approximately one mile. Additional amenities will include bike racks, benches, lighting, landscaping, water fountains, and trash cans. The Houston Parks and Recreation Department and General Services Department will manage the design contract and TxDOT will bid and manage the construction contract. The cost to design and construct the project is estimated at \$3,749,706. The 20% local match for this project is \$749,941.

SCOPE OF THIS AGREEMENT:

This agreement commits the Hermann Park Conservancy to providing the City with the 20% required local match and any cost overruns for the project.

REQUIRED AUTHORIZATION

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

SUBJECT: Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the Fannin/Main Esplanades in Hermann Park Transportation Enhancement project.	Page 1 of 1	Agenda Item # <i>8A</i>
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date August 31, 2011	Agenda Date OCT 05 2011
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DIRECTOR'S SIGNATURE: <i>Joe Turner</i> Joe Turner, Director	Council District affected: D
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For additional information contact: Luci Correa 832-395-7057	Date and identification of prior authorizing Council action: 8/3/11 – Resolution # 2011-21
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RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing the Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the Fannin/Main Esplanades in Hermann Park Transportation Enhancement project.

Amount and Source of Funding: No City Funding \$2,999,765 Federal Transportation Enhancement Funds \$ 749,941 Hermann Park Conservancy	
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PROJECT:
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Fannin/Main Esplanades in Hermann Park was one of the five projects selected within the City.

The scope of the project is to design and construct new, shared-use paths within the esplanade from the Texas Medical Center to the Meacom Fountain. The total length is approximately one mile. Additional amenities will include bike racks, benches, lighting, landscaping, water fountains, and trash cans. The Houston Parks and Recreation Department and General Services Department will manage the design contract and TxDOT will bid and manage the construction contract. The cost to design and construct the project is estimated at \$3,749,706. The 20% local match for this project is \$749,941.

SCOPE OF THIS AGREEMENT:
This agreement commits the City to providing the 20% required local match, paying for any cost overruns, meeting all the required environmental requirements, and meeting federal and state laws relating to the management and administration of State and federal funds. The Hermann Park Conservancy will pay the City the local matching funds and any cost overruns. This will be contractually obligated via an Interlocal Agreement which is concurrently submitted to City Council for approval under a separate action.

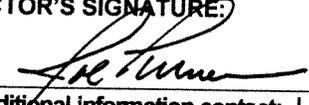
REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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10/11

SUBJECT: Approval of Grant Agreement with U.S. Soccer Foundation for Soccer for Success after-school, sports-based youth development program for elementary and middle school-age children in Houston's economically disadvantaged urban communities		Page 1 of 1	Agenda Item # 9
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date August 31, 2011	Agenda Date OCT 05 2011
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DIRECTOR'S SIGNATURE:  Joe Turner, Director	Council District affected: A, B, E, H, I
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For additional information contact: Luci Correa 832-395-7057	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
The Houston Parks and Recreation Department recommends City Council pass an ordinance authorizing the Grant Agreement with U.S. Soccer Foundation for the Department's Soccer for Success program.

Amount and Source of Funding:	No City Funding \$84,300 cash grant from U.S. Soccer Foundation \$73,395 in-kind grant from U.S. Soccer Foundation
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EXPLANATION:

Since 1996 the Houston Parks and Recreation Department (HPARD) has provided free youth soccer programming in city parks for Houston's urban youth ages 4 – 18. The program positively impacted thousands of children annually by providing a safe and healthy alternative for underserved, minority children to learn the game, play for fun, and develop life-long skills. In 2006 HPARD began providing a privately funded after-school soccer league for students taking part in tutoring and enrichment programs at two (2) HISD middle schools. The concept was a winning combination to help reward students who were engaged at school, and also provide them with much needed physical activity for improved health. We continued evolving the "soccer-after-school" concept with support from Minute Maid to reach more Houston area schools. In 2009 in partnership with the Houston Dynamo, HPARD developed an expanded version of soccer-after-school to serve more 3rd – 8th grade students in the Houston area in collaboration with elementary and middle schools. HPARD named this initiative Soccer for Success and the U.S. Soccer Foundation provided an Impact Grant to HPARD to launch the program in the 2009/2010 school year. During the initial school year, Soccer for Success served 1,416 children (another 1,097 continued in the fall 2010) from disadvantaged urban communities through a collaboration of resources from all partners including HPARD, HISD, the Houston Dynamo (Dynamo Charities and private donors), and the U.S. Soccer Foundation. This new grant agreement will continue the program in the 2011/2012 school year at ten (10) schools.

Soccer For Success has three core objectives:

Soccer Instruction – Focused on teaching the fundamentals of the game through skill-learning activities and drills. Children team up according to their age and further develop these skills in a number of small-sided game opportunities.

Youth Development – Enhancing life skills and academic performance in addition to physical development.

Healthy Lifestyles – Promoting health awareness and physical activity among our participants is a key objective.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Soccer for Success Houston Fall 2011 Schools



School Name/District/Location/S4S Instructor/Coordinator:

1. Shadydale Elementary School -North Forest ISD (B)
5905 Tidwell Road, Houston, TX. 77016
(713) 633-5150
S4S Instructor/Coordinator: Alfredo Delgado / Francisco Avila
2. Fonwood Elementary School -North Forest ISD (B)
10719 Seneca Street, Houston, TX. 77016
(713) 633-0781
S4S Instructor/Coordinator: Dennis Avila / Francisco Avila
3. Jefferson Elementary School-HISD (H)
5000 Sharman St, Houston, TX. 77043
(713) 696-2776
S4S Instructor/Coordinator: Maria Luna / Francisco Avila
4. Patrick Henry Middle School -HISD (B)
10702 E. Hardy, Houston, TX. 77093
(713) 696-2650
S4S Instructors: Samuel Bass & Carlos Bluea / Francisco Avila
5. Westwood Elementary School- Spring Branch ISD (A)
10595 Hammerly Blvd, Houston, TX. 77043
(713) 365-4550
S4S Instructors/Coordinator: Roland Olivares & Joel Hernandez / Francisco Avila
6. Scroggins Elementary School -HISD (H)
400 Boyles Street, Houston, TX. 77020
(713) 671-4130
S4S Instructor/Coordinator: Clara Cuevas / Jaime Villegas
7. Southmayd Elementary School -HISD (I)
1800 Coral St, Houston, TX. 77012
(713) 924-1720
S4S Instructor/Coordinator: Juan J. Fernandez / Jaime Villegas
8. Park Place Elementary School -HISD (I)
8235 Park Place Blvd, Houston, TX. 77017
(713) 845-7458
S4S Instructor/Coordinator: TBA / Jaime Villegas
9. McReynolds Middle School -HISD (I)
5910 Market Street, Houston, TX. 77020
(713) 671-3650
S4S Instructor/Coordinator: Cesar Villegas / Jaime Villegas
10. Patterson Elementary School -HISD (E)
5302 Allendale, Houston, TX. 77017
(713) 943-5750
S4S Instructor/Coordinator: Daniel Villegas / Jaime Villegas

9/22/2011 by Hector Avila

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9044

Subject: Approve an Ordinance Awarding a Sole Source Contract for Software and Hardware Technical Support and Maintenance Services for the Data Collection Mobile Unit for the Public Works & Engineering Department S17-E23957

Category #
1 & 4

Page 1 of 2

Agenda Item

10

FROM (Department or other point of origin):

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

Origination Date

September 06, 2011

Agenda Date

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding sole source contract to Idea Integration Corp. d/b/a Idea in an amount not to exceed \$419,418.00 for software and hardware technical support and maintenance services for the City's data collection mobile unit for the Public Works & Engineering Department.

