

**AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 11, 2011 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 12, 2011 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** relative to the creation of **REINVESTMENT ZONE NUMBER TWENTY-THREE, CITY OF HOUSTON, TEXAS (HARRISBURG ZONE) - DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 27**

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**MISCELLANEOUS** - NUMBERS 2 and 3

2. RECOMMENDATION from Director Human Resources Department for approval of payment of \$57,000.00 to **GOVERNMENT JOBS.COM (NEO GOV)** for the Neo Gov Applicant Tracking System and Interface Maintenance Agreement - General Fund
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of payment of FY 2012 Membership dues for the Water Research Foundation - \$252,183.58 Enterprise Fund

**ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$6,695,396.09 and acceptance of work on contract with **PYRAMID CONSTRUCTORS, LLP** for Hurricane Ike Permanent Repairs at William P. Hobby Airport and Ellington Airport, Project No. 630 - 2.7% over the original contract amount - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**

**PROPERTY** - NUMBERS 5 through 7

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gilbert Guzman, Land Maps and Surveys, Inc., on behalf of Homer Hinojosa, for abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1, Parcels SY11-059A, SY11-059B, AY12-040, LY12-006 and KY12-041 - **DISTRICT H - GONZALEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Roksan Okan-Vick, Executive Director of Houston Parks Board, in collaboration with Harris County Flood Control District, for abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W. L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W. L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51, Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005 **DISTRICT I - RODRIGUEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel E. Rowsey, for abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A. C. Reynolds Survey, Parcel SY12-009 - **DISTRICT C - CLUTTERBUCK**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 11

8. APPROVE spending authority to Address Emergency Repair of Water Line Breaks in an amount not to exceed \$512,598.12 for the Department of Public Works & Engineering, to **TIKON GROUP** - \$209,872.64, **DESERT EAGLE, LLC** - \$138,362.64, **CONGO, LLC** - \$92,852.84 and **BOND RESTORATION, INC** - \$71,510.00 - Enterprise Fund
9. APPROVE spending authority for Rental of Various Types of Construction Equipment through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities to Address Emergency Repair of Water Line Breaks for the Department of Public Works & Engineering, to **HERTZ EQUIPMENT RENTAL CORPORATION** in an amount not to exceed \$754,568.00 Enterprise Fund
10. **BEVCO COMPANY, INC** to furnish Rotary Lobe Sludge Pumps for Department of Public Works & Engineering - \$67,900.00 - Enterprise Fund
11. **HOV SERVICES, INC** for Mail Processing Services from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program for the Department of Public Works & Engineering - \$564,000.00 - Enterprise Fund

**ORDINANCES** - NUMBERS 12 through 27

12. ORDINANCE **AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Lake Houston; containing findings and other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability; providing an effective date
13. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System First Lien Revenue Refunding Bonds, Series 2008D-3; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Bond Insurance, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and a Special Disclosure Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency
14. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Joint Election to be held on November 8, 2011; providing a maximum contract amount - \$714,377.00 - General Fund
15. ORDINANCE establishing City of Houston election precincts and designating polling places for the City of Houston General Election to be held on November 8, 2011
16. ORDINANCE establishing the north and south sides of the 1900-2000 block of Norfolk Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
17. ORDINANCE establishing the north and south sides of the 1900-2000 block of Norfolk Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

**ORDINANCES** - continued

18. ORDINANCE approving and authorizing second amendment to Lease Agreement (Contract No. 55833) between **1415 NLW, LLC, as landlord**, and the City of Houston, Texas, as tenant, for space at 1415 North Loop West, Houston, Texas, for use by the Internal Affairs Division of the Houston Police Department - 5 Years with one three-year option - **DISTRICT A - STARDIG**
19. ORDINANCE approving first amendment to the Economic Development Agreement between the City of Houston, Texas, and **INTOWN HOMES, LTD.** approved by Ordinance No. 2010-716 **DISTRICTS A - STARDIG and H - GONZALEZ**
20. ORDINANCE 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 Root Square Memorial Park - **DISTRICT I - RODRIGUEZ**
21. ORDINANCE approving and authorizing sole source contract between the City of Houston and **NOVASYS TECHNOLOGIES, INC** for the Development and Maintenance of the Electronic Client-Level Integrated Prevention System for the City of Houston Health & Human Services Department; providing a maximum contract amount - 2 Years with two one-year options \$263,030.00 - Grant Fund
22. ORDINANCE approving and authorizing first amendment to Interlocal Purchasing Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY** for Cooperative Purchasing (Approved by Ordinance No. 2011-0457)
23. ORDINANCE awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sewer Stoppage Cleaning and Television Inspection; 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 a maximum contract amount for Envirowaste Services Group, Inc and engineering testing - 2 Years with a one-year option \$3,361,600.00 - Enterprise Fund
24. ORDINANCE appropriating \$3,128,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Texas Avenue Lift Station Upgrade and Force Main 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, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ**
25. ORDINANCE appropriating \$2,569,164.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**ORDINANCES** - continued

26. ORDINANCE appropriating \$2,771,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SCOHIL CONSTRUCTION SERVICES, LLC** for Water Line Replacement in Watonga 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and G - PENNINGTON**
27. ORDINANCE No. 2011-0854, passed first reading October 5, 2011  
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  
**SECOND READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 28 through 30

28. 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 - **TAGGED BY COUNCIL MEMBERS JONES, BRADFORD, RODRIGUEZ, GONZALEZ, NORIEGA, ADAMS, HOANG, STARDIG and PENNINGTON**  
This was Item 5 on Agenda of October 5, 2011
29. 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  
**TAGGED BY COUNCIL MEMBER JONES**  
This was Item 10 on Agenda of October 5, 2011
30. 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  
**TAGGED BY COUNCIL MEMBER JONES and HOANG**  
This was Item 11 on Agenda of October 5, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Gonzalez 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

1  
OCT 12 2011

MOTION NO. 2011 0746

MOTION by Council Member Gonzalez that the recommendation of the Chief Development Officer, to set a hearing date to consider the creation of Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, October 12, 2011 in the City Council Chamber, Second Floor, City Hall.

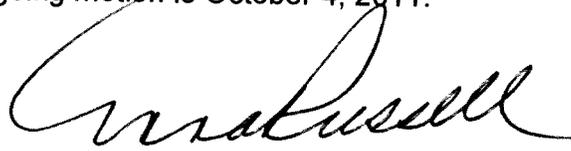
Seconded by Council Member Hoang and carried.

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

Council Member Johnson absent on personal business

PASSED AND ADOPTED this 28th day of September 2011.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is October 4, 2011.

  
City Secretary

**PUBLIC HEARING ON THE DESIGNATION OF REINVESTMENT ZONE  
NUMBER TWENTY-THREE, CITY OF HOUSTON, TEXAS (HARRISBURG  
ZONE) FOR TAX INCREMENT FINANCING PURPOSES AS AUTHORIZED BY  
CHAPTER 311, TEXAS TAX CODE**

Executive Summary/Fact Sheet  
October 12, 2011

Requesting designation of Tax Increment Reinvestment Zone Number Twenty-Three, City of Houston, Texas, ("Zone") consisting of approximately 1,600 acres within a contiguous geographical area of the City of Houston, generally located east of the Houston Central Business District in an area referred to as the East End. The proposed area is generally bounded by Sampson Street/York Street couplet on the west, the Buffalo Bayou on the north, 75<sup>th</sup> Street on the east, and Lawndale Street on the south.

Problems/Constraints include:

1. A district of the City with a visibly deteriorated face including a lack of adequate roads, sidewalks, storm sewer, wastewater, and water systems;
2. Significant number of industrial brownfields, inactive landfills, and abandoned dock lands;
3. Industrial properties, railroads, and various commercial uses located throughout and amid single-family residential areas; and
4. Large tracts of underdeveloped parcels.

The City has determined the benefits of the proposed Project Plan and Reinvestment Zone Financing Plan for the Zone ("Plan") and of utilizing tax increment financing as follows:

**BENEFITS OF THE PLAN**

The objectives defined in the Plan will create a new urban neighborhood while respecting the character of the area; create gateways between the East End and adjacent developing high density neighborhoods and districts through the development of connections between the neighborhood and its adjacent activity centers; produce a product unique to the East End; and enhance the sense of civic pride for area residents.

Recommendations include:

1. Design and construction of public utilities including water, wastewater, and storm water systems;
2. Design and construction of major and minor roadways and streets including improvements/enhancements;
3. Cultural and Public Facility improvements;
4. Parks and Recreational Facilities; and
5. Economic Development.

The Harrisburg Zone will provide the financing and management tools to remedy recent and historic negative trends within the East End area, which is currently characterized by blighted, deteriorating, unsanitary, defective, and unsafe conditions.

### **BENEFITS TO THE CITY**

The improvement projects described in the Plan will encourage the sound growth of mixed use, residential, commercial, and retail development in and around the Zone.

The goals stated in the Plan will facilitate rehabilitation of conditions in the proposed Harrisburg Zone that substantially impair and arrest the sound growth of the City of Houston and Harris County.

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

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

The Zone meets the following criteria required by Texas Tax Code Section 311.005(1) for an area to qualify as a reinvestment zone:

- 311.005(1)(A) – a substantial number of substandard, slum, deteriorated, or deteriorated structures;
- 311.005(1)(B) – the predominance of defective or inadequate sidewalk or street layout;
- 311.005(1)(C) – faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- 311.005(1)(D) – unsanitary or unsafe conditions;
- 311.005(1)(E) – the deterioration of site or other improvements.

## Exhibit 1 – Estimated Project Costs

**Project Cost Amendments:** The following table includes the approved project cost.

	<b>Estimated Costs</b>
<b><u>Infrastructure Improvements:</u></b>	
<b>Public Utility Improvements</b>	
Public Utilities	\$ 8,000,000
<b>Total Public Utility Improvements</b>	<u>\$ 8,000,000</u>
<b>Roadway and Sidewalk Improvements</b>	
Roadway, Streets, Sidewalks, Lighting, ROW Acquisiton	\$ 55,500,000
Light Rail Underpass Infrastructure Improvements	\$ 2,500,000
<b>Total Roadway and Sidewalk Improvements</b>	<u>\$ 58,000,000</u>
<b>Total Infrastructure Improvements</b>	<u>\$ 66,000,000</u>
<b><u>Other Project Costs:</u></b>	
<b>Cultural and Public Facilities Costs</b>	
Cultural and Public Facilities	\$ 20,000,000
<b>Total Cultural and Public Facilities</b>	<u>\$ 20,000,000</u>
<b>Parks and Recreational Facilities</b>	
Parks and Receational Faciities	\$ 15,300,000
<b>Total Parks and Land Acquisition</b>	<u>\$ 15,300,000</u>
<b>Economic Development</b>	
Economic Development	\$ 10,000,000
<b>Total Land Acquisition</b>	<u>\$ 10,000,000</u>
<b>Affordable Housing</b>	
Affordable Housing	\$ 150,000
<b>Total Affordable Housing Costs</b>	<u>\$ 150,000</u>
<b>TIRZ Creation</b>	
TIRZ Creation	\$ 150,000
<b>Total TIRZ Creation</b>	<u>\$ 150,000</u>
<b>TIRZ Management</b>	
TIRZ Administration and Management	\$ 1,500,000
<b>Total TIRZ Management</b>	<u>\$ 1,500,000</u>
<b>Financing Costs</b>	
Financing Costs	\$ 12,000,000
<b>Total Financing Costs</b>	<u>\$ 12,000,000</u>
<b>City Administration</b>	
City Administration Costs	\$ 3,808,488
<b>Total Financing Costs</b>	<u>\$ 3,808,488</u>
<b>Total Other Project Costs</b>	<u>\$ 62,908,488</u>
<b>PROJECT PLAN TOTAL</b>	<u>\$ 128,908,488</u>

## Exhibit 2 – Net Revenue Schedule

Tax Year (1)	Increment Revenue		Net Revenue (Increment Revenue less Transfers)
	City	Transfers	
2011	\$ -	\$ -	\$ -
2012	\$ 112,176	\$ 5,609	\$ 106,567
2013	\$ 290,642	\$ 14,532	\$ 276,110
2014	\$ 538,712	\$ 26,936	\$ 511,777
2015	\$ 799,186	\$ 39,959	\$ 759,227
2016	\$ 1,072,684	\$ 53,634	\$ 1,019,050
2017	\$ 1,359,857	\$ 67,993	\$ 1,291,864
2018	\$ 1,661,388	\$ 83,069	\$ 1,578,318
2019	\$ 1,977,996	\$ 98,900	\$ 1,879,096
2020	\$ 2,310,434	\$ 115,522	\$ 2,194,912
2021	\$ 2,284,318	\$ 114,216	\$ 2,170,102
2022	\$ 2,499,492	\$ 124,975	\$ 2,374,518
2023	\$ 2,725,425	\$ 136,271	\$ 2,589,154
2024	\$ 2,962,655	\$ 148,133	\$ 2,814,522
2025	\$ 3,211,746	\$ 160,587	\$ 3,051,159
2026	\$ 3,473,291	\$ 173,665	\$ 3,299,627
2027	\$ 3,747,914	\$ 187,396	\$ 3,560,519
2028	\$ 4,036,268	\$ 201,813	\$ 3,834,455
2029	\$ 4,339,040	\$ 216,952	\$ 4,122,088
2030	\$ 4,656,950	\$ 232,848	\$ 4,424,103
2031	\$ 4,436,228	\$ 221,811	\$ 4,214,416
2032	\$ 4,747,780	\$ 237,389	\$ 4,510,391
2033	\$ 5,074,910	\$ 253,745	\$ 4,821,164
2034	\$ 5,418,396	\$ 270,920	\$ 5,147,476
2035	\$ 5,779,056	\$ 288,953	\$ 5,490,103
2036	\$ 6,157,750	\$ 307,887	\$ 5,849,862
2037	\$ 6,555,378	\$ 327,769	\$ 6,227,609
2038	\$ 6,972,888	\$ 348,644	\$ 6,624,243
2039	\$ 7,411,273	\$ 370,564	\$ 7,040,709
2040	\$ 7,871,577	\$ 393,579	\$ 7,477,998
	\$ 104,485,409	\$ 5,224,270	\$ 99,261,139