Maximum Contract Amount: \$419,418.00

Finance Budget

\$199,418.00 - Dedicated Drainage & Street Renewal Fund (Fund 2310) - FY2012
\$220,000.00 - Dedicated Drainage & Street Renewal Fund (Fund 2310) - Out Years

\$419,418.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year sole source contract, with two one-year options to Idea Integration Corp. d/b/a Idea in an amount not to exceed \$419,418.00 for software and hardware technical support and maintenance services for the City's data collection mobile unit (DCMU) for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

Idea is the sole and exclusive developer of the DCMU, as well as the sole provider of technical support and maintenance services of the complex set of cameras, lasers and software within the DCMU. These items are tightly integrated with one another and work together to provide all core DCMU functionalities including, assessment, evaluation, and management of the conditions of pavement throughout the City.

The scope of work requires the contractor to provide all labor, materials, equipment and supervision to support service and maintain the hardware and software within the DCMU. Additionally, the contractor shall provide warranty service and lane-width calculation enhancements that will utilize the available data to determine lane-width and calculate segment area used in determining repair cost.

The contractor shall be required to provide warranty coverage for the following components for the term of the contract:

- 360° camera ball
- Illumination laser
- Crackscope laser
- Proprietary software support
- Omnistar geographical positioning system
- Post processing desktop

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

Date: 9/6/2011	Subject: Approve an Ordinance Awarding a Sole Source Contract for Software and Hardware Technical Support and Maintenance Services for the Data Collection Mobile Unit for the Public Works & Engineering Department S17-E23957	Originator's Initials MS	Page 2 of 2
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This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempt procurements.

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 agrees to provide health benefits for each covered employee and ensure compliance by the covered subcontractors.

Attachment: MWBE Zero Percentage Goal Document approved by the Affirmative Action Division.

Buyer: Murdock Smith III

Estimated Spending Authority

Department	FY12	Out Years	Total
Public Works & Engineering	\$199,418.00	\$220,000.00	\$419,418.00



CITY OF HOUSTON

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Calvin D. Wells, Deputy Director
City Purchasing Agent

From: Murdock Smith III

Date: 4/26/2011

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes No Original Goal: _____ New Goal: 0 (RDG)

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

Solicitation Number: S17-E23957

Estimated Dollar Amount: \$419,418.00

Anticipated Advertisement Date: _____

Solicitation Due Date: _____

Goal On Last Contract: 0%

Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Technical Support and Maintenance Services for the Data Collection Mobile Unit.

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

A zero percent goal waiver for the procurement of technical support and maintenance services for the hardware and software within the data collection mobile unit is being requested because Idea Integration, Corp. is the proprietary developer of the data collection mobile unit. Furthermore, Idea Integration Corp. is the sole source provider of all of the technical support and maintenance services of the complex set of cameras, lasers and software within the data collection mobile unit that assess, evaluate and manage the conditions of pavement throughout the city.

Concurrence:

Murdock Smith III
SPD Initiator

Robert Gallegos
Division Manager

Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

REQUEST FOR COUNCIL ACTION

RCA# 9166

TO: Mayor via City Secretary

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600006853 for Fuel Transportation Services for Various Departments
S12-L22011-A3

Category #
4

Page 1 of 1

Agenda Item

FROM (Department or other point of origin):

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

Origination Date

September 12, 2011

Agenda Date

OCT 05 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kim Burley Phone: (832) 393-6920
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Oil Patch - Brazos Valley, Inc. from \$3,415,500.00 to \$3,655,500.00 for fuel transportation services for various departments.

Maximum Contract Amount Increased By: \$240,000.00

F & A Budget

\$240,000.00 - Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Oil Patch - Brazos Valley, Inc. from \$3,415,500.00 to \$3,655,500.00 for fuel transportation services for various departments. Under this contract, the contractor delivers full and partial truckloads of diesel fuel and unleaded gasoline to City fueling facilities.

This contract was awarded on September 20, 2006 by Ordinance 2006-0975 for a three-year term with two one-year options to extend, for a total five-year term in the amount of \$2,371,500.00. On January 6, 2010, Ordinance No. 2010-6 increased the maximum contract amount from \$2,371,500.00 to \$3,319,500.00 and Ordinance No. 2011-261, dated March 3, 2011, increased the maximum contract amount from \$3,319,500.00 to \$3,415,500.00; expenditures, as of September 12, 2011, totaled \$3,325,618.45. Increased delivery activities during Hurricane Ike and subsequent inclusion of delivery locations/sites, which were previously performed by City personnel using City assets, have caused the contract to reach the maximum contract amount prior to the end of the contract term. The additional spending authority is needed to sustain the departments through the remainder of the hurricane season and until a new contract is awarded, which is anticipated to be within the next 60 to 75 days.

The scope of work requires the contractor to provide all labor, supervision, equipment, and certified fuel transport vehicles to truckloads full and partial transport loads of fuel (low emission diesel fuel and unleaded gasoline) from fuel loading terminals in Pasadena and Houston to various large fuel storage facilities and satellite sites throughout the City of Houston.

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

Attachment: M/WBE Zero Percentage Goal approved by Affirmative Action.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT

12

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

SUBJECT: Ordinance designating all improved single-family residential lots in the Fairway Landing Subdivision and Greenway Subdivision, Sections 1 – 4 and certain improved single-family residential lots in the Park Place Subdivision and Lum Terrace Subdivision and Replat as a Prohibited Yard Parking Requirement Area

Category #	Page 1 of ____	Agenda Item #
		12

FROM (Department or other point of origin):
Marlene L. Gafrick, Director
Planning and Development Department

Origination Date
September 23, 2011

Agenda Date
OCT 05 2011

DIRECTOR'S SIGNATURE:
Marlene L. Gafrick

Council District affected:
I

For additional information contact: Kevin Calfee
Phone: 713.837.7768

Date and identification of prior authorizing Council action: 2009-0059, 1-28-09

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Fairway Landing Subdivision and Greenway Subdivision, Sections 1 – 4 and certain improved single-family residential lots in the Park Place Subdivision and Lum Terrace Subdivision and Replat as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA

Finance Budget:

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Reveille - Park Place Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Reveille - Park Place Civic Club. Notification was mailed to 808 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Eleven (11) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on June 29, 2011 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:
- Decision of the Hearing Official
 - Prohibited Yard Parking Requirement Area Application
 - Letter of Support
 - Map of the proposed requirement area / land use

- xc:
- Anna Russell, City Secretary
 - David M. Feldman, City Attorney
 - Don Cheatham, Senior Assistant City Attorney
 - Chief C. A. McClelland, HPD
 - Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

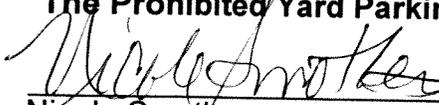
Prohibited Yard Parking Requirement Area No. P110301

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>80.2% of the proposed application area is developed as single-family residential.</p>
X		<p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p>The president of the Reveille - Park Place Civic Club has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.


8-10-11

 Nicole Smothers, Date
 Hearing Official, Presiding

 Randall Stuewer, Date
 Hearing Official, Presiding

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

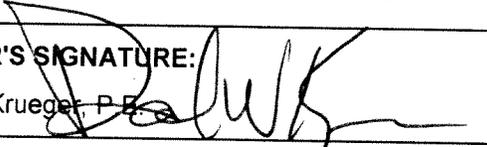
SUBJECT: An Ordinance amending an Operations & Maintenance Agreement between the City of Houston and the Metropolitan Transit Authority of Harris County, Texas (METRO), transferring responsibility for the Main Street Corridor Advanced Train Management System (ATMS) to the City.

PAGE 1 of 1
AGENDA ITEM #: 13

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

ORIGINATION DATE: 9/29/11

AGENDA DATE: OCT 05 2011

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

COUNCIL DISTRICTS AFFECTED: C, D, H, I

FOR ADDITIONAL INFORMATION CONTACT: Jeffrey Weatherford, P.E., PTOE
832.395.2461

DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:
Ordinance #2003-1320
Dated: 12/23/03

RECOMMENDATION (Summary): Approve an Ordinance authorizing an amendment to the Operations & Maintenance Agreement for the METRO Light Rail System (Main Street Corridor), whereby the City accepts responsibility from METRO for the maintenance, repair, and operation of the Traffic Signal System (TSS).

AMOUNT AND SOURCE OF FUNDING: No funding required.

SPECIFIC EXPLANATION: In 2003, the City of Houston entered into an Operations and Maintenance Agreement with METRO that entrusted METRO with responsibility for maintaining the Traffic Signal System (TSS) along the Main Street Corridor ATMS.

The Director of the Department of Public Works & Engineering and the President & Chief Executive Officer of METRO mutually recommend a First Amendment to the Original Agreement, whereby responsibility for maintenance, repair, and operation of the Main Street Corridor ATMS will transfer from METRO to the City. The City and METRO will continue to consult one another regarding major changes to the Corridor's Traffic Signal System. In the event that an agreement to major changes cannot be met by both parties, the Mayor shall make a final determination. The revised Agreement will be open to negotiation by either party regarding responsibility for the TSS prior to 90 days before the anniversary of the agreement each year.

The First Amendment to the Original Agreement applies only to the Main Street Corridor. With the transfer of responsibilities, the City will discontinue payments to METRO for TSS maintenance along the Main Street Corridor (\$209,917.18 in FY2011). The Main Street Corridor runs from the University of Houston - Downtown to Fannin at W. Bellfort and is located in Key Map Grids: 493, 532, & 533. The Consent Agreement between the City and METRO provides for the new METRO light rail service corridors to be maintained in this way as well.

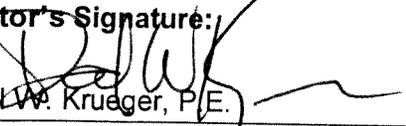
cc: Marta Crinejo
Michael Ereti, P.E.
Martin Buzak
Shelli Carter

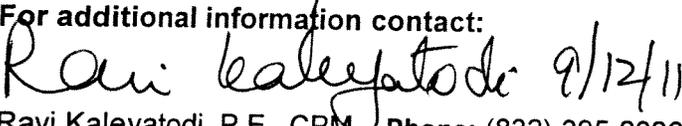
REQUIRED AUTHORIZATION CUIC ID #20JSW67

Finance Department:	Other Authorization:	Other Authorization:  Jeffrey Weatherford, P.E., PTOE, Deputy Director Traffic Operations Division 9/20/11
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SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Infrastructure Associates, Inc. for Lift Station Renewal/Replacement. WBS No. R-000267-0086-3. **Page**
1 of 2 **Agenda Item #**
14

From: (Department or other point of origin): Department of Public Works and Engineering **Origination Date**
9/29/11 **Agenda Date**
OCT 05 2011

Director's Signature:  Daniel W. Krueger, P.E. **Council District affected:**
A, B, E, I, G

For additional information contact:  Ravi Kaleyatodi 9/12/11 **Date and identification of prior authorizing Council action:**
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director Ordinance #: 2005-0362
Dated: April 13, 2005

Recommendation: (Summary)
Approve an Ordinance appropriating additional funds for Professional Engineering Services Contract with Infrastructure Associates, Inc.

Amount and Source of Funding: \$449,133.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. Original (previous) appropriations of \$849,200.00 from the Water and Sewer System Consolidated Construction Fund No 755. *M.P. 9/12/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to upgrade its Lift Station facilities.

DESCRIPTION/SCOPE: This project consists of evaluation and design services to rehabilitate, replace and consolidate various lift stations.

LOCATION: The project is located in the following Key Map Grids:

Location	Address	Key Map Grid	Council District
1. Green Crest Lift Station	3180 Highway 6	487Z	G
2. Fairway Lift Station	7342 Fairway	534R	I
3. Horsepen Gully Lift Station	12875 Galveston Road	617C	E
4. Scenic Green Lift Station	8406 Scenic Green Drive	411R	A
5. Rankin Road Lift Station	750 Rankin Road	372F	B
6. Greens Bayou Crossing #1 Lift Station	950 Greens Parkway	372T	B
7. Greens Bayou Crossing #2 Lift Station	1430 Greens Parkway	372S	B

REQUIRED AUTHORIZATION CUIC ID #20AKH22

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Additional Appropriation to Professional Engineering Services contract between the City and Infrastructure Associates, Inc. for Lift Station Renewal/Replacement. WBS No. R-000267-0086-3.

Originator's
Initials 

Page
1 of 2

PREVIOUS HISTORY AND SCOPE: The original contract for the design packages was approved by City Council on April 13, 2005 under Ordinance 2005-0362. The scope of services under the original contract consisted of the evaluation and design to rehabilitate, replace or consolidate seven lift stations. Preliminary engineering (phase I) was completed for all seven lift stations. Based on the preliminary engineering results the project scopes were finalized with proposed design services beyond those anticipated at the original contract award. The contract will result in two Construction packages. Package 1 comprised of the Green Crest and Fairway Lift Stations. Package 2 comprised of the Horsepen Gully, Scenic Green, Rankin, and Green's Bayou Crossing #1 and #2 Lift Stations. The Consultant has been authorized \$561,331.15 to date from the appropriated funds. Additional funds are needed to complete the proposed remaining services.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation is required to complete Phase II & III design for package 2. The amount of \$272,075.00 is budgeted for Basic Services Fee. The Additional Services are currently anticipated to include surveying, geotechnical investigations, phases I and II environmental services, traffic control plans. The total Additional Services Fee under the additional appropriation is \$118,475.00.

The requested additional appropriation is \$449,133.00 to be appropriated as follows: \$390,550.00 for contract services and \$58,583.00 for CIP Cost Recovery.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract total amount approved by the Ordinance No. 2005-0362 is \$772,000.00. The consultant has been paid \$561,331.15 (72.71%) to date. Of this amount \$96,503.10 (17.19%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation the contract amount will increase to \$1,162,550.00. The contractor proposes the following plan to meet the M/WBE goal:

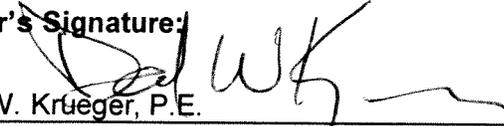
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Prior M/WBE Work	Various Services	\$ 96,503.10	8.30%
1. Ambiee Engineers, Inc.	Engineering Design	\$ 90,000.00	7.74%
2. Geotest Engineering, Inc.	Geotechnical and Environmental Engineering	\$ 47,500.00	4.09%
3. Western Group Consultants	Land Surveying and Mapping Services	\$ 40,000.00	3.44%
4. Aviles Engineering Corp.	Geotechnical & ESA Services	\$ 10,000.00	0.86%
5. B & E Reprographics, Inc.	Reprographic Services	\$ 17,500.00	1.51%
6. Chief Solutions, Inc.	Field Inspection Services	\$ 25,000.00	2.15%
7. Gupta & Associates, Inc.	Electrical Engineering Services	\$ 40,000.00	3.44%
8. Landtech Consultants, Inc.	Land Surveying Services	\$ 20,000.00	1.72%
	TOTAL	\$396,503.10	33.25%