**Notes:**

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2040
- (2) Base Year is Tax Year 2011
- (3) Projected Value for Tax Years 2011 to 2020 increases at an annual average  
and for Tax Years 2021 to 2040 at an annual average of 5.00%
- (4) Collection Rate for Tax Years 2011 to 2040 at 95%
- (5) Contribution Rate for Tax Years 2011 to 2040 is 75%
- (6) Transfers is 5% of Increment Revenue



**TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY THREE  
CITY OF HOUSTON**

**HARRISBURG ZONE**

**Project Plan and Reinvestment Zone Financing Plan**

**October 19, 2011**

REINVESTMENT ZONE NUMBER TWENTY THREE, CITY OF HOUSTON, TEXAS  
HARRISBURG ZONE –Project Plan and Reinvestment Zone  
Financing Plan

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**Maps & Exhibits**

Exhibit 1 – Estimated Project Costs

Map 1 – Proposed and Existing Land Uses

Exhibit 2 – Net Revenue Schedule

Exhibit 3 – Transfer Schedule All Entities

## **Introduction:**

**Houston's East End:** The East End is a district located on the eastern side of Houston's central business district and stretches from the eastern side of downtown to the Port of Houston. The area includes the site of Harrisburg, an early Texas trading post and the seat of government for the Republic of Texas in 1836. Historically, the area was primary destination for German, Italians and Mexican American immigrants. The Second Ward and Magnolia Park, two of Houston's oldest neighborhoods, are located in the East End. During the 1990's the area experienced a dramatic increase in Hispanic population, primarily south of Buffalo Bayou, within the Denver Harbor, Clinton Park, Second Ward, Eastwood, Harrisburg, Pecan Park, Park Place, Meadowbrook, Magnolia and Lawndale neighborhoods.

Today the area contains the highest concentration of petrochemical industries in the City. Also located in the East End are a significant number of industrial brownfield sites and several inactive landfills. Land use patterns could be characterized by areas consisting of large tracts of underdeveloped parcels, abandoned dock lands, industrial properties, railroads, and various commercial uses located throughout and amid single family residential areas.

Currently the East End is entering in to an unprecedented time in its history. Perhaps the largest single investment, public or private is currently being made in the East End. METRO has broken ground on the Harrisburg light rail alignment. The light rail line will run from the Magnolia Transit Center into downtown Houston and link the East End into the City's light rail transit system. In the future, East End residents will be able to use the light rail to gain access other activity centers within greater the Houston region, conversely residents from other districts of the City will be able to travel to the East End and visit eateries, attend cultural events and tour its historic neighborhoods.

## **Reinvestment Zone Number Twenty Three, Harrisburg Zone:**

Reinvestment Zone Number Twenty Three, City of Houston, Texas, also known as the Harrisburg Tax Increment Reinvestment Zone (TIRZ) is a proposed public finance tool intended to encourage investment and stimulate commercial and residential development in the East End. Essential to making the rail successful will be having the pedestrian infrastructure in place for the riders as they are traveling to or from the rail. To achieve this in the East End significant investments in infrastructure are required. Tax increment financing provides a means to leverage the potential growth in the area to fund this investment. This was recognized by the Texas Legislature when it made the inclusion of land on which a transit rail system is being constructed a single, stand-alone condition for the creation of a tax increment reinvestment zone (ref. Texas Tax Code 311.005(a-1)). As will be addressed further in this Proposed East End Tax Increment Zone Project and Financing Plan, the proposed tax increment zone does include the Harrisburg Light Rail Line. Other conditions within the proposed TIRZ include additional necessary conditions required for the creation of a reinvestment zone (ref. Texas Tax Code 311.005(1)). These include, but are not limited to 311.005(1)(A) a substantial number of substandard, slum, deteriorated, or deteriorated structures; 311.005(1)(B) the predominance of defective or inadequate sidewalk or street layout; 311.005(1)(C) faulty lot layout in relation to size, adequacy, accessibility, or usefulness; 311.005(1)(D) unsanitary or unsafe conditions; 311.005(1)(E) the deterioration of site or other improvements; and 311.005(1)(H) conditions that endanger life or property by fire or other cause.

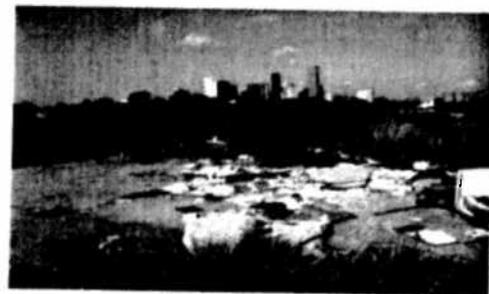
The following photographs are taken within the proposed boundaries of the TIRZ and document existing conditions (See Figures 1 thru 6).



*Figure 1 (Left): Dilapidated structure, vicinity of Sampson and Harrisburg;  
Figure 2 (Right): Missing sidewalk at Harrisburg (future light rail alignment).*



*Figure 3 (Left): Vacant lot along Harrisburg adjacent to future light rail alignment.  
Figure 4 (Right): No sidewalks at Texas and Lockwood.*



*Figure 5 (Left): Illegal Dumping on North Velasco.  
Figure 6 (Right): Undeveloped parcel on North Velasco with Downtown skyline in background.*

The Project and Reinvestment Zone Financing Plan will create an investment tool for new construction and the redevelopment of the area. The proposed TIRZ will help finance approximately \$128 million of improvements and services needed to support the repositioning and revitalization of the East End. Those improvements include:

- Design and construction of public utilities including water, wastewater and storm water systems;
- Design and construction of major and minor roadways and streets including improvements/enhancements;
- Cultural and Public Facility Improvements;
- Parks and Recreational Facilities;
- and Economic Development.

During its 30-year life, the TIRZ expenditures will be funded by tax increment funds, assuming a City tax rate of \$0.63875 per \$100 valuation and a participation rate of 100% for the first ten years of the Zone, 90 % for the subsequent ten years of the Zone, and a maximum of 80% for the remaining ten years of the 30 year term of the Zone. If the City later determines to issue bonds for the TIRZ, additional City Council approval will be necessary. New projected development opportunities will focus on, strengthening the character of residential and commercial properties, improve and diversify the housing product type offered in the area and increase the stability and desirability of the East End's neighborhoods.

**Project Plan:**

At approximately 1,600 acres, the proposed TIRZ is comprised of four principal areas:

- The Harrisburg Light Rail Corridor;
- A significant portion of the Second Ward centered around the Jensen/Navigation/Canal intersection stretching to the North York and North Sampson Couplet;
- Undeveloped/underdeveloped land immediately adjacent to the Buffalo Bayou; and
- Commercial/warehouse properties stretching from the Hughes Tool site east to the Gus Wortham Golf Course.

As shown in the Existing Land Use Map, uses with the proposed boundaries of the Zone are predominately commercial (31%), parks and open space (21%), vacant land (15%), and industrial (9%). Over the 30-year life of the TIRZ, it is anticipated that a significant amount of underdeveloped and vacant land will be developed into commercial or residential (single-family and multi-family) uses. Anticipated land uses are proposed to consist of parks and open space (28%), commercial (25%), mixed use development (15%), and public/institutional (10%).

The improvements proposed as the goals of the Harrisburg TIRZ are as follows:

**Goal 1: Infrastructure Improvements**

Public streets and public utility systems are required to create an environment that will stimulate private investment in retail, residential, multi-family and commercial developments. Construction of key streets and utility systems will be undertaken to enhance the level of service in the area, improve functionality, replace aged facilities, and increase aesthetics. Potential projects include public utility and roadway improvements along the METRO Harrisburg transit alignment and intersection reconfiguration and improvements on Navigation and Jenson. All roadway improvements will be integrated with the street reconstruction programs of the City of Houston, TxDOT, METRO and others as needed, and where possible include elements not included by those programs. Attention will be placed on the leveraging of TIRZ monies through the funding of elements not addressed by the CIP programs of sister agencies.

**Goal 2: Utilize the present street grid as a framework to create pedestrian-friendly safe environments through the reconstruction of streets and sidewalks, with ample lighting and streetscape amenities.**

Streetscape enhancements are required to create an environment that will help stimulate investment in retail, residential, and commercial developments. Enhanced streetscapes components will include: sidewalks, lighting, signage, street trees, landscaping, benches and other pedestrian amenities. The reconstruction of key streets and major thoroughfares will enhance the level of service in the area. The construction of sidewalk systems including ADA complaint ramps and other treatments will improve pedestrian safety, enhance the visual environment and provide connectivity and reinforce the existing community framework of small urban neighborhoods.

Goal 3: Complementing the revitalization activities proposed to occur along the METRO Harrisburg Mass Transit Alignment.

METRO funding of public transit systems along the Harrisburg alignment can be complemented by TIRZ activities including the funding of streetscapes, right-of-way acquisition, and related transit improvements. The METRO Harrisburg alignment includes proposed stations on York, Lockwood, Altic, Cesar Chavez, and Magnolia. Stations at these locations could spur redevelopment while benefiting existing businesses. According to the METRO Solutions Final Environmental Impact Statement, placement of new stations would likely result in "redevelopment of vacant parcels and intensification of land uses." The placement of METRO transit stations in the East End will be of particular importance, economically speaking, both from the consumer and the merchant's perspectives. At present, the development schedule for the Harrisburg line calls for a planned construction start date of October 2014.

Goal 4: Economic Development

With substantial amounts of vacant land within the TIRZ, in order to stimulate and accelerate redevelopment within the TIRZ, the TIRZ would seek to fund economic development programs that would directly incentivize private enterprise that affect the TIRZ and serve as a catalyst for other business developments. Examples of how the program would be used include funding for business development and retention, business loss mitigation, economic development grants to catalyze investments, such as Agreements under Chapter 380 of the Texas Local Government Code, and matching grants to provide leverage for other economic development funds, such as state enterprise projects, state economic development bank funds and new market tax credit allocations. In cases such as those described in this section, an appropriate economic development program would be proposed by the City and/or the TIRZ and approved by both the TIRZ and City Council.

Goal 5: The reinforcement of pedestrian-attractive retail developments and mix-density uses with other compatible uses and activities along the Harrisburg, Canal, Wayside, Lockwood, Navigation, and the York/Sampson Corridors.

The retention and expansion of retail and commercial developments along Harrisburg, Canal, Wayside, Lockwood, Navigation, and the York/Sampson is of key importance to the successful redevelopment of the area. The provision of base level retail functionality is essential to the continued expansion of residential projects in the area. In particular, it is envisioned to develop Harrisburg into a key arterial/town center, through the implementation of a program resulting in an enhanced pedestrian environment with an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, public art and adequate pedestrian amenities.

Goal 6: Parks and Related Amenities.

The creation of pedestrian-friendly safe environments, public open green space, access and egress improvements, dedication of public benefit easements, pedestrian bridges and other enhancements.

Proposed redevelopment and upgrades to public green space with the boundaries of the Harrisburg TIRZ, parks, and other appropriate recreational facilities include acquisition of new parkland along Buffalo Bayou, improvements and upgrades to Guadalupe Park and the development of pocket parks in neighborhoods adjacent to the Canal and Harrisburg corridors.

**Goal 7: Cultural, Public Facilities, Affordable Housing and Historic Preservation**

Increasing cultural and public facilities as well as cultural arts centers such as the Talento Bilingue de Houston and museums, historic preservation efforts and affordable housing for East End residents and its workforce is an important public policy goal. TIRZ funds may be leveraged with private, public, and non-profit developers to integrate affordable housing initiatives into ongoing and proposed redevelopment projects within the TIRZ. Also anticipated are the acquisition and rehabilitation of historic structures through the preservation and restoration of historic structures in the area through acquisition/resale and/or rehabilitation of roofs and other structural elements. These projects collectively with improved infrastructure and new fire, police, library, public health facilities, and cultural/community centers will lead to improved security and enhance the quality of life for existing and new residents and businesses.