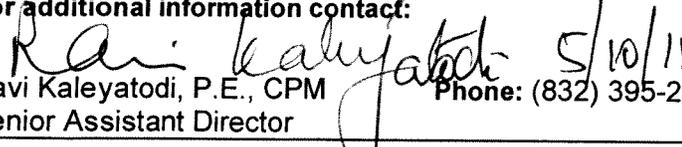

DWK:DRM:RK:EN:BZ:AKH:pa

c: File: R-000267-0086-3

SUBJECT: Professional Engineering Services Contract between the City and CivilTech Engineering, Inc. for Work Order for Wastewater System/Substitute Service Support. W B S No. R-002011-0074-3.		Page 1 of 2	Agenda Item # 15
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/29/11	Agenda Date OCT 05 2011
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: All RCM
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: 5/10/11
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RECOMMENDATION: (Summary)

An ordinance approving a Professional Engineering Services Contract with CivilTech Engineering, Inc. and appropriate funds.

Amount and Source of Funding:
\$575,000.00 Water and Sewer System Consolidated Construction Fund No. 8500. *W.P. 8/19/2011*

DESCRIPTION/SCOPE: This project consists of professional engineering services to design, on a Work Order basis, (1) the transfer of sanitary sewer service lines from back lot sewer mains to the front sewer mains within the street right-of-way and (2) the design of 8-inch through 15-inch sanitary sewer extensions in neighborhoods where the systems are inadequate.

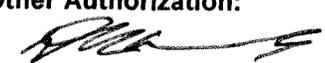
LOCATION: The Contract will encompass locations throughout the City as determined by the Department of Public Works and Engineering.

SCOPE OF CONTRACT AND FEE: In the scope of the Contract, the Consultant will prepare the required construction documents in support of the Neighborhood Back Lot Wastewater Substitute Service Program for various neighborhood sewer systems as identified and requested in writing through individual work orders. The Consultant will also prepare construction documents for a construction work order contract, in support of sanitary sewer extensions as identified and requested in writing through individual work orders. Each individual work order will be negotiated and issued as needed according to the request.

The total cost of this project is \$575,000.00 to be appropriated as follows: \$500,000.00 for Contract services and \$75,000.00 for CIP Cost Recovery.

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

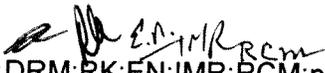
REQUIRED AUTHORIZATION NDT
CUIC ID #20RCM07

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Professional Engineering Services Contract between the City and CivilTech Engineering, Inc. for Work Order for Wastewater System/Substitute Service Support. W B S No. R-002011-0074-3.	Originator's Initials RCM	Page 2 of 2
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M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. KIT Professionals, Inc.	Field Support Services	\$ 67,500.00	13.5%
2. B & E Reprographics, Inc.	Reproduction Services	\$ 17,500.00	3.5%
3. DAE & Associates Ltd., DBA Geotech Engineering and Testing	Geotechnical and ESA Investigation	\$ 20,000.00	4.0%
4. Rahaman & Associates, Inc., DBA Western Group Consultants	Survey and Right-of-Way Services	\$ 15,000.00	3.0%
TOTAL		\$120,000.00	24.0%


DWK:DRM:RK:EN:IMR:RCM:pa

c: File No. R-2011-74-2 (1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Multiple Satellite Wastewater Treatment Plant Improvements.
WBS No. R-000265-0061-4.

Page 1 of 2

Agenda Item # 16

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

Origination Date:

Agenda Date:

OCT 05 2011

DIRECTOR'S SIGNATURE:

DK
Daniel W. Krueger, P.E., Director

Council District affected: b-2

B, D, I

For additional information contact:

Ravi Kaleyatodi 9/8/11
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$4,178,500.00 Water and Sewer System Consolidated Construction Fund No. 8500.

U.P. 9/13/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment Plant (WWTP) facilities.

DESCRIPTION/SCOPE: This project consists of constructing various civil, electrical and mechanical improvements at Northwest, Intercontinental Airport Houston, Greenridge, Easthaven, and Northeast, Wastewater Treatment Plants.

The Contract duration for this project is 540 calendar days. This project was designed by Freese and Nichols, Inc.

LOCATION: The facilities are located at:

Facility	Address	Key Map	Council District
Northwest WWTP	5423 Mangum Road	451C	B
Intercontinental Airport Houston WWTP	2450 Rankin Road	373M	B
Greenridge WWTP	6301 #1 W. Fuqua	571X	D
Easthaven WWTP	8545 Scranton	575G	I
Northeast WWTP	655 Maxey Road	496G	I

BIDS: Bids were received on July 21, 2011. The three (3) bids are as follows:

Bidder	Bid Amount
1. Industrial TX Corp.	\$3,675,440.00
2. Pepper-Lawson Waterworks, LLC.	\$3,723,000.00
3. CSA Construction, Inc.	\$3,954,440.00

REQUIRED AUTHORIZATION

CUIC ID# 20BZ94

Finance Department

Other Authorization:

Jun Chang
Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Other Authorization:

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

Date	Subject: Contract Award for Multiple Satellite Wastewater Treatment Plant Improvements. WBS No. R-000265-0061-4.	Originator's Initials p.e.	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to Industrial TX Corp. with a low bid of \$3,675,440.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$4,178,500.00 to be appropriated as follows:

• Bid Amount	\$3,675,440.00
• Contingencies	\$ 183,772.00
• Engineering and Testing Services	\$ 62,000.00
• CIP Cost Recovery	\$ 257,288.00

Engineering and Testing Services will be provided by Holmes 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/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal and 8% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. C & B Rebar Construction, Inc.	Rebar Services	\$ 68,538.00	1.86%
2. Energy Electric Supply, Inc.	Electrical supplies	\$216,464.00	5.89%
3. Medcalf Fabrication, Inc.	Metal Supplies	\$ 84,906.00	2.31%
TOTAL		\$369,908.00	10.06%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Automation Nation, Inc.	Instrumentation	\$ 59,000.00	1.60%
2. Deanie Hayes, Inc.	Sand Supplies	\$ 8,717.00	0.24%
3. Teague Industrial Sales & Services	Piping	\$160,000.00	4.35%
4. Macaulay Controls Company	Controls	\$ 66,427.00	1.81%
TOTAL		\$294,144.00	8.00%

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

R. C. M. BZ
DWK:DRM:RK:EN:BZ:pa

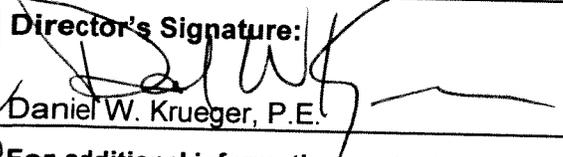
c: File No. R-000265-0061-4

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sims South Wastewater Treatment Plant Improvements. WBS No. R-000265-0062-4.	Page 1 of 2	Agenda Item # 19
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: OCT 05 2011
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: 11c
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For additional information contact: <i>Ravi Kaleyatodi 8/29/11</i> Ravi Kaleyatodi, P.E., OPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:
\$2,763,000.00 Water and Sewer System Consolidated Construction Fund No. 8500. *U.P. 9/6/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment plant (WWTP) facilities.

DESCRIPTION/SCOPE: This project consists of Supervisory Control and Data Acquisition System Improvements and removal and disposal of soil stockpile.

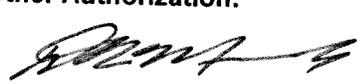
The Contract duration for this project is 450 calendar days. This project was designed by Weston Solutions, Inc.

LOCATION: The project area is located at 3005 Galveston Road. The project is located in Key Map Grid 535L.

BIDS: Bids were received on July 7, 2011. The six (6) bids are as follows:

Bidder	Bid Amount
1. Industrial TX Corp.	\$2,413,386.00
2. CSA Construction, Inc.	\$2,478,955.00
3. LEM Construction Co. Inc.	\$2,699,365.00
4. Bartett Cocke General Contractors, LLC	\$2,812,015.48
5. Boyer, Inc.	\$3,726,405.00
6. R J Construction Company, Inc.	\$4,470,000.00

REQUIRED AUTHORIZATION CUIC ID # 20BZ93 NDT

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	Subject: Contract Award for Sims South Wastewater Treatment Plant Improvements. WBS No. R-000265-0062-4.	Originator's Initials <i>h.c.</i>	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Industrial TX Corp. with a low bid of \$2,413,386.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$2,763,000.00 to be appropriated as follows:

- Bid Amount \$2,413,386.00
- Contingencies \$ 120,669.30
- Engineering and Testing Services \$ 60,000.00
- CIP Cost Recovery \$ 168,944.70

Engineering and Testing Services will be provided by Coastal Testing Laboratories 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/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal, and 8% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. A Tex-DBE, Inc.	Paving Services	\$188,935.00	7.83%
2. DNA Trucking, Inc.	Trucking Services	\$ 50,000.00	2.07%
3. Medcalf Fabrication, Inc.	Metal Supplies	\$ 21,889.00	0.91%
	TOTAL	\$260,824.00	10.81%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Automation Nation, Inc.	Instrumentation	\$199,940.00	8.28%
	TOTAL	\$199,940.00	8.28%

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

h.c.
DWK:DRM:RK:EN:BZ:pa

c: File No. R-000265-0062-4

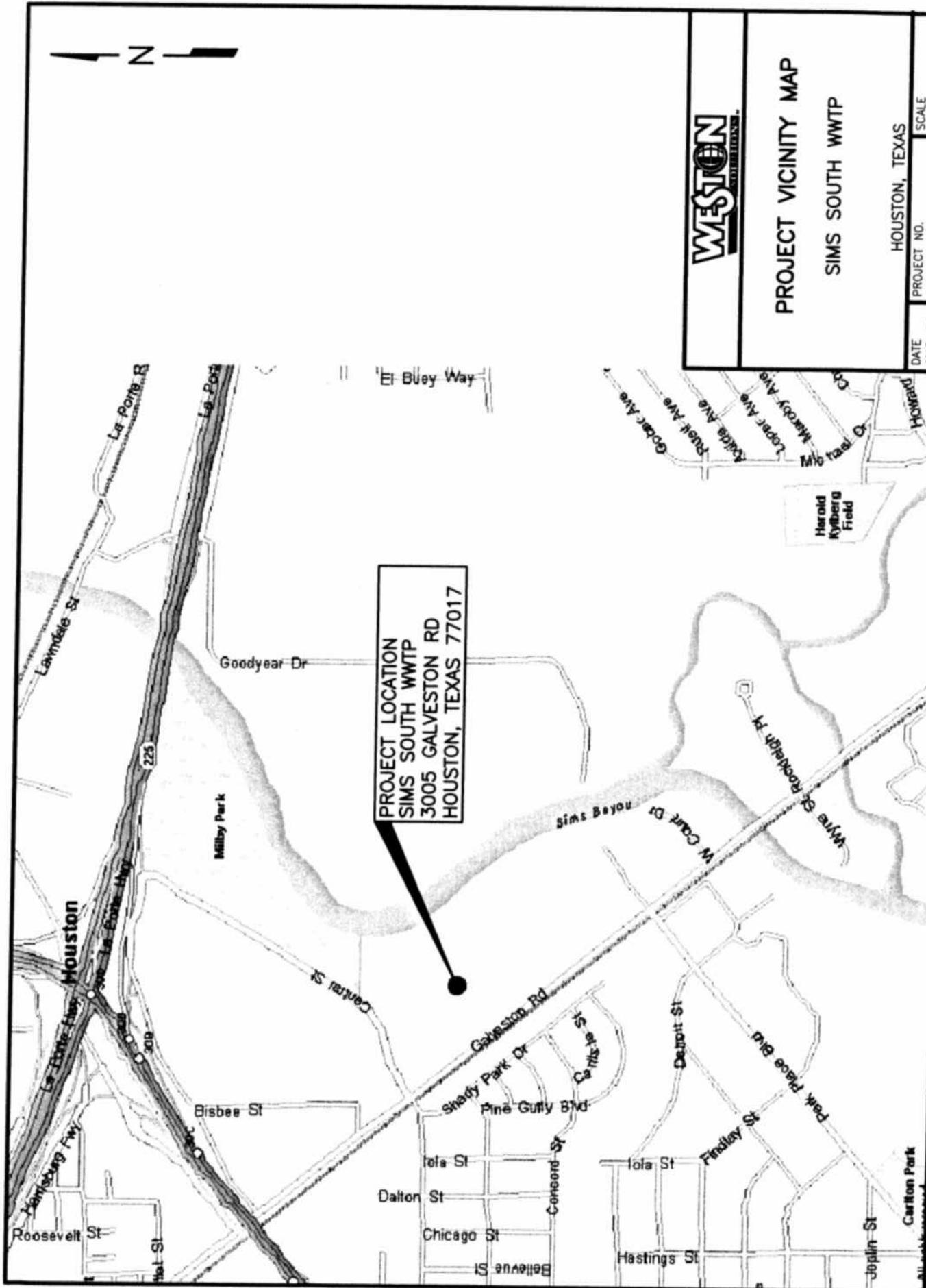


PROJECT VICINITY MAP

SIMS SOUTH WWTP

HOUSTON, TEXAS

DATE	PROJECT NO.	SCALE
AUG 11	01723.026.003.0200	NOT TO SCALE



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Legend Lane Lift Station Replacement.
WBS No. R-000267-00D5-4.

Page
1 of 2

Agenda
Item #
18

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

9/29/11

Agenda Date:

OCT 05 2011

DIRECTOR'S SIGNATURE:

D.W. Krueger
Daniel W. Krueger, P.E., Director

Council District affected:

G

MB

For additional information contact:

Ravi Kaleyatodi 9/29/11
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$947,100.00 Water and Sewer System Consolidated Construction Fund No. 8500.

MP 9/1/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to upgrade its wastewater facilities.

DESCRIPTION/SCOPE: This project consists of the replacement of the existing lift station with a new submersible lift station.

The Contract duration for this project is 260 calendar days. This project was designed by ARCADIS U.S., Inc.

LOCATION: The project area is located at 20 Legend Lane. The project is located in Key Map Grid 489M.