**Project Plan and Reinvestment Zone Financing Plan for the Zone.**

**A. Project Plan**

**Existing and Proposed Uses of Land** (Texas Tax Code §311.011(b)(1)): Map 1 reflects the existing land and proposed land uses within the boundaries of the TIRZ. The existing and proposed land uses include single-family residential, multi-family residential, commercial, office, industrial, public and institutional, transportation and utility, park and open spaces, undeveloped and agricultural production land uses.

**Proposed Changes of Zoning Ordinances, Master Plan of Municipality, Building Codes, and other Municipal Ordinances** (Texas Tax Code §311.011(b)(2)): All construction will be performed in conformance with the City's existing rules and regulations. There are no proposed changes to any City ordinance, master plan, or building code.

**Estimated Non-Project Cost Items** (Texas Tax Code §311.011(b)(3)): The non-project costs reflect in part costs that the Greater East End Management District is making both capital and operation and maintenance investments in the Zone. The District has an annual budget of approximately \$1.7 million and has received grants totaling over \$5 million to implement the East End Livable Centers Project. In addition, the District has committed an estimated \$2.25 million for the design and construction of pedestrian safety and mobility improvements to Harrisburg Boulevard. An estimated \$400 million will be spent by the Metropolitan Transit Authority on the Harrisburg/East End Light Rail Alignment. At a distance of approximately 3 miles, the new alignment will include 5 Transit Stations.

**Method of Relocating Persons to be Displaced, if any, as a Result of Implementing the Plan** (Texas Tax Code §311.011(b)(4)): It is not anticipated that any residents will be displaced by any of the projects to be undertaken in the Zone.

**B. Reinvestment Zone Financing Plan**

**Estimated Project Costs** (Texas Tax Code §311.011(c)(1)): Exhibit 1 (attached) is a detailed listing of the proposed public improvement and administrative project costs. The dollar amounts are approximate

and may be amended from time to time by City Council. The financing cost are a function of project financing needs and will vary with market conditions, and thus may vary significantly from what is shown in on the Exhibit 1.

Proposed Kind, Number, and Location of all Proposed Public Works or Public Improvements to be Financed in the Zone (Texas Tax Code §311.011(c)(2)): These details are provided throughout the Plan.

Economic Feasibility (Texas Tax Code §311.011(c)(3)): Numerous economic feasibility studies have been completed for the area that includes the proposed TIRZ. These include the following:

- *Houston Neighborhood Market Drill Down*, Social Compact for the City of Houston et al, February 2002.
- *East Houston Sector Study*, City of Houston Planning and Development Department, April 2005;
- *Strategic Vision Project*, Greater East End Management District, September 2006;
- *Greater East End Guide to Developer and Business Incentives and Assistance*, Greater East End Management District, February 2007;

Collectively, these reports document the economic potential within the boundaries of the proposed TIRZ. Exhibit 2 and Exhibit 3 constitute revenue estimates for the Zone. The Project Plan estimate total project cost of \$128,908,488. The Zone and the City find and determine that the Plan is economically feasible.

Estimated Amount of Bond Indebtedness; Time When Related Costs or Monetary Obligations Incurred (Texas Tax Code §311.011(c)(4), §311.011(c)(5)): Notes or bonds may be issued by the proposed TIRZ. Future note and bond issues will occur as tax increment revenues allow. The value and timing of these future notes or bonds issues will correlate to debt capacity as derived from the revenue and project schedules attached herein, and by actual market conditions for the issue and sale of such notes and bonds. The TIRZ will explore other financing methods, as well, including developer agreement, financing and collaboration with other entities for grant funding and partnerships.

Methods and Sources of Financing Project Costs and Percentage of Increment from Taxing Units Anticipated to Contribute Tax Increment to the Zone (Texas Tax Code §311.011(c)(6)): Methods and sources of financing include the issuance of notes and bonds, as well as collaboration with developers and other entities for grant funding and partnerships. TY 2011 is the proposed base year for the Zone, TY 2040 is the scheduled termination date. As outlined in Exhibit 2 and Exhibit 3, the proposed base year will be TY 2011 and the scheduled terminate date will be TY 2040, using an estimated collection rate of 95%, and a City of Houston contribution of 100% of the TY 2011 tax rate of \$0.63875/\$100 of assessed valuation for the first ten years of the Zone , 90% for the subsequent ten years of the Zone, and a maximum of 80% for the remaining ten years of the 30 year term of the Zone, approximately \$72 million of increment is estimated to be generated by the TIRZ for use in funding Project Costs. The projected \$72 million in increment is deemed to be a conservative figure. Should other jurisdictions wish to participate, this Plan will allow such participation now or at a later date. In accordance with the provisions of Texas Tax Code Chapter 311, if a jurisdiction wishes to participate in the Zone, its participation will be evidenced by an Interlocal Agreement with the City and the Zone stating the share of property taxes that will be deposited in the tax increment fund on an annual basis.

Current Total Appraised Value of Taxable Real Property (Texas Tax Code §311.011(c)(7)): The current total appraised value of taxable real property in the Zone is \$369,721,736.

Estimated Captured Appraised Value of Zone During Each Year of Existence (Texas Tax Code §311.011(c)(8)): The estimated captured appraised value of the Zone during each year of its 30-year duration is set forth in Exhibit 2.

Zone Duration (Texas Tax Code §311.011(c)(9)): The TIRZ analysis reflects a 30 year duration and will terminate on December 31, 2040, or on an earlier date as adopted by a subsequent City Council Ordinance, or when all project costs, tax increment bonds, and bond interest have been paid, and all contractual obligations completed.

## MAPS AND EXHIBITS

## Exhibit 1 – Estimated Project Costs

**Project Cost Amendments:** The following table includes the approved project cost.

	<b>Estimated Costs</b>
<b><u>Infrastructure Improvements:</u></b>	
<b>Public Utility Improvements</b>	
Public Utilities	\$ 8,000,000
<b>Total Public Utility Improvements</b>	<b>\$ 8,000,000</b>
<b>Roadway and Sidewalk Improvements</b>	
Roadway, Streets, Sidewalks, Lighting, ROW Acquisiton	\$ 55,500,000
Light Rail Underpass Infrastructure Improvements	\$ 2,500,000
<b>Total Roadway and Sidewalk Improvements</b>	<b>\$ 58,000,000</b>
<b>Total Infrastructure Improvements</b>	<b>\$ 66,000,000</b>
<b><u>Other Project Costs:</u></b>	
<b>Cultural and Public Facilities Costs</b>	
Cultural and Public Facilities	\$ 20,000,000
<b>Total Cultural and Public Facilities</b>	<b>\$ 20,000,000</b>
<b>Parks and Recreational Facilities</b>	
Parks and Receational Facilities	\$ 15,300,000
<b>Total Parks and Land Acquisiton</b>	<b>\$ 15,300,000</b>
<b>Economic Development</b>	
Economic Development	\$ 10,000,000
<b>Total Land Acquisiton</b>	<b>\$ 10,000,000</b>
<b>Affordable Housing</b>	
Affordable Housing	\$ 150,000
<b>Total Affordable Housing Costs</b>	<b>\$ 150,000</b>
<b>TIRZ Creation</b>	
TIRZ Creation	\$ 150,000
<b>Total TIRZ Creation</b>	<b>\$ 150,000</b>
<b>TIRZ Management</b>	
TIRZ Administration and Management	\$ 1,500,000
<b>Total TIRZ Management</b>	<b>\$ 1,500,000</b>
<b>Financing Costs</b>	
Financing Costs	\$ 12,000,000
<b>Total Financing Costs</b>	<b>\$ 12,000,000</b>
<b>City Administration</b>	
City Administration Costs	\$ 3,808,488
<b>Total Financing Costs</b>	<b>\$ 3,808,488</b>
<b>Total Other Project Costs</b>	<b>\$ 62,908,488</b>
<b>PROJECT PLAN TOTAL</b>	<b>\$ 128,908,488</b>



**Exhibit 2 – Net Revenue Schedule**

Tax Year (1)	Increment Revenue		Net Revenue (Increment Revenue less Transfers)
	City	Transfers	
2011	\$ -	\$ -	\$ -
2012	\$ 112,176	\$ 5,609	\$ 106,567
2013	\$ 290,642	\$ 14,532	\$ 276,110
2014	\$ 538,712	\$ 26,936	\$ 511,777
2015	\$ 799,186	\$ 39,959	\$ 759,227
2016	\$ 1,072,684	\$ 53,634	\$ 1,019,050
2017	\$ 1,359,857	\$ 67,993	\$ 1,291,864
2018	\$ 1,661,388	\$ 83,069	\$ 1,578,318
2019	\$ 1,977,996	\$ 98,900	\$ 1,879,096
2020	\$ 2,310,434	\$ 115,522	\$ 2,194,912
2021	\$ 2,284,318	\$ 114,216	\$ 2,170,102
2022	\$ 2,499,492	\$ 124,975	\$ 2,374,518
2023	\$ 2,725,425	\$ 136,271	\$ 2,589,154
2024	\$ 2,962,655	\$ 148,133	\$ 2,814,522
2025	\$ 3,211,746	\$ 160,587	\$ 3,051,159
2026	\$ 3,473,291	\$ 173,665	\$ 3,299,627
2027	\$ 3,747,914	\$ 187,396	\$ 3,560,519
2028	\$ 4,036,268	\$ 201,813	\$ 3,834,455
2029	\$ 4,339,040	\$ 216,952	\$ 4,122,088
2030	\$ 4,656,950	\$ 232,848	\$ 4,424,103
2031	\$ 4,436,228	\$ 221,811	\$ 4,214,416
2032	\$ 4,747,780	\$ 237,389	\$ 4,510,391
2033	\$ 5,074,910	\$ 253,745	\$ 4,821,164
2034	\$ 5,418,396	\$ 270,920	\$ 5,147,476
2035	\$ 5,779,056	\$ 288,953	\$ 5,490,103
2036	\$ 6,157,750	\$ 307,887	\$ 5,849,862
2037	\$ 6,555,378	\$ 327,769	\$ 6,227,609
2038	\$ 6,972,888	\$ 348,644	\$ 6,624,243
2039	\$ 7,411,273	\$ 370,564	\$ 7,040,709
2040	\$ 7,871,577	\$ 393,579	\$ 7,477,998
	\$ 104,485,409	\$ 5,224,270	\$ 99,261,139

**Notes:**

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2040
- (2) Base Year is Tax Year 2011
- (3) Projected Value for Tax Years 2011 to 2020 increases at an annual average  
and for Tax Years 2021 to 2040 at an annual average of 5.00%
- (4) Collection Rate for Tax Years 2011 to 2040 at 95%
- (5) Contribution Rate for Tax Years 2011 to 2040 is 75%
- (6) Transfers is 5% of Increment Revenue