BIDS: Bids were received on July 14, 2011. The four (4) bids are as follows:

Bidder	Bid Amount
1. Gin-Spen, Inc.	\$817,005.00
2. R J Construction Company Inc.	\$877,000.00
3. Peltier Brother's Construction, LTD.	\$971,982.00
4. R + B Group, Inc.	\$976,654.50

REQUIRED AUTHORIZATION

CUIC ID# 20MAB63

Finance Department

Other Authorization:

Jun Chang
Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Other Authorization:

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

NOT

Date	Subject: Contract Award for Legend Lane Lift Station Replacement. WBS No. R-000267-00D5-4.	Originator's Initials MFB	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to Gin-Spen, Inc. with a low bid of \$817,005.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$947,100.00 to be appropriated as follows:

- Bid Amount \$817,005.00
- Contingencies \$ 40,850.25
- Engineering and Testing Services \$ 32,000.00
- CIP Cost Recovery \$ 57,244.75

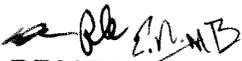
Engineering and Testing Services will be provided by Kenall, Inc. under a previously approved contract.

PAY OR PLAY PROGRAM:

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

M/WBE PARTICIPATION: No MBE or SBE goal is required.

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



DWK:DRM:RK:EN:MB:pa

c: File No. R-000267-00D5-4



FARTHER POINT LS
23 FARTHER POINT
HOUSTON, TX 77024
DISTRICT G
KEY MAP #491F

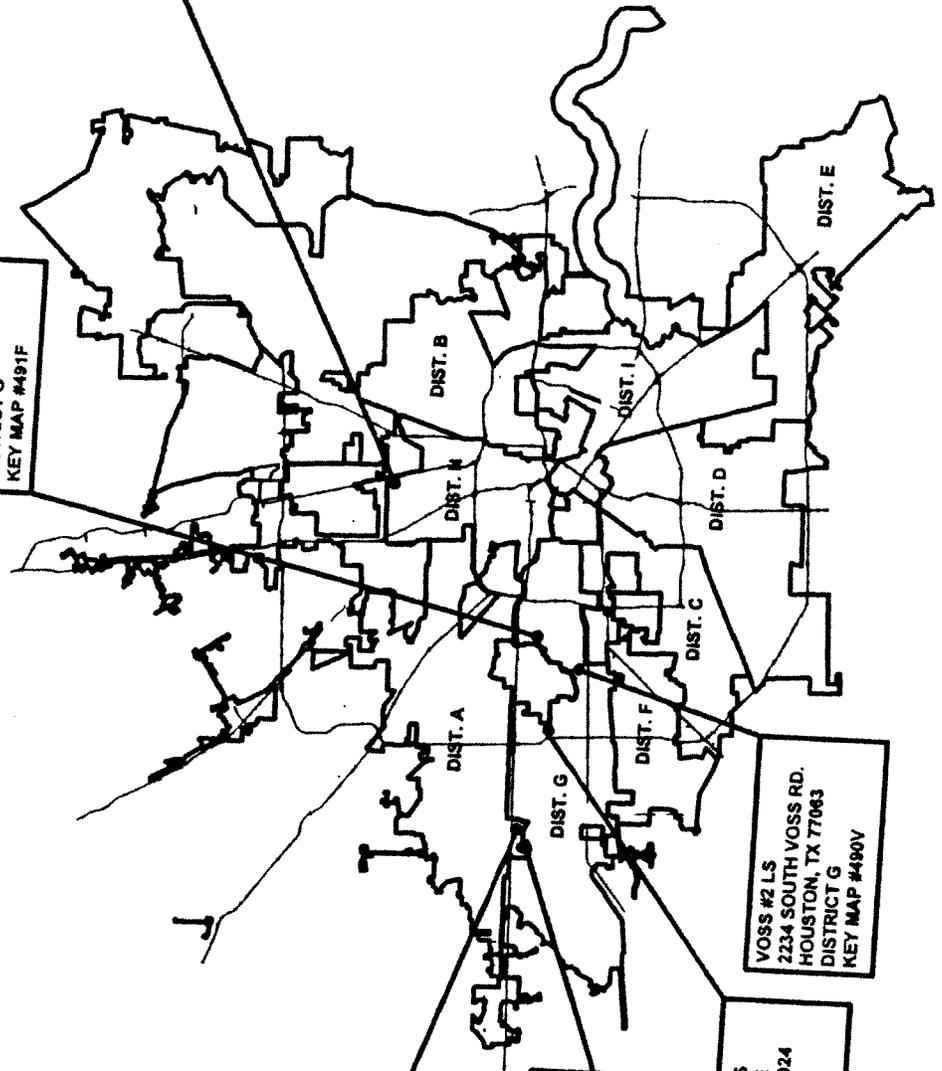
BENBROOK LS
819 BENBROOK DR.
HOUSTON, TX 77076
DISTRICT H
KEY MAP #413U

OLD STONE TRAIL LS
16531 OLD STONE TRAIL
HOUSTON, TX 77079
DISTRICT A
KEY MAP #488F

TANYA CIRCLE LS
15726 TANYA CIRCLE
HOUSTON, TX 77079
DISTRICT A
KEY MAP #488F

LEGEND LANE LS
20 LEGEND LANE
HOUSTON, TX 77024
DISTRICT G
KEY MAP #489M

VOSS #2 LS
2234 SOUTH VOSS RD.
HOUSTON, TX 77063
DISTRICT G
KEY MAP #480V



www.arcadis-us.com

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PROJECT MANAGER S. Ramabhadran	DEPARTMENT MANAGER S. Ramabhadran	LEAD DESIGN PROF. E. Him	CHECKED BY E. Him
SHEET TITLE COUNCIL DISTRICTS MAP (NOT TO SCALE)		TASK/PHASE NUMBER N/A	DRAWN BY E. Him
		PROJECT NUMBER TXCDM0105001	DRAWING NUMBER 1

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Jim Lee Park Area.
WBS No. S-000035-00W8-4.

Page
1 of 2

Agenda Item #

19

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

OCT 05 2011

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

A

For additional information contact:

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

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$1,777,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 9/19/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: The work of the contract is for the construction of approximately 24,570 linear feet of water lines including valves, fittings, connections, fire hydrants and appurtenances as shown on the drawing and project manual. The contract duration for this project is 210 calendar days. This project was designed by Omega Engineers, Inc.

LOCATION: The project is divided into two areas as follows:

Bounded By

Key Map Grid

Council District

1. Clay on the north, Kempwood on the south, Bingle on the east and Blalock on the west.
2. Hammerly on the north, Long Point on the south, Hollister on the east and Blalock on the west.

450L,M

A

450T,U&Y

A

REQUIRED AUTHORIZATION

CUIC ID# 20RS97

Finance Department

Other Authorization:

Jun Chang, P.E., D.WRE
Deputy Director
Public Utilities Division

Other Authorization:

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

Date	Subject: Contract Award for Water Line Replacement in Jim Lee Park Area. WBS No. S-000035-00W8-4.	Originator's Initials <i>pc</i>	Page 2 of 2
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BIDS: Bids were received on June 30, 2011. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. D.L. Elliott Enterprises, Inc.	\$1,541,775.00
2. Resicom, Inc.	\$1,553,397.50
3. Scohil Construction Services, LLC	\$1,596,000.00
4. TRCU, Ltd.	\$1,676,482.90

AWARD: It is recommended that this construction contract be awarded to D.L. Elliott Enterprises, Inc. with a low bid of \$1,541,775.00 and that no Addendum be made a part of this contract.

PROJECT COST: The total cost of this project is \$1,777,000.00 to be appropriated as follows:

• Bid Amount	\$1,541,775.00
• Contingencies	\$77,088.75
• Engineering and Testing Services	\$50,000.00
• CIP Cost Recovery	\$108,136.25

Engineering and Testing Services will be provided by QC 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 benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11 % MBE goal and 9% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
R. P. Construction, DBA Reyes Pineda Construction, Inc.	Pavement, Concrete Sidewalk and Replacement of Water Lines	<u>\$169,595.25</u>	<u>11%</u>
TOTAL		\$169,595.25	11%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Mickie Service Company, Inc	Utility Services Installation	\$60,175.00	3.90%
Advantage Manhole & Concrete Services, Inc.	Utility Services Restoration	<u>\$78,584.75</u>	<u>5.10%</u>
TOTAL		\$138,759.75	9.00%

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

z:\ecreshare\projects\water\S-000035-00W8-4\postbid\postbidmaindocs

[Signature]
DWK:DRM:RK:HH:SD:RS:j
File No. S-000035-00W8-4 (3.7)

JIM LEE PARK



KEY MAP 450 L.M.U.T. GIMS MAP NO. 5060C, 5059A

N.T.S.



CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

WATER LINE REPLACEMENT IN
JIM LEE PARK AREA
(WBS No. S-000035-00WB-3)

APRIL, 2007

Ω OMEGA ENGINEERS, INC.
10330 Park Ten Place
Houston, Texas 77044
Tel. 281-447-9182
Suite 120
Fax. 281-447-9184

PROJECT AREA MAP

EXHIBIT 'B'

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for North 60-Inch Condition Assessment Support Package.
WBS No. S-000901-0007-4.

Page 1 of 2

Agenda Item #

20

FROM: (Department or other point of origin):

Origination Date:

Agenda Date:

Department of Public Works and Engineering

OCT 05 2011

DIRECTOR'S SIGNATURE:

Council District affected:

Daniel W. Kraeger, P.E., Director

1

Azm

For additional information contact:

Ravi Kaleyatodi 8/25/11
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$ 5,837,300.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 9/6/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the Large Diameter Water Lines Inspection, Replacement, and Rehabilitation Program and is required to provide construction and labor support for inspection of and preparation for future long-term monitoring of the existing 60-inch transmission waterline.

DESCRIPTION/SCOPE: This project consists of condition assessment support; rehabilitation of air release valves, access manholes, and related appurtenances; rehabilitation of 60-inch pipe, including joint grout replacement; removal and replacement of 60-inch prestressed concrete cylinder pipe sections. The project also includes installation of acoustic monitoring cables, confined space entry support such as ventilation and air monitoring, and construction of immediate rehabilitations.

The contract duration for this project is 210 calendar days. This project was designed by Lockwood, Andrews and Newnam, Inc.

LOCATION: The project area is generally located along Lawndale, Satsuma, East Erath and Railroad Easements from Collier to Junius. The project is located in Key Map Grids 494 X, Y, 534 C, D, 535 A, B, F.

BIDS: Bids were received on June 2, 2011. The four (4) bids are as follows:

Bidder	Bid Amount
1. Huff & Mitchell, Inc.	\$5,135,970.50
2. Texas Sterling Construction Co.	\$5,388,175.00
3. Boyer, Inc.	\$5,985,605.00
4. E.P. Brady Ltd.	\$6,865,476.75

REQUIRED AUTHORIZATION

CUIC ID #20ACM74

NDT

Finance Department

Other Authorization:

Other Authorization:

Jun Chang
Jun Chang, P.E., D.WRE
Deputy Director
Public Utilities Division

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

Date	Subject: Contract Award for North 60-Inch Condition Assessment Support Package. WBS. No. S-000901-0007-4.	Originator's Initials RDM	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Huff & Mitchell, Inc. with a low bid of \$5,135,970.50 and that Addendum Number 1 be made a part of this contract.

PROJECT COST: The total cost of this project is \$ 5,837,300.00 to be appropriated as follows:

• Bid Amount	\$5,135,970.50
• Contingencies	\$256,798.53
• Engineering and Testing Services	\$85,000.00
• CIP Cost Recovery	\$359,530.97

Engineering and Testing Services will be provided by A & R Engineering and Testing, Inc. under a previously approved contract.

Bonus for early completion is included in this project. Incentive bonus will be paid for every day in advance of the interim completion deadlines stated in the contract. The maximum incentive bonus allotted is \$30,000.00

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

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal and 8% SBE goal for this project.

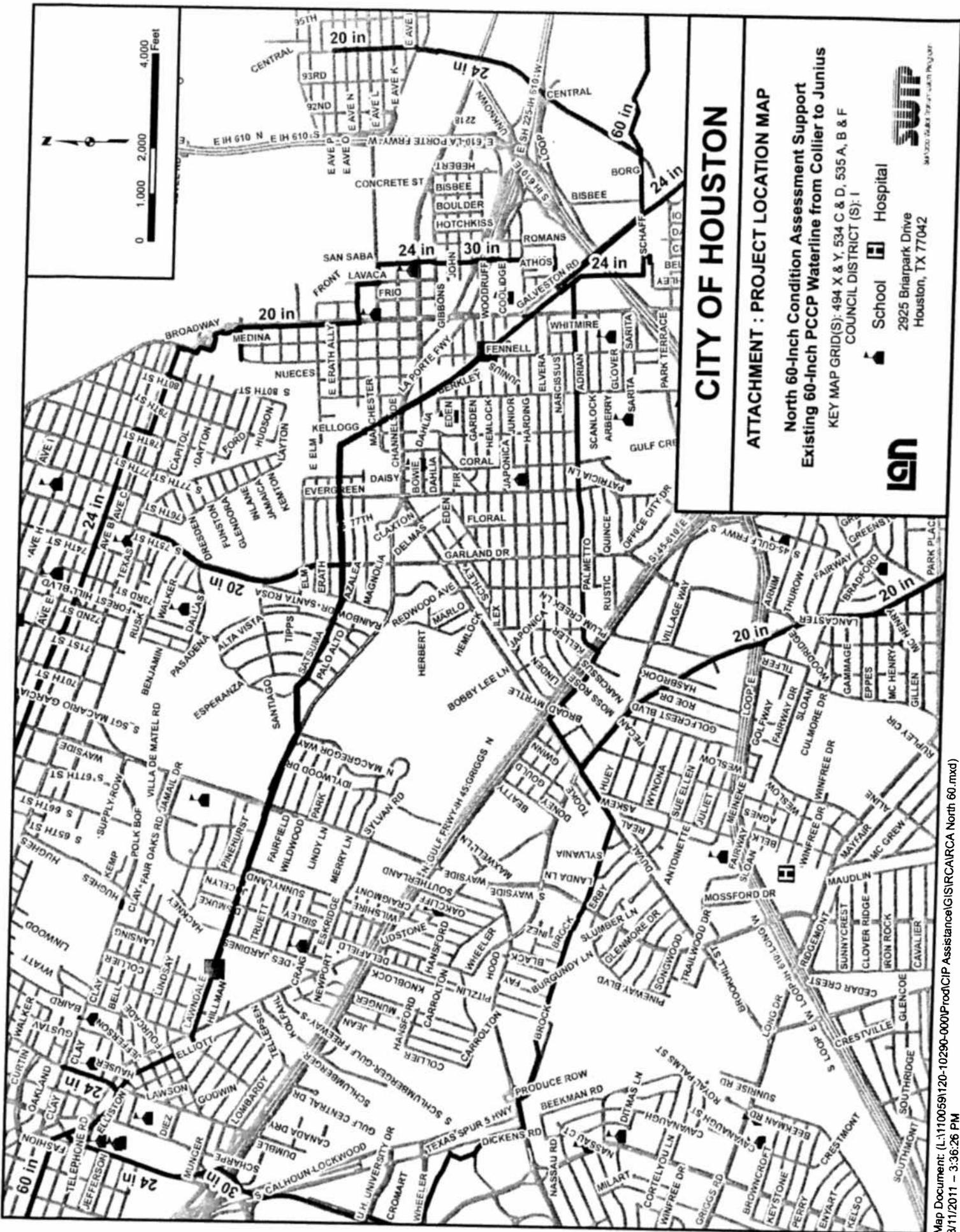
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. R.P. Construction, DBA Reyes Pineda Construction, Inc.	Water Mains and Pavement Repairs	\$136,520.00	2.66%
2. Karami Plumbing and Construction Supply, LLC	Plumbing Supplies	\$240,560.00	4.68%
3. P.A. Berrios Trucking	Hauling Services	\$136,520.00	2.66%
TOTAL		\$ 513,600.00	10.0%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Mickie Service Company, Inc.	Water Mains installation	\$144,200.00	2.81%
2. Chief Solutions, Inc.	Television Inspection Services	\$45,000.00	0.87%
3. KMA Contractors Services, Inc.	Plumbing Supplies	\$221,680.00	4.32%
TOTAL		\$ 410,880.00	8.00%