**Exhibit 3 – Transfer Schedule**

Tax Year(1)	Base Value (2)	Projected Value (3)	Captured Appraised Value	Collection Rate (4)	Tax Rate	Gross Increment Revenue	Contribution Rate (5)	Increment Revenue	Transfers (6)	Net Revenue (Increment Revenue less Admin Fees)
2011	\$ 369,721,736	\$ 369,721,736	\$ -	95.00%	0.63875	\$ -	100.00%	\$ -	\$ -	\$ -
2012	\$ 369,721,736	\$ 388,207,823	\$ 18,486,087	95.00%	0.63875	\$ 112,176	100.00%	\$ 112,176	\$ 5,609	\$ 106,567
2013	\$ 369,721,736	\$ 417,618,214	\$ 47,896,478	95.00%	0.63875	\$ 290,642	100.00%	\$ 290,642	\$ 14,532	\$ 276,110
2014	\$ 369,721,736	\$ 458,499,125	\$ 88,777,389	95.00%	0.63875	\$ 538,712	100.00%	\$ 538,712	\$ 26,936	\$ 511,777
2015	\$ 369,721,736	\$ 501,424,081	\$ 131,702,345	95.00%	0.63875	\$ 799,186	100.00%	\$ 799,186	\$ 39,959	\$ 759,227
2016	\$ 369,721,736	\$ 546,495,285	\$ 176,773,549	95.00%	0.63875	\$ 1,072,684	100.00%	\$ 1,072,684	\$ 53,634	\$ 1,019,050
2017	\$ 369,721,736	\$ 593,620,049	\$ 224,098,313	95.00%	0.63875	\$ 1,359,857	100.00%	\$ 1,359,857	\$ 67,993	\$ 1,291,864
2018	\$ 369,721,736	\$ 643,511,052	\$ 273,789,316	95.00%	0.63875	\$ 1,661,388	100.00%	\$ 1,661,388	\$ 83,069	\$ 1,578,318
2019	\$ 369,721,736	\$ 695,686,604	\$ 325,964,868	95.00%	0.63875	\$ 1,977,996	100.00%	\$ 1,977,996	\$ 98,900	\$ 1,879,096
2020	\$ 369,721,736	\$ 750,470,934	\$ 380,748,198	95.00%	0.63875	\$ 2,310,434	100.00%	\$ 2,310,434	\$ 115,522	\$ 2,194,912
2021	\$ 369,721,736	\$ 787,994,481	\$ 418,272,745	95.00%	0.63875	\$ 2,538,131	90.00%	\$ 2,284,318	\$ 114,216	\$ 2,170,102
2022	\$ 369,721,736	\$ 827,394,205	\$ 457,672,469	95.00%	0.63875	\$ 3,028,250	90.00%	\$ 2,725,425	\$ 124,975	\$ 2,374,518
2023	\$ 369,721,736	\$ 868,763,915	\$ 499,042,179	95.00%	0.63875	\$ 3,291,839	90.00%	\$ 2,962,655	\$ 148,133	\$ 2,589,154
2024	\$ 369,721,736	\$ 912,202,111	\$ 542,480,375	95.00%	0.63875	\$ 3,568,607	90.00%	\$ 3,211,746	\$ 160,587	\$ 2,814,522
2025	\$ 369,721,736	\$ 957,812,217	\$ 588,090,481	95.00%	0.63875	\$ 3,859,213	90.00%	\$ 3,473,291	\$ 173,665	\$ 3,299,627
2026	\$ 369,721,736	\$ 1,005,702,828	\$ 635,981,082	95.00%	0.63875	\$ 4,164,349	90.00%	\$ 3,747,914	\$ 187,396	\$ 3,560,519
2027	\$ 369,721,736	\$ 1,055,987,969	\$ 686,266,233	95.00%	0.63875	\$ 4,494,743	90.00%	\$ 4,036,268	\$ 201,813	\$ 3,834,455
2028	\$ 369,721,736	\$ 1,108,787,367	\$ 739,065,631	95.00%	0.63875	\$ 4,821,156	90.00%	\$ 4,339,040	\$ 216,952	\$ 4,122,088
2029	\$ 369,721,736	\$ 1,164,226,736	\$ 794,505,000	95.00%	0.63875	\$ 5,174,389	90.00%	\$ 4,656,950	\$ 232,848	\$ 4,424,103
2030	\$ 369,721,736	\$ 1,222,438,073	\$ 852,716,337	95.00%	0.63875	\$ 5,545,285	90.00%	\$ 5,074,910	\$ 221,811	\$ 4,214,416
2031	\$ 369,721,736	\$ 1,283,559,976	\$ 913,839,240	95.00%	0.63875	\$ 5,934,725	90.00%	\$ 5,418,396	\$ 237,389	\$ 4,510,391
2032	\$ 369,721,736	\$ 1,347,737,975	\$ 978,016,239	95.00%	0.63875	\$ 6,343,637	90.00%	\$ 5,779,056	\$ 253,745	\$ 4,821,164
2033	\$ 369,721,736	\$ 1,415,124,874	\$ 1,045,403,138	95.00%	0.63875	\$ 6,772,995	90.00%	\$ 6,157,750	\$ 270,920	\$ 5,147,476
2034	\$ 369,721,736	\$ 1,485,881,117	\$ 1,116,159,381	95.00%	0.63875	\$ 7,223,820	90.00%	\$ 6,555,378	\$ 289,953	\$ 5,480,103
2035	\$ 369,721,736	\$ 1,560,175,173	\$ 1,190,453,437	95.00%	0.63875	\$ 7,697,187	90.00%	\$ 7,054,378	\$ 307,887	\$ 5,849,862
2036	\$ 369,721,736	\$ 1,638,183,932	\$ 1,268,462,196	95.00%	0.63875	\$ 8,194,222	90.00%	\$ 7,555,378	\$ 327,769	\$ 6,227,609
2037	\$ 369,721,736	\$ 1,720,093,129	\$ 1,350,371,393	95.00%	0.63875	\$ 8,716,109	90.00%	\$ 8,054,378	\$ 348,644	\$ 6,624,243
2038	\$ 369,721,736	\$ 1,806,097,785	\$ 1,436,376,048	95.00%	0.63875	\$ 9,264,091	90.00%	\$ 8,554,378	\$ 370,564	\$ 7,040,709
2039	\$ 369,721,736	\$ 1,896,402,674	\$ 1,526,680,938	95.00%	0.63875	\$ 9,839,471	90.00%	\$ 9,154,378	\$ 393,579	\$ 7,477,998
2040	\$ 369,721,736	\$ 1,991,222,808	\$ 1,621,501,072	95.00%	0.63875	\$ 10,485,409	90.00%	\$ 9,754,378	\$ 5,224,270	\$ 99,261,139

**Notes:**

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2040
- (2) Base Year is Tax Year 2011
- (3) Projected Value for Tax Years 2011 to 2020 increases at an annual average of 8.19% and for Tax Years 2021 to 2040 at an annual average of 5.00%
- (4) Collection Rate for Tax Years 2011 to 2040 is 95%
- (5) Contribution Rate for Tax Years 2011 to 2040 is 100% and varies on 10 year cycles from 100% to 80%
- (6) Transfers is 5% of Increment Revenue

The following photographs are taken within the proposed boundaries of the TIRZ and document existing conditions (See Figures 1 thru 6).



*Figure 1 (Left): Dilapidated structure, vicinity of Sampson and Harrisburg;  
Figure 2 (Right): Missing sidewalk at Harrisburg (future light rail alignment).*



*Figure 3 (Left): Vacant lot along Harrisburg adjacent to future light rail alignment.  
Figure 4 (Right): No sidewalks at Texas and Lockwood.*



*Figure 5 (Left): Illegal Dumping on North Velasco.  
Figure 6 (Right): Undeveloped parcel on North Velasco with Downtown skyline in background.*

The Project and Reinvestment Zone Financing Plan will create an investment tool for new construction and the redevelopment of the area. The proposed TIRZ will help finance approximately \$128 million of improvements and services needed to support the repositioning and revitalization of the East End. Those improvements include:

<b>SUBJECT:</b> Neo Gov Maintenance Agreement Payment		<b>Category</b> 1 of 1	<b>Page</b> #	<b>Agenda Item</b> <i>2</i>
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> October, 2011	<b>Agenda Date</b> OCT 12 2011	
<b>DIRECTOR'S SIGNATURE:</b> <i>Omar Reid</i>		<b>Council District affected:</b> ALL		
<b>For additional information contact:</b> Omar Reid Phone: (713) 837-9330		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approve the payment of \$57,000.00 to Government Jobs.com (Neo Gov) resulting from a maintenance agreement cost for the Neo Gov Applicant Tracking System and interface with On Base (Personnel Action Request system).				
<b>Amount &amp; Source of Funding:</b> \$57,000.00 GENERAL FUND (1000)		<b>Budget:</b>		
<b>SPECIFIC EXPLANATION:</b>				
<b>I. Neo Gov Extract Maintenance Agreement</b>				
<p>The Human Resources Department recommends payment of \$57,000.00 to this vendor for maintenance of our Neo Gov applicant tracking system and interface between Neo Gov and On Base, the City's new automated Personnel Action Request system that replaced the current paper 201 process.</p> <p>The City has had the Neo Gov applicant tracking system since 2006 and paid a \$50,000.00 maintenance fee annually which is now due. However, because of the interface development and the goal of a completely paperless selection process, an additional amount of \$7000.00 has been billed by this vendor resulting in the department having to pay a vendor over \$50,001.00 in the same fiscal year and requiring Council Approval.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b> <i>Kelly Dunge</i>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of payment of FY 2012 Membership dues for the Water Research Foundation.

Category # 1

Page 1

Agenda Item # 3

FROM (Department or other point of origin):

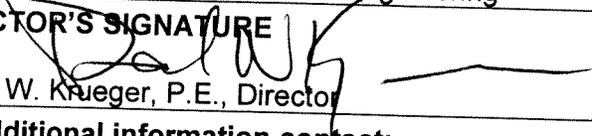
Department of Public Works and Engineering

Origination Date

Agenda Date

OCT 12 2011

DIRECTOR'S SIGNATURE

*WJF*  
  
Daniel W. Krueger, P.E., Director

Council District affected:

All

For additional information contact:

Yvonne W. Forrest  
Senior Assistant Director  
Phone: (832) 395-2847

Date and identification of prior authorizing Council action

RECOMMENDATION: (Summary)

That City Council approve payment of FY 2012 Membership dues to the Water Research Foundation.

Amount and Source of Funding:

\$252,183.58 - Water and Sewer System Operating Fund (8300)

Finance Department:

9/14/11 

SPECIFIC EXPLANATION:

**BACKGROUND:** The Water Research Foundation is a member-supported, international nonprofit 501(c)3 organization. Formed in 1966, they are the nation's only research foundation devoted to drinking water research and governed by water utilities.

**PURPOSES:** The City of Houston, along with other member utilities, asks the Water Research Foundation to solicit research proposals on identifying the best available technology, such as granular activated carbon, membrane technology, ion exchange and alternate disinfectants for the removal of contaminants which have been identified as candidates for regulation or which are being proposed for regulation. The foundation also adopts research projects that deal with the study of new technologies which could help treatment plants operate more efficiently and economically or for research which could evaluate the risks and/or cost benefits associated with regulating certain contaminants.

The program is international in scope and the results will benefit all water utilities, including the City of Houston and its customers. The primary benefit that they offer to the City of Houston, and to all utility subscribers, is participation in a centralized research program that is directed by and conducted on behalf of the drinking water community.

As a result of the program, the drinking water community has realized savings of millions of dollars annually; The Foundation has demonstrated the value of an industry-sponsored research program that benefits the drinking water community and the customer.

**BENEFITS:** As a member of the Water Research Foundation, the City of Houston will receive research on today's most complex challenges. With the long list of proposed regulations now facing the water industry in the short term, this membership will continue to play a vital role in ensuring that the City of Houston is ready to meet these regulations in an efficient and timely manner.

**DUES:** Annual subscription cost is determined by the volume of water treated by the City of Houston multiplied by our subscription rate of \$2.25 per million gallons minus water sold to other utilities and minus any unmetered water. This calculation has yielded a subscription amount of \$252,183.58

REQUIRED AUTHORIZATION

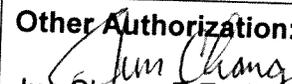
CUIC ID #20YWF16

Finance Department

Other Authorization:

  
Yvonne W. Forrest  
Senior Assistant Director

Other Authorization:

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Accept Work – Pyramid Constructors, LLP for Hurricane Ike Permanent Repairs at William P. Hobby Airport (HOU) and Ellington Airport (EFD), Project No. 630 (WBS# A-000595-0001-4-01; Contract No. 4600009815)

**Category #**

**Page 1 of 1**

**Agenda Item #**

4

**FROM (Department or other point of origin):**  
Houston Airport System

**Origination Date**  
September 12, 2011

**Agenda Date**  
OCT 12 2011

**DIRECTOR'S SIGNATURE:** *M. Kae*

**Council District affected:**  
E, I

*cup*  
*Maud Swan*

**For additional information contact:**  
Lance Lytle *LL* Phone: 281-233-1889  
Robert Bielek *RB* 281-233-1941

**Date and identification of prior authorizing Council action:**  
08/05/2009 (O) 2009-715

**AMOUNT & SOURCE OF FUNDING:**  
N/A

**Prior appropriations:**  
08/05/09.....\$7,237,803.84  
Arpt R&R Fd (8010)

**RECOMMENDATION: (Summary)**

Pass a motion to approve the final contract amount of \$6,695,396.09 or 2.7 percent more than the original contract amount, accept work, and authorize final payment.

**SPECIFIC EXPLANATION:**

The contractor, Pyramid Constructors, LLP, has completed all work required under this contract in the amount of \$6,520,544.00 for Hurricane Ike Permanent Repairs at William P. Hobby Airport (HOU) and Ellington Airport (EFD). During construction, the Houston Airport System inspected this project.

The final amount of the contract, including Change Order Nos. 1, 2, 3 & 4 in the amount of \$482,348.70 and line item under-runs in the amount of \$307,496.61, will be \$6,695,396.09, which is 2.7 percent more than the original contract amount. Changes were for unforeseen conditions that were undetermined at the time of design and necessitated additional roof, ceiling drywall and wall panel repairs, painting, resealing of expansion joints, radar antenna relocation, remediation/abatement of mold and asbestos, and replacement of canopy.

Pyramid Constructors, LLP achieved 40.54% M/S/WBE participation on a 25.0% goal. The HAS Office of Business Opportunity gave Pyramid Constructors, LLP an "Outstanding" rating for M/W/SBE and contract compliance.

**REQUIRED AUTHORIZATION**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Request for the abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1. **Parcels SY11-059A, SY11-059B, AY12-040, LY12-006, and KY12-041**

Page  
1 of 2

Agenda Item #

5

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

Origination Date

Agenda Date

OCT 12 2011

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**

Council District affected: H

Daniel W. Krueger, P.E., Director

Key Map: 453U

**For additional information contact:**

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

Nancy P. Collins Phone: (832) 395-3130  
Senior Assistant Director-Real Estate

**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1. **Parcels SY11-059A, SY11-059B, AY12-040, LY12-006, and KY12-041**

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

**SPECIFIC EXPLANATION:**

Gilbert Guzman, Land Maps and Surveys, Inc., 815 Tidwell Road, Suite A, Houston, Texas, 77022, on behalf of Homer Hinojosa, requested the abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, both in the Unrecorded Sharman Subdivision, John Austin Survey, A-1. Signs notifying the public of the pending right-of-way abandonment application were posted for at least thirty days. Homer Hinojosa, the abutting property owner, plans to include the subject rights-of-way into his commercial produce operations and construct a drive for a proposed warehouse near the subject rights-of-way.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request, subject to the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street. Therefore, it is recommended:

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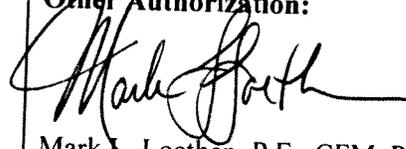
CUIC #20DOB9200

**REQUIRED AUTHORIZATION**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**



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

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1. <b>Parcels SY11-059A, SY11-059B, AY12-040, LY12-006, and KY12-041</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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1. The City abandon and sell Melwyn Street, from Fisk Street to Sharman Street, and sell ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1;
2. The City retain two 20-foot by 20-foot corner clips out of the existing right-of-way at the intersections of Cavalcade Street with Fisk Street and Sharman Street;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the rights-of-way being abandoned and sold;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Frank Flores, an independent appraiser appointed by the Director of Public Works and Engineering.

DWK:NPC:dob

- c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Marlene Gafrick  
Terry A. Garrison  
Daniel Menendez, P.E.  
Jeffery Weatherford, P.E., PTOE



**SUBJECT:** Abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. **Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005**

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1 of 3

Agenda Item #

6

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

10/6/11

OCT 12 2011

**DIRECTOR'S SIGNATURE:**

**Council District affected: I**

*cuic*  
Dantel W. Krueger, P.E., Director

*[Signature]*

**Key Map: 534G**

**For additional information contact:**

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

Nancy P. Collins                      **Phone:** (832) 395-3130  
Senior Assistant Director-Real Estate

Ordinance 2003-1282 (12/17/03)

**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. **Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005**

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

**SPECIFIC EXPLANATION:**  
Roksan Okan-Vick, Executive Director of Houston Parks Board, 300 North Post Oak Lane, Houston, Texas 77024, in collaboration with Harris County Flood Control District (HCFCD), requested the abandonment and sale of: (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. Signs notifying the public of the pending street abandonment application were posted for at least thirty days.

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CUIC #20TP9214

**REQUIRED AUTHORIZATION**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

*[Signature]*  
Eric K. Dargan  
Deputy Director  
Street and Drainage Division

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

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>3</u>
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Houston Parks Board, in collaboration with Harris County Flood Control District, will construct a linear park along Brays Bayou. The existing Wheeler Street Bridge will be removed and a new bridge will be built at Lidstone Street. The new Lidstone Street Bridge will connect at Old Spanish Trail (State Highway 90). The Wheeler Street Bridge Replacement at Lidstone Street is part of the Brays Bayou Flood Damage Reduction Plan Interlocal Agreement between the City of Houston and Harris County Flood Control District approved by City Council on December 17, 2003.

As part of Houston Parks Board's program, it seeks donations of land and other assets to benefit the park system. Houston Parks Board acquired four parcels of land: (1) Aron Ledet Park at 6500 Antoine Drive; (2) Sunflower Park at 5000 Sunflower Street; (3) Roark Street at Brays Bayou; and (4) Giraud Street at Brays Bayou. The properties will be conveyed to Parks and Recreation Department in exchange for the abandonment and sale of Wheeler Street and Lidstone Street rights-of-way.

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

1. The City abandon and sell (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51
2. The applicants be required to obtain a letter of no objection from each of the privately owned utility companies for the rights-of-way being abandoned and sold;
3. The applicants be required to (a) cut, plug and abandon the 18-inch storm sewer line in Wheeler Street to its terminus, (b) eliminate the public street appearance of Wheeler Street along the northwest side of Old Spanish Trail, (c) redesign and reconstruct the intersection of Wheeler Street at Old Spanish Trail by converting three westbound approach lanes on Wheeler Street to two lanes and eliminate the turn storage on Old Spanish Trail onto westbound Wheeler Street, (d) keep Wheeler Street or Lidstone Street open during construction of the new Lidstone Bridge, and (e) all of the foregoing items must be completed at no cost to the City and under the proper permits;
4. The applicants be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W.L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51. <b>Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005</b>	<b>Originator's Initials</b>  JP	<b>Page</b> <u>3</u> of <u>3</u>
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- 5. The Legal Department be authorized to prepare the necessary transaction documents; and
- 6. In as much as the value of the City's property interest is expected to exceed \$1,000,000.00, the Director of Public Works and Engineering recommends City Council appoint the following two independent appraisers, David Dominy and Tom Edmonds.

DWK:NPC:tp

- c: Jun Chang, P.E., D.WRE
- Marta Crinejo
- Eric Dargan
- David Feldman
- Marlene Gafrick
- Terry A. Garrison
- Daniel Menendez, P.E.
- Joe Turner
- Jeffery Weatherford, P.E., PTOE

**PARCEL MAP**  
Abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street (SY11-105A), (2) Wheeler Street, from Lidstone Street to Brays Bayou (SY11-105B), (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail (SY11-105C), and (4) a 228 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37 (SY12-016), (5) Lidstone Street, from the former Lidstone Street to Brays Bayou (SY12-014 and SY12-015), in exchange for the conveyance to the City of (1) a 20-foot-wide storm sewer easement (LY12-045), (2) a 224,148 square feet of right-of-way for the relocation of Lidstone Street (AY11-250, AY11-251, AY11-252), (3) four fee-owned parcels for park purposes (BY11-002 through BY11-005), and (4) a cul-de-sac in Renshaw Street north of Old Spanish Trail (AY12-045), all located in the W.L. Edmondson Fifth Addition and/or the Resubdivision of a part of the W.L. Edmondson Seventh Addition, out of the Luke Moore Survey, Abstract 51, Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-045, and BY11-002 through BY11-005.

**NOTES:**  
1. BEARING, DISTANCE AND COORDINATES ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83). ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. THE DISTANCES LISTED TO THE EAST OF A RANGE OF PARCELS ARE BASED ON THE 1:10000 SCALE MAP OF 1:100000.  
2. THE MAP IS ACCOMPANIED BY A SUMMARY SHEET AND A SUMMARY OF DATA SHEET.  
3. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
4. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
5. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
6. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
7. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
8. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
9. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.  
10. THIS SURVEY IS SUBJECT TO THE RECORDS OF THE HARRIS COUNTY FLOOD CONTROL DISTRICT.

**ABBREVIATIONS:**  
HARRIS COUNTY FLOOD CONTROL DISTRICT  
HARRIS COUNTY FLOOD CONTROL DISTRICT

**LEGEND:**  
SY - SURVEY  
AY - ADDITION  
BY - BAYOU  
LY - LIDSTONE  
W.L. EDMONDSON FIFTH ADDITION  
W.L. EDMONDSON SEVENTH ADDITION  
LUKE MOORE SURVEY, ABSTRACT 51

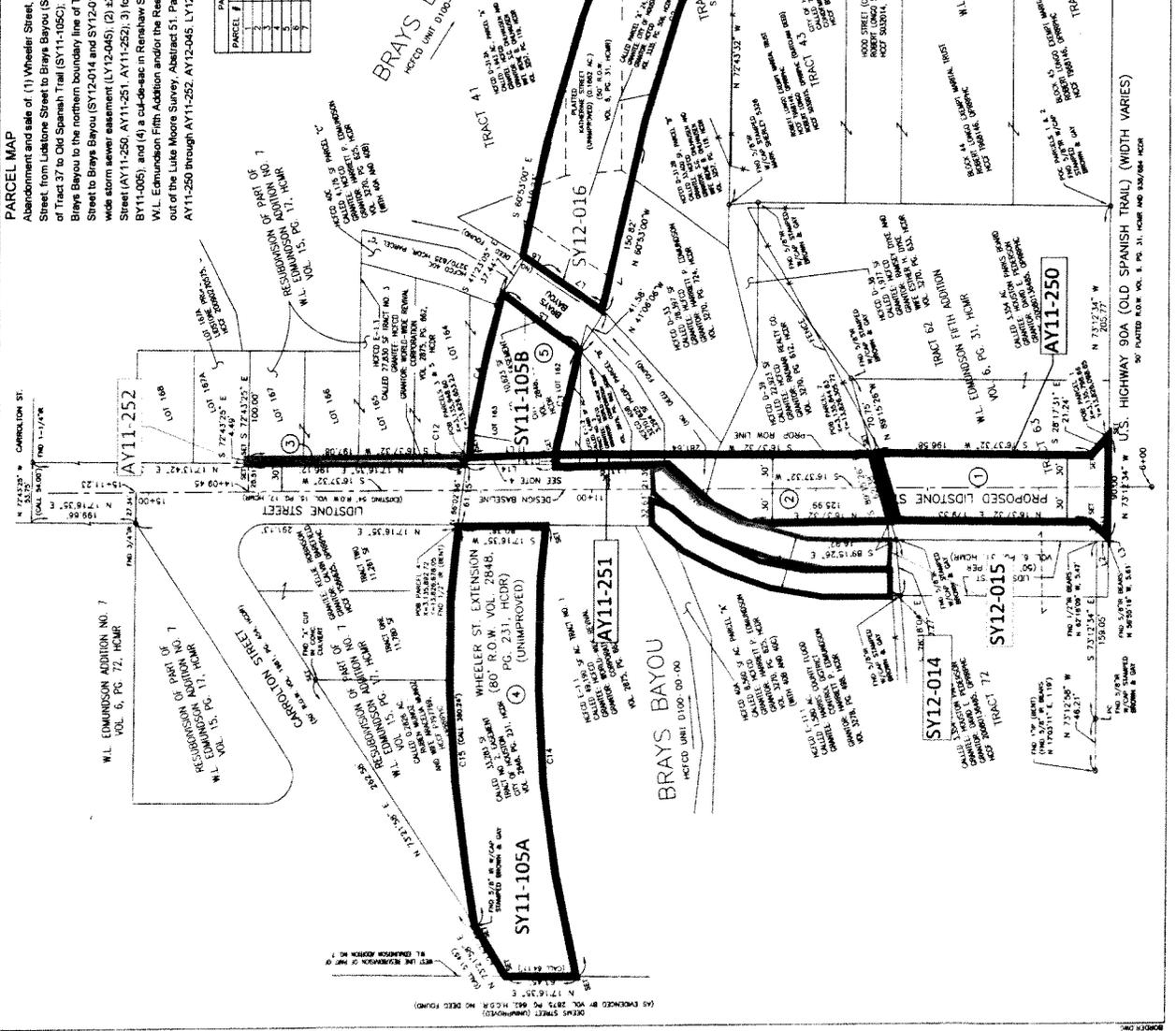
**LINE TABLE:**

Count	Bearing	Distance
1	N 163°37'42" E	81.03
2	S 72°43'25" E	100.00
3	S 72°43'25" E	100.00
4	S 72°43'25" E	100.00
5	S 72°43'25" E	100.00
6	S 72°43'25" E	100.00
7	S 72°43'25" E	100.00
8	S 72°43'25" E	100.00
9	S 72°43'25" E	100.00
10	S 72°43'25" E	100.00
11	S 72°43'25" E	100.00
12	S 72°43'25" E	100.00
13	S 72°43'25" E	100.00
14	S 72°43'25" E	100.00
15	S 72°43'25" E	100.00
16	S 72°43'25" E	100.00
17	S 72°43'25" E	100.00
18	S 72°43'25" E	100.00
19	S 72°43'25" E	100.00
20	S 72°43'25" E	100.00
21	S 72°43'25" E	100.00
22	S 72°43'25" E	100.00
23	S 72°43'25" E	100.00
24	S 72°43'25" E	100.00
25	S 72°43'25" E	100.00
26	S 72°43'25" E	100.00
27	S 72°43'25" E	100.00
28	S 72°43'25" E	100.00
29	S 72°43'25" E	100.00
30	S 72°43'25" E	100.00
31	S 72°43'25" E	100.00
32	S 72°43'25" E	100.00
33	S 72°43'25" E	100.00
34	S 72°43'25" E	100.00
35	S 72°43'25" E	100.00
36	S 72°43'25" E	100.00
37	S 72°43'25" E	100.00
38	S 72°43'25" E	100.00
39	S 72°43'25" E	100.00
40	S 72°43'25" E	100.00
41	S 72°43'25" E	100.00
42	S 72°43'25" E	100.00
43	S 72°43'25" E	100.00
44	S 72°43'25" E	100.00
45	S 72°43'25" E	100.00
46	S 72°43'25" E	100.00
47	S 72°43'25" E	100.00
48	S 72°43'25" E	100.00
49	S 72°43'25" E	100.00
50	S 72°43'25" E	100.00

**PARCEL AREA TABLE:**

Parcel #	Acres	Square Feet
1	0.2413	10,643
2	0.2413	10,643
3	0.2413	10,643
4	0.2413	10,643
5	0.2413	10,643
6	0.2413	10,643
7	0.2413	10,643
8	0.2413	10,643
9	0.2413	10,643
10	0.2413	10,643
11	0.2413	10,643
12	0.2413	10,643
13	0.2413	10,643
14	0.2413	10,643
15	0.2413	10,643
16	0.2413	10,643
17	0.2413	10,643
18	0.2413	10,643
19	0.2413	10,643
20	0.2413	10,643
21	0.2413	10,643
22	0.2413	10,643
23	0.2413	10,643
24	0.2413	10,643
25	0.2413	10,643
26	0.2413	10,643
27	0.2413	10,643
28	0.2413	10,643
29	0.2413	10,643
30	0.2413	10,643
31	0.2413	10,643
32	0.2413	10,643
33	0.2413	10,643
34	0.2413	10,643
35	0.2413	10,643
36	0.2413	10,643
37	0.2413	10,643
38	0.2413	10,643
39	0.2413	10,643
40	0.2413	10,643
41	0.2413	10,643
42	0.2413	10,643
43	0.2413	10,643
44	0.2413	10,643
45	0.2413	10,643
46	0.2413	10,643
47	0.2413	10,643
48	0.2413	10,643
49	0.2413	10,643
50	0.2413	10,643

**SURVEY OF SEVEN PARCELS OF LAND LOCATED IN THE LUKE MOORE SURVEY, ABSTRACT 51, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.**

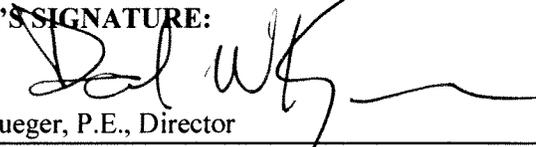


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Request for the abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A.C. Reynolds Survey. Parcel SY12-009	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 7
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> OCT 12 2011
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> C 	<b>Key Map:</b> 492V
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<b>For additional information contact:</b> Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A.C. Reynolds Survey. Parcel SY12-009

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

**SPECIFIC EXPLANATION:**  
Daniel E. Rowsey, 821 Reinicke Street, Houston, Texas 77007, requested the abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A.C. Reynolds Survey. Daniel Rowsey, the property owner, would like to construct a multi-story single family residence in the location of the subject easement.

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

1. The City abandon and sell a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A.C. Reynolds Survey;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interest is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

DWK:NPC:tp  
c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Marlene Gafrick  
Terry A. Garrison  
Daniel Menendez, P.E.

z:\tp\sy12-009.rcal.doc CUIC #20TP9232

REQUIRED AUTHORIZATION

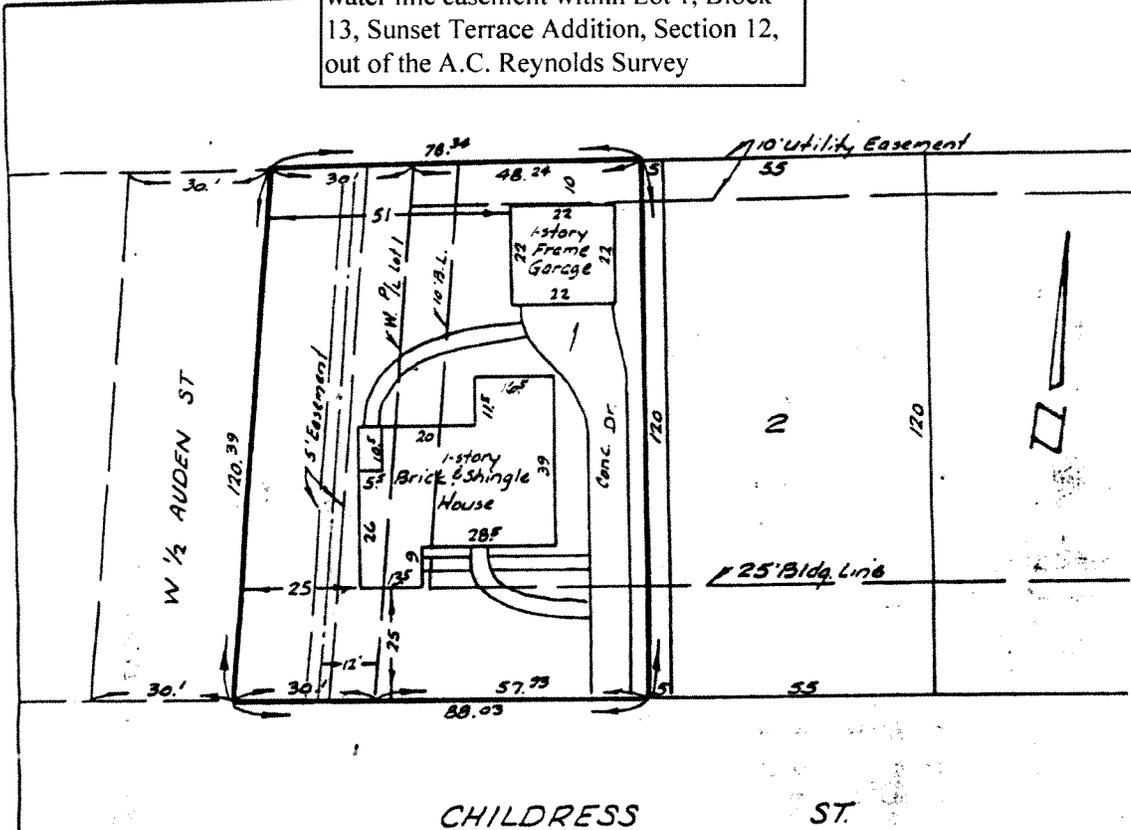
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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PARCEL MAP-SY12-009

Copy  
①

F. 9059-3

Abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A.C. Reynolds Survey



CHILDRESS ST.

AUDEN ST.

PLAT OF PROPERTY

LOT 1 - Less & Except East 5' thereof - BLOCK 13 in  
SUNSET TERRACE SECTION 12 and the adjoining  
abandoned East 1/2 of Auden Street between Childress Street  
and S.A. & A.P.R.R. described in Vol. 2057 Pg. 131 Deed Records  
An Addition in Harris County, Texas

Scale: 1" = 30'

Date 2-13-74

I certify this is a plat of property, made under my supervision, located at 3786 Childress St.  
The property of George Bruce Craig A subdivision in the  
Survey, as recorded in Volume 26 Page 42 of the Map Records of Harris County, Texas.  
There are no encroachments and all improvements are within the boundary lines.

Note: Unless stated, do not use for construction purposes

*B. K. McDuffie*

B. K. McDuffie  
Registered Public Surveyor  
Reg. No. 791



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9181**

**Subject:** Spending Authority to Address Emergency Repair of Water Line Breaks for the Public Works & Engineering Department  
S12-E24096

Category #  
4

Page 1 of 1

Agenda Item

8

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

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

**Origination Date**

September 22, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve spending authority to address emergency repair of water line breaks in an amount not to exceed \$512,598.12 for the Public Works and Engineering Department.

Estimated Spending Authority: \$512,598.12

**F & A Budget**

\$512,598.12 - Water and Sewer System Operating Fund (Fund 8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve emergency spending authority in an amount not to exceed \$512,598.12 for emergency water line break repairs and that authorization be given to issue automated (SAP) purchase orders and allow progress payments without further Council action to the contractors listed below.

<b>CONTRACTOR</b>	<b>NOT TO EXCEED AMOUNT</b>
1. Tikon Group	\$209,872.64
2. Desert Eagle, LLC	\$138,362.64
3. Congo, LLC	\$ 92,852.84
4. Bond Restoration, Inc.	\$ 71,510.00

Since June 2011, the City of Houston began experiencing an extraordinary amount of water line breaks citywide due to extreme hot weather and drought conditions. The ruptured water lines flooded intersections, allowed soil to enter the storm sewer systems, deteriorated the roadways sub-base material and reduced the amount of potable water and water pressure available, posing an immediate public safety and health hazard. The Strategic Purchasing Division issued emergency purchase orders to the contractors listed above to address these emergencies. Tikon Group has been issued three emergency purchase orders, Desert Eagle, LLC has been issued two and the other two companies one each. The augmentation of the contractors' crews enables the Department to respond more quickly to water line breaks throughout the City.

The scope of work requires the contractors to provide all labor, materials, equipment, supervision and transportation necessary to repair various sizes of potable water lines citywide. The contractors' responsibilities include, but are not limited to mobilizing and providing traffic control; protecting and securing existing trees and plants; removing and replacing concrete esplanades, curbs and pavement; trenching, excavating, welding, repairing and replacing the ruptured water lines as applicable; and restoring the disturbed property to its original condition. The work also includes removal of all debris and excess project materials upon completion.

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

Buyer: Martin L. King

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

A

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9133**

**Subject:** Approve Rental of Various Types of Construction Equipment through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for the Public Works & Engineering Department/E24082

Category #  
4

Page 1 of 2

Agenda Item

9

**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 12 2011

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

**Council District(s) affected**  
All

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve spending authority in an amount not to exceed \$754,568.00 to rent various types of construction equipment through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for the Public Works & Engineering Department.

Estimated Spending Authority: \$754,568.00

**Finance Budget**

\$715,568.00 - PWE - Water & Sewer System Operating Fund (8300)  
\$ 39,000.00 - PWE - Dedicated Drainage & Street Renewal (2310)

-----  
\$754,568.00 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve spending authority in an amount not to exceed \$754,568.00 to rent various types of construction equipment through the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with U.S. Communities to address the emergency repair of water line breaks throughout the City for the Public Works & Engineering Department; and that authorization be given to issue purchase orders, as needed, to the U.S. Communities Lead Public Agency contractor, Hertz Equipment Rental Corporation. The spending authority is expected to sustain the department for approximately 18 months (through the end of the contract term, March 31, 2014).

The various types of construction equipment that will be rented on an "as needed" basis include, but are not limited to the following: bobcats, forklifts, trash pumps, excavators, backhoes, skid steer loaders, articulating boom lifts, arrow boards, vibratory plate compactors and trucks. The aforementioned construction equipment will be utilized to supplement the City's fleet of construction equipment during this emergency period.

Under the MICPA with U.S. Communities, the contractor will provide various types of rental equipment to the Public Works & Engineering Department. The utilization of the MICPA allows the City to leverage existing U.S. governmental contracts with over 38,000 participating agencies with an estimated purchasing power of \$1.5 billion annually. Moreover, the City will receive the most favored nation rate.

The City is eligible to participate in the U.S. Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

BUYER: Gloria Jordan-King

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

03

Date: 9/16/2011	Subject: Approve Rental of Various Types of Construction Equipment through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for the Public Works & Engineering Department/E24082	Originator's Initials JH	Page 2 of 2
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**Estimated Spending Authority**

Department	Fund	FY12	Out Years	Total
Public Works & Engineering	2310	\$39,000.00	-	\$39,000.00
Public Works & Engineering	8300	\$372,784.00	\$342,784.00	\$715,568.00
Total		\$411,784.00	\$342,784.00	\$754,568.00

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9167**

**Subject:** Formal Bids Received to Furnish Rotary Lobe Sludge Pumps for the Public Works and Engineering Department  
S45-N24045

Category #  
4

Page 1 of 1

Agenda Item

10

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

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

**Origination Date**

September 19, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

"C"

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an award to Bevco Company, Inc. on its low bid in the amount of \$67,900.00 to furnish and deliver rotary lobe sludge pumps for the Public Works and Engineering Department.

Award Amount: \$67,900.00

**Finance Budget**

\$67,900.00 - PWE - Combined Utility System General Purpose Fund (8305)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Bevco Company, Inc. on its low bid in the amount of \$67,900.00 for rotary lobe sludge pumps for the Public Works and Engineering Department, and that authorization be given to issue a purchase order. These pumps will be used to pump sludge from the sludge tank to the belt presses that process sludge into dry products at the Keagans Bayou Sludge Plant, located at 9400 White Chapel Lane.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Bevco Company, Inc.	\$67,900.00
2. GEM Pumps Equipment	\$80,870.00

This purchase consists of two rotary lobe sludge pumps. These new pumps will come with a full one-year warranty and will replace two 30-year-old pumps for which replacement parts are not readily available in the United States. The life expectancy of the new pumps is 20 years. The old pumps will be stripped of salvageable parts and these parts will be placed in inventory and used to repair similar pumps in the Department's inventory. The unusable components will be sent to the Property Disposal Management Office for disposition.

Buyer: Sandy Yen  
PR#: 10129432

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9180**

**Subject:** Approve the Purchase of Mail Processing Services from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department S17-H24091

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 21, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve spending authority in an amount not to exceed \$564,000.00 for the purchase of mail processing services from the Texas Procurement and Support Services' Contract for the Public Works & Engineering Department.

Award Amount: \$564,000.00

**Finance Budget**

\$456,000.00 - Water & Sewer System Operating Fund (8300)  
\$108,000.00 - Dedicated Drainage & Street Renewal Fund (2310)

\$564,000.00

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve spending authority in an amount not to exceed \$564,000.00 for mail processing services from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program for the Public Works & Engineering Department (PWE) and that authorization be given to issue purchase orders, as necessary, to the State contractor, HOV Services, Inc. The spending authority is expected to sustain the department for approximately 5 months (through the end of the contract term, March 31, 2012).

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to implement the mail processing services that will provide the PWE, Utility Customer Service (PWEUCS) with an efficient bulk mail processing service. Additionally, the contractor is required to process and mail PWEUCS utility bills on a daily basis or as required by the PWEUCS. The PWEUCS estimates that the City currently generates approximately 25,000 utility bills per day or 525,000 bills per month. Furthermore, the contractor will be responsible for maintaining the security and/or confidentiality of all transmitted data files, which includes customer names, service addresses, and account numbers.

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

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT

DM

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

<b>SUBJECT</b> Ordinance implementing revisions to Houston Code of Ordinances Chapter 23.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 12
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> OCT 12 2011	
<b>DIRECTOR'S SIGNATURE</b> <i>Handwritten signature of Daniel W. Krueger</i> Daniel W. Krueger, P.E.		<b>Council District affected:</b> All <i>Handwritten initials</i>		
<b>For additional information contact:</b> <i>Handwritten signature of Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE (832) 395-2705		<b>Date and identification of prior authorizing Council action</b>		
<b>RECOMMENDATION: (Summary)</b> It is recommended that City Council adopt an ordinance approving revisions to Houston Code of Ordinances Chapter 23.				
<b>Amount and Source of Funding:</b> NO FUNDS REQUIRED				
<b>SPECIFIC EXPLANATION:</b>  The proposed amendments reorganize, consolidate and clarify Chapter 23 of the City of Houston Code of Ordinances, which regulates Lake Houston. The Lake is critical to the City's drinking water system, and this Chapter of the Code now emphasizes source water protection as Lake Houston's primary function while sustaining and regulating recreation and its other uses.  These revisions enhance water supply protection by restricting sensitive areas (five hundred feet on either side of dam, two hundred feet from certain pieces of equipment; no structures within ¼ mile of the dam or intake structures); by prohibiting open-type toilets within one thousand feet of the shoreline; by prohibiting new septic tanks; and by imposing stormwater quality controls on construction sites. Certain types of fertilizers cannot be applied within one thousand feet of the shoreline. Dredging, excavating and mining all will require a permit, and these revisions provide more flexibility to demonstrate financial assurance.  The proposed amendments also clarify certain permit and inspection and maintenance requirements for structures like bulkheads, piers, and boat ramps, as well as license requirements for shorelines and vessels. They delineate enforcement and protection measures and supervision responsibilities between the Public Works and Engineering Department and the Houston Parks and Recreation Department. Chapter 23 now includes a variance procedure. Boating regulation is now primarily by state law, but these provisions will continue to be administered by the Police Department.  The Water Resources Management Committee of City Council considered these revisions on Aug. 4, 2011.  As these amendments have rearranged almost all portions of Chapter 23, a red-line is not particularly helpful. However, derivation and disposition tables are attached to assist review.  cc: Marta Crinejo Jun Chang, P.E. Susan Bandy				
CUIC# 20IPB08				
<b>Finance Department</b>	<b>Other Authorization:</b> <i>Handwritten signature of Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division		<b>Other Authorization:</b> <i>Handwritten signature of Joe Turner</i> Joe Turner, Director Houston Parks and Recreation Department	

## DISPOSITION TABLE FOR CHAPTER 23

Former Sec. No.	Caption	New Sec. No.
	<i>ARTICLE I. IN GENERAL</i>	
23-1	<b>Supervision and control of recreation facilities</b>	Moved to Sec. 23-2; delineates supervision of recreational facilities to PARKS* and lake and all other facilities under control of PWE**; introduces concept of the use of the Lake as a source of city drinking water
23-2	<b>Rules and Regulations Authorized</b>	Moved to 23-4; Distinguishes PWE to adopt rules and regulations affecting water quality; and PARKS (along with PWE) to adopt rules and regulations regarding recreational activities; fees per Ch. 32 of Code;
23-3	<b>Commercial Enterprises</b>	Remains at 23-3; Adds that PARKS and PWE may issue permits for park concessions
23-4	<b>Construction of structures, canals, ditches, etc., generally</b>	Moved to 23-5; change in section caption; adds PWE authority to repair or demolish structures; City attorney authorized to enforce action necessary to collect costs associated repair/demolition
23-5	<b>Deposit of earth, dirt, sand, etc. prohibited</b>	Concept contained in 23-5; 23-36; 23-37; 23-38
23-6	<b>Deposit of glass, nails and other injurious substances prohibited</b>	Concept contained in 23-36; 23-37; 23-38
23-7	<b>Recreational activities and trespassing prohibited in canal from pumping station to purification plant</b>	Incorporated into new Sec. 23-7 entitled "Other restricted areas on the lake,"—changing "Lake Houston pumping station" to "any pumping station"; restricts the area (within one-quarter mile from the Lake Houston dam or any pumping station water intake structures) rather than specific activities.
23-8	<b>Recreational activities prohibited near pumping station water intake structure</b>	Moved to new 23-7; restricted area changed from one-half mile to one-quarter mile; restricts the area (within one-quarter mile from the Lake Houston dam or any pumping station water intake structures) rather than specific activities.

Former Sec. No.	Caption	New Sec. No.
23-9	<b>Hunting or discharging firearms</b>	Moved to 23-8; restricting firearm use from previous 5,000 feet from the shoreline requirement to on, over or across the lake"
23-10	<b>Persons disobeying rules and regulations to leave premises</b>	Moved to 23-10; revised but substantively unchanged
23-11	<b>Officers authorized to enforce chapter</b>	Moved to 23-9 entitled " <b>Persons</b> authorized to enforce chapter;" list of authorized persons revised and each person on that list is also defined separately in 23-1 of the defined terms.
23-12	<b>Recreational activities prohibited in cove adjacent to patrol facility</b>	Moved to 23-14; changes patrol facility address; the rest substantively unchanged
	<i>ARTICLE II. PIERS AND VESSELS IN GENERAL</i>	
	<i>DIVISION 1. GENERALLY</i>	
23-31	<b>Scope</b>	Concept contained in Sec. 23-1 under definition of "Lake Houston"; see also 23-4
23-32	<b>Definitions</b>	Moved to 23-1; some definitions deleted-some added (list attached as Exhibit 1); no revisions to other terms already a part of chapter.
23-33	<b>Construction permit required</b>	Moved to 23-76; specified for different areas (i.e., bulkheads, piers and boat ramps) rather than one inclusive section
23-34	<b>Alterations may be required prior to issuance of pier construction permit</b>	Moved to 23-97; minor changes
23-35	<b>Reserved</b>	Now "Prohibited sewage facilities"
23-36	<b>Maximum piers per residential lot</b>	Moved to 23-92; caption changed: "Only one pier per residential lot"
23-37	<b>Garbage and refuse receptacles</b>	Moved to 23-93; deleted that PWE Director shall provide receptacles for city-owned areas and other publicly-owned areas
23-38	<b>Mooring in open water</b>	Moved to 23-160; minor change
23-39	<b>Docking or mooring at piers</b>	Incorporated into 23-159, "Mooring and docking of vessels" with minor changes
23-40	<b>Abandonment of vessels or other property; anchoring at</b>	Moved to 23-161; adds an abandonment timeframe of 72 hours or in a waterlogged,

<b>Former Sec. No.</b>	<b>Caption</b>	<b>New Sec. No.</b>
	<b>prohibited anchorage</b>	sunken condition
23-41	<b>Pontoons, barrels and other containers to be permanently attached to vessel</b>	Moved to 23-12; minor change
23-42	<b>Prohibited sewage disposal facilities on vessels</b>	Moved to 23-33 and 23-34; slightly revised; specific area regarding sewage facilities entitled "Prohibited sewage facilities" added
23-43	<b>Vessels with cabins to have flush toilet connected to holding tank</b>	Moved to 23-162 entitled "Vessels with cabins to have sanitation device;" revises description of sanitation device and type
23-44	<b>Requirements of sewage holding tanks on vessels</b>	Concept contained in 23-152 and 23-162
23-45	<b>Vessel discharge fitting</b>	Concept contained in 23-162
23-46	<b>Disposal of sewage from holding tank</b>	Concept contained in 23-36; 23-37; 23-38; 23-162
23-47	<b>Inspection of piers and adjacent premises</b>	Moved to 23-95; changes inspection authority to PW official and health officer; adds commercial piers and adjacent premises subject to inspection
23-48	<b>Inspection of vessels</b>	Moved to 23-163; Deleted requirement regarding re-inspection of vessel
23-49	<b>Appeals from actions of director</b>	Moved to 23-183; title change to: Appeals; permits and licenses; changes process of appeals
23-50	<b>Arrest procedures</b>	Moved to 23-206; minor changes
	<i>DIVISION 2. PIER LICENSE</i>	
23-56	<b>Required</b>	Moved unchanged to 23-91;
23-57	<b>Application</b>	Concept contained in 23-91; 23-96; see also 23-4
23-58	<b>Investigation of application and inspections; fees</b>	Concept contained in 23-91; 23-96
23-59	<b>Alterations may be required prior to license</b>	Moved to 23-97; minor change
23-60	<b>Issuance; contents</b>	Concept contained in 23-91; 23-96
23-61	<b>Term</b>	Moved to 23-98; term deadline changed from may be submitted on or after September 1 of each year" to "times designated by the public works official".
23-62	<b>License tax (sic) generally</b>	Moved to 23-99; title corrected from "license tax" to "license tag;" minor revisions
23-63	<b>Display of license tag</b>	Moved unchanged to 23-100;
23-64	<b>Suspension</b>	Moved to 23-101 and changed to

<b>Former Sec. No.</b>	<b>Caption</b>	<b>New Sec. No.</b>
		"Revocation of License;" removes public hearing requirement
	<i>DIVISION 3. VESSEL LICENSE</i>	
23-65	<b>Required</b>	Concept contained in 23-152
23-66	<b>Application</b>	Concept contained in 23-180(c); see also 23-4
23-67	<b>Inspection upon receipt of application; fees</b>	Concept contained in 23-16; 23-150; 23-151; 23-154; 23-180(c)
23-68	<b>Issuance; contents</b>	Concept contained in 23-154; 23-180
23-69	<b>Term</b>	Moved to 23-155; minor change
23-70	<b>Issuance, size, contents, etc., of license tag</b>	Moved to 23-156 entitled "Issuance of license tag;" minor change
23-71	<b>Display of license tag; license to be on board in certain cases</b>	Moved to 23-157; minor change
23-72	<b>License and license tag void when illegible</b>	Concept contained in Sec. 23-156; 23-157
23-73	<b>Suspension of license</b>	Moved to 23-158; entitled "Revocation of vessel licenses; deletes reference to evidence needed to suspend license (e.g. inspection report) and timeframe to surrender license (48 hours)
	<i>ARTICLE III. BOATING REGULATIONS</i>	
23-76	<b>Definitions</b>	Moved to 23-1
23-77	<b>Scope</b>	Concept contained in 23-1 in definition of "Lake Houston"
23-78	<b>Classification of vessels</b>	Concept contained in 23-196
23-79	<b>Maximum occupancy of vessels</b>	Concept contained in 23-196
23-80	<b>Compliance with Coast Guard regulations and federal law</b>	Moved to 23-196 entitled "Compliance with state and federal law;" revised but not substantively changed
23-81	<b>Records to be kept by boat liveries</b>	Moved to 23-199; deleted reference to records to be kept for six months
23-82	<b>Use of siren</b>	Moved to 23-201; added "prohibited" to title; minor change
23-83	<b>Rules of the road</b>	Concept contained in 23-196
23-84	<b>Towing persons on water skis, aquaplanes, etc.</b>	Moved to 23-202; revised but not substantively (minor wording changes)
23-85	<b>Operation of airboats, similar</b>	Moved to 23-203; (a) "airboat" definition

<b>Former Sec. No.</b>	<b>Caption</b>	<b>New Sec. No.</b>
	<b>circumstances</b>	moved to 23-1 (b) becomes (a) and a new (b) is added: It is a defense to prosecution under this section that the operator is a person designated by the public works director, or by section 23-9 of this chapter, engaged in official business.
23-86	<b>Regattas, races, tournament or exhibitions</b>	Moved to 23-204 entitled "Event permit required for certain recreational activities;" revised in its entirety
23-87	<b>Collisions, accidents and casualties</b>	Moved to 23-205; minor change to property damage amount (\$100 to \$500)
23-88	<b>Arrest procedure</b>	Moved to unchanged to 23-206;
	<i>ARTICLE IV. WATER SUPPLY PROTECTION</i>	
23-101	<b>Definitions</b>	Moved to 23-1
23-102	<b>Wells</b>	Moved to 23-32; definition of "well" includes water well, otherwise identical
23-103	<b>Septic tanks or other sewage disposal systems</b>	Concept contained in 23-33; 23-34; 23-36; 23-37
23-104	<b>Permit to use septic tank near normal water's edge</b>	Concept contained in 23-33; 23-34; 23-36; 23-37
23-105	<b>Privies, outhouses, etc.</b>	Concept contained in 23-33; 23-34; 23-36; 23-37
23-106	<b>Permits not transferable; appeals from decisions of city officials</b>	Moved to 23-182 and 23-183; see also 23-4
23-107	<b>Penalty</b>	Moved to 23-16 entitled "Fines" defines range of fine limit from not less than \$100 to \$2000.00 to two categories of fines from \$100 to \$500 ( <i>when no penalty is provided</i> ) and fines ranging from \$100 to \$2000 ( <i>violations of provisions of articles II and III [public health and sanitation, respectively]</i> )
23-108	<b>Discharges to comply with other laws; civil actions to enforce</b>	Moved to 23-36, 23-37, and 23-38 entitled "Disposal of waste prohibited"
	<i>ARTICLE V. DREDGING OR EXCAVATING OPERATIONS</i>	
	<i>DIVISION I. GENERALLY</i>	
23-136	<b>Inspection of facilities</b>	Moved to 23-58; changes authority from

Former Sec. No.	Caption	New Sec. No.
		"building official and the utility official" to public works official
23-137	<b>Penalty</b>	Moved to 23-16 and 23-17
23-138 to 23-145	<b>Reserved</b>	
	<i>DIVISION 2. PERMIT</i>	
23-146	<b>Required</b>	Moved to 23-59 entitled "Possession and display of permit;" added language regarding compliance and authorized person to request copy of permits from person in charge of operation
23-147	<b>Application</b>	Concept contained in 23-56 and 23-57; 23-178;
23-148	<b>Bond</b>	Moved to 23-60; bond amount increased from \$10,000 to \$1 million; compliance language regarding applicable law added and bond is in addition to required insurance
23-149	<b>Fee</b>	Moved to 23-16
23-150	<b>Issuance</b>	Concept contained in 23-56 and 23-57; 23-178
23-151	<b>Contents</b>	Concept contained in 23-56 and 23-57; 23-178
23-152	<b>Possession and display</b>	Concept contained in 23-59
23-153	<b>Expiration and renewal</b>	Moved to 23-61 entitled "Expiration;" timeframe changed from 60 days to 365 days for expiration date;
23-154	<b>Exceptions</b>	Concept contained in 23-179
	<b>ARTICLE VI. AIRCRAFT REGULATIONS</b>	Deleted
23-165	<b>Generally</b>	Deleted
23-166	<b>Low level flying</b>	Deleted

\*Parks = Parks Director

\*\*PWE = Public Works Director

EXHIBIT 1

<b><u>New terms:</u></b>		
<i>airboat</i>	<i>health officer</i>	<i>public works official</i>
<i>approved</i>	<i>license</i>	<i>sanitary vessel license</i>
<i>boat ramp</i>	<i>limits of the lake</i>	<i>shoreline</i>
<i>bulkhead</i>	<i>motorboat</i>	<i>shoreline license</i>
<i>chief of police</i>	<i>mine</i>	<i>spillway elevation</i>
<i>commercial shoreline</i>	<i>normal water level</i>	<i>vessel livery</i>
<i>control area</i>	<i>operate</i>	<i>waste</i>
<i>dispose</i>	<i>parks director</i>	<i>water supply protection area</i>
<i>dredge</i>	<i>parks official</i>	
<i>grade</i>	<i>public works director</i>	
<b><u>Deleted Terms:</u></b>		
<i>annual vessel license</i>	<i>drain</i>	<i>sanitary pier</i>
<i>director</i>	<i>holding tank vent</i>	<i>vacuum pump facility</i>
<i>discharge fitting</i>	<i>month vessel license</i>	

## DERIVATION TABLE FOR CHAPTER 23

New Sec. No.	New Caption	Derived from
	<b><i>ARTICLE I. IN GENERAL</i></b>	
23-1	<b>Definitions</b>	23-32; 23-101
23-2	<b>Supervision and control</b>	23-1
23-3	<b>Commercial enterprises</b>	23-3
23-4	<b>Rules and regulations</b>	23-2; previously authorized only Dir. of Parks now expanded to include public works director, and Parks Dir. in consultation with PW Dir., to adopt rules and regulations; and shall be governed by Ch. 32
23-5	<b>Construction of structures on or in Lake Houston</b>	23-4
23-6	<b>Restricted areas: Lake Houston Dam and water supply facilities</b>	23-7; 23-8; 23-12
23-7	<b>Other restricted areas on the lake</b>	23-7; 23-8; 23-12
23-8	<b>Hunting or discharging firearms</b>	23-9
23-9	<b>Persons authorized to enforce chapter</b>	23-11
23-10	<b>Persons disobeying rules or regulations to leave premises</b>	23-10
23-11	<b>Camping only in designated locations</b>	23-7; 23-8; 23-12
23-12	<b>Pontoons, barrels, and other containers to be permanently attached</b>	23-41
23-13	<b>Swimming prohibitions</b>	23-7; 23-8; 23-12
23-14	<b>Recreational activities prohibited in cove adjacent to patrol facility</b>	23-12
23-15	<b>Fees</b>	23-58
23-16	<b>Fines</b>	23-5; 23-107; 23-137
23-17	<b>Remedies</b>	23-108
	<b><i>ARTICLE II. WATER SUPPLY PROTECTION</i></b>	
23-31	<b>Deteriorated structures in the water supply protection area</b>	23-4; 23-5; 23-6; 23-108
23-32	<b>Wells</b>	23-102
23-33	<b>Prohibited sewage facilities</b>	23-105
23-34	<b>New on-site sewage facilities prohibited; other restrictions</b>	23-103; 23-104
23-35	<b>Fuel storage tanks</b>	New
23-36	<b>Disposal of waste prohibited</b>	23-103; 23-105
23-37	<b>Discharges to comply with other laws</b>	23-108

<b>New Sec. No.</b>	<b>New Caption</b>	<b>Derived from</b>
23-38	<b>Discharges in water supply protection area</b>	23-108 ( section expanded to specifically address "waste" as opposed to "all discharges" and specified "canal, ditch, or storm drain in the water supply protection area" rather than "Lake Houston or its control area;" and added the prohibition of "specialty fertilizer to land" in the water protection area; also gives City Atty. power to collect from owner the cost of cleanup and removal..
23-39	<b>Commercial operations</b>	23-3; 23-108
23-40	<b>Water supply protection from construction</b>	23-3; 23-4; 23-108; ("water supply protection area"- combines "control area" with the 1000' buffer from the well prohibition)
	<b>ARTICLE III. DREDGING, EXCAVATING AND MINING</b>	
23-56	<b>Dredging, excavating or mining prohibited without permit</b>	Now includes mining; 23-146
23-57	<b>Requirements</b>	23-147
23-58	<b>Inspection of facilities</b>	23-136
23-59	<b>Possession and display of permit</b>	23-151; 23-152
23-60	<b>Financial assurance; indemnity; certification of compliance</b>	23-148
23-61	<b>Term</b>	23-153
	<b>ARTICLE IV. LAKE HOUSTON CONSTRUCTION AND STRUCTURES</b>	
	<b>DIVISION 1. BULKHEADS</b>	
23-76	<b>Construction permit required</b>	23-4; 23-33;
23-77	<b>Bulkhead, inspections and maintenance</b>	23-47
	<b>DIVISION 2. PIERS</b>	
23-91	<b>Construction permit required</b>	23-33;
23-92	<b>Only one pier per residential lot</b>	23-36
23-93	<b>Garbage and refuse receptacles</b>	23-37
23-94	<b>Piers with more than two licensed vessels</b>	23-39

<b>New Sec. No.</b>	<b>New Caption</b>	<b>Derived from</b>
23-95	<b>Inspection of piers and adjacent premises</b>	23-47
23-96	<b>Annual pier license required</b>	23-61
23-97	<b>Alterations may be required prior to issuance</b>	23-59
23-98	<b>Term</b>	23-61
23-99	<b>License tag generally</b>	23-62
23-100	<b>Display of license tag</b>	23-63
23-101	<b>Revocation of license</b>	23-64
	<b>DIVISION 3. JETTIES PROHIBITED</b>	A new separate division
23-116	<b>Requirements</b>	23-4
23-117	<b>Maintenance</b>	23-47
	<b>DIVISION 4. BOAT RAMPS</b>	
23-131	<b>Construction permit required</b>	23-33;
23-132	<b>Other requirements</b>	23-33;
23-133	<b>Maintenance</b>	23-47; 23-48; 23-58; 23-67
	<b>ARTICLE V. SHORELINE AND VESSEL LICENSE</b>	
	<b>DIVISION 1. SHORELINE LICENSE</b>	New division
23-146	<b>Shoreline license required</b>	New
23-147	<b>Commercial shoreline license required</b>	New; see old Sec. 23-39
23-148	<b>Term</b>	New; see old Sec. 23-61
23-149	<b>License tag generally</b>	New; see old Sec. 23-62
23-150	<b>Display of license tag</b>	New; see old Sec. 23-63
23-151	<b>Revocation of license</b>	New; see old Sec. 23-64
	<b>DIVISION 2. VESSEL LICENSE</b>	
23-152	<b>Vessel license required</b>	23-65;
23-153	<b>Listing of mooring location</b>	New; see old Secs. 23-38; 23-39
23-154	<b>Inspection upon receipt of application</b>	23-67
23-155	<b>Term</b>	23-69
23-156	<b>Issuance of license tag</b>	23-70
23-157	<b>Display of license tag; license to be on board in certain cases</b>	23-71
23-158	<b>Revocation of vessel licenses</b>	23-73
23-159	<b>Mooring and docking of vessels</b>	23-39
23-160	<b>Mooring in open water</b>	23-38
23-161	<b>Abandonment of vessels or other property; anchoring at prohibited</b>	23-40

<b>New Sec. No.</b>	<b>New Caption</b>	<b>Derived from</b>
	<b>anchorage</b>	
23-162	<b>Vessels with cabins to have sanitation device</b>	23-43; 23-44
23-163	<b>Inspection of vessels</b>	23-48
	<b><i>ARTICLE VI. PERMITS, LICENSES, AND INSPECTIONS</i></b>	
23-176	<b>Permits and licenses required, in general</b>	23-3; 23-33; 23-56; 23-103; 23-104; 23-146
23-177	<b>Permit holder insurance</b>	New; see old Secs. 23-148
23-178	<b>Permit issuance</b>	New; see old Secs. 23-33; 23-103; 23-147
23-179	<b>Variances</b>	New;
23-180	<b>License issuance</b>	23-55-61; 23-66-69
23-181	<b>Inspections</b>	23-47; 23-48; 23-58; 23-67
23-182	<b>Permits and licenses not transferable</b>	23-106
23-183	<b>Appeals, permits and licenses</b>	23-106
	<b><i>ARTICLE VII. BOATING REGULATIONS</i></b>	
23-196	<b>Compliance with state and federal law</b>	23-80
23-197	<b>Posted and buoyed areas</b>	23-84
23-198	<b>Motorboat exhaust systems</b>	New; see old Secs. 23-80; 23-83
23-199	<b>Records to be kept by vessel liveries</b>	23-81
23-200	<b>Vessel livery not to rent vessel without required equipment</b>	New; see old Sec. 23-80
23-201	<b>Use of siren prohibited</b>	23-82
23-202	<b>Towing persons on water skis, or other devices</b>	23-84
23-203	<b>Operation of airboats or similar devices prohibited</b>	23-85
23-204	<b>Event permit required for certain recreational activities</b>	23-86
23-205	<b>Collisions, accidents and casualties</b>	23-87
23-206	<b>Arrest procedure</b>	23-88

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Ordinance supplementing the City of Houston, Texas Master Ordinance authorizing the issuance of City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2011F

**Category #**

**Page**  
1 of 1

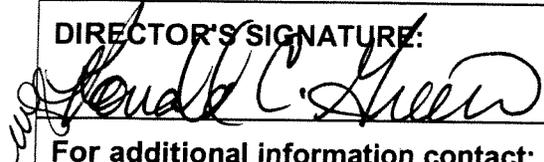
**Agenda Item#**  
13

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

**Origination Date:**  
10/06/2011

**Agenda Date**  
OCT 12 2011

**DIRECTOR'S SIGNATURE:**



**Council District Affected:**  
All

**For additional information contact:**

James Moncur Phone: 832-393-1009  
Shawnell Holman-Smith Phone: 832-393-3513

**Date and identification of prior authorizing Council action:**  
Ord. No. 2004-299

**RECOMMENDATION: (Summary)** Ordinance supplementing the City of Houston, Texas Master Ordinance authorizing the issuance of City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2011F, in an amount not to exceed \$60 million.

**Amount of Funding:** Not Applicable

**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

The Combined Utility System ("CUS") has about \$50 million of variable rate demand bonds ("VRDBs") Series 2008D-3 that become convertible from taxable to tax-exempt on December 1, 2011. VRDBs are long term bonds that are remarketed weekly at short term interest rates. The recommended issuance of the City of Houston, Texas Combined Utility System First Lien Revenue Refunding Bonds, Series 2011F will refund this debt into fixed rate bonds and pay any costs of issuance in an amount not to exceed \$60 million.

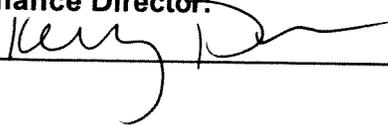
The Finance Working Group recommends the CUS Series 2011F Bonds be issued through a negotiated financing with Estrada Hinojosa serving as book running manager along with Loop Capital Markets as co-senior manager. Fulbright & Jaworski L.L.P. and Burney and Foreman are recommended