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

[Handwritten signatures]
DWK:DRM:RK:HH:ACM:JP:VHR

Z:\design\A-WS-DIV\Projects\S-0900-02-2\WA10935_(S-000901-0007-3)\Advertise - Bid - Award\RCA Package\Construction RCA.doc

File No. S-000901-0007-3 (3.7)



CITY OF HOUSTON

ATTACHMENT : PROJECT LOCATION MAP

**North 60-Inch Condition Assessment Support
Existing 60-Inch PCCP Waterline from Collier to Junius**

KEY MAP GRID(S): 494 X & Y, 534 C & D, 535 A, B & F
COUNCIL DISTRICT (S): 1

-  School
-  Hospital



2925 Briarpark Drive
Houston, TX 77042



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

Agenda Item#

21

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

9/23/2011

Agenda Date

OCT 05 2011

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin JFO
Kelly Schwarz

Phone: (713) 837- 9623

Phone: (713) 837- 9636

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. Jianqi An D/B/A Greenland Waste Collection

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

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

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

22 25 31

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

9/8/2011

Agenda Date

~~SEP 21 2011~~

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

~~SEP 28 2011~~

OCT 05 2011

For additional information contact:

Juan Olguin *JFO* Phone: (713) 837- 9623
Kelly Schwarz Phone: (713) 837- 9636

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:

- Heritage-Crystal Clean, LLC

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

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

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Motion setting a public hearing date for the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone)

Category #

Page
1 of 1

RCA #

Agenda Item#

23

FROM: (Department or other point of origin):

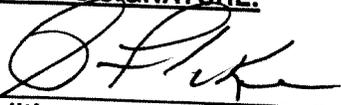
Andrew F. Icken
Chief Development Officer

Origination Date

Agenda Date

OCT 05 2011

DIRECTOR'S SIGNATURE:



Council Districts affected:

A, D, G, H, I

For additional information contact:

Ralph De Leon Phone: (713) 837-9573
Tim Douglass Phone: (713) 837-9857

Date and identification of prior authorizing Council Action:

Ord. 1996-1337, 12/18/96; Ord. 1997-0594, 5/21/97; Res. 1997-0067, 12/10/97; Ord. 1999-823, 8/11/99; Ord. 2008-784, 9/03/08; Ord. 2009-299, 4/08/09; Ord. 2010-997, 12/08/10

RECOMMENDATION: (Summary)

Set a public hearing date for the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five (Memorial Heights Zone)

9 AM 10-19-11

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund N/A

SPECIFIC EXPLANATION:

City of Houston Tax Increment Reinvestment Zone Number Five ("Zone") was created by City Council by Ordinance No. 1996-1337 on December 18, 1996. The City approved a Project Plan and Reinvestment Zone Financing Plan ("Plan" and as amended, "Plans") for the Zone by Ordinance No. 1997-594, on May 21, 1997. To assist in the implementation of the Plan, on December 10, 1997, the City created the Memorial-Heights Redevelopment Authority ("Authority") by Resolution No. 1997-0067. Subsequently, the City amended the Plan by Ordinance No. 1999-823, on August 11, 1999; by Ordinance No. 2008-784 on September 3, 2008; by Ordinance No. 2009-299, on April 8, 2009; and by Ordinance No. 2010-997 on December 8, 2010.

On September 13, 2011, the Authority and the Zone approved amendments to the Plan ("Fifth Amended Plan") for the Zone and transmitted the proposed Fifth Amended Plan to the City for City Council consideration. The proposed Fifth Amended Plan restates the goals and objectives included in the Plans, including the design and construction of public infrastructure such as public streets and utility systems, parks, hike and bike trails, pedestrian bridges, the redevelopment of cultural and public facilities, and affordable housing. New goals included in the proposed Fifth Amended Plan include provisions for the design and construction of flood remediation infrastructure, reclamation projects and drainage and detention facilities. In addition, the Fifth Amended Plan provides for a reduction in the Zone's boundaries of approximately 253 acres of territory primarily located along the Buffalo Bayou between Shepherd Street, Sabine Street, Allen Parkway, and Memorial Drive. Removal of the territory will enable the Zone to focus its resources on physical improvements along the lower White Oak Bayou channel.

Pursuant to Texas Tax Code Section 311.011(e), a public hearing must be held prior to the adoption of an ordinance approving the Fifth Amended Plan. The Administration recommends setting the public hearing date on Wednesday, October 19, 2011.

- c: Marta Crinejo, Agenda Director
- Anna Russell, City Secretary
- David Feldman, City Attorney
- Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9174

Subject: Spending Authority to Address Emergency Tree Removal Services for the Parks & Recreation Department
S30-22540

Category #
4

Page 1 of 1 Agenda Item

24 #

FROM (Department or other point of origin):

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

Origination Date

September 16, 2011

Agenda Date

OCT 05 2011
~~SEP 21 2011~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Luci Correa Phone: (832) 395-7057
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

Ord. No. 2007-987, dated 8/29/2007

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the City Purchasing Agent to issue purchase orders, up to an aggregate amount of \$4,500,000.00, to DRC Emergency Services, LLC for emergency tree removal services for the Parks & Recreation Department.

Estimated Spending Authority: \$4,500,000.00

Finance Budget

\$4,500,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance authorizing the City Purchasing Agent to issue purchase orders, up to an aggregate amount of \$4,500,000.00, to DRC Emergency Services, LLC for emergency tree removal services for the Parks & Recreation Department.

Dead and diseased trees have risen to a catastrophic level, which requires the engagement of the City's Disaster Debris Contractor, DRC Emergency Services, LLC. These trees are located in City parks, right-of-ways, esplanades and other exposed areas throughout the City and pose an eminent threat to the health and safety of the citizens. The Contractor has agreed to honor the prices in its existing Disaster Debris Contract with the City for this engagement.

The scope of work requires the contractor to provide all equipment, labor, materials, tools, supervision and transportation necessary to remove designated dead and diseased trees throughout the City. Also, the contractor shall be required to load and haul damaged trees and stumps from public right-of-ways, parks, esplanades and other exposed areas to approved landfills.

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

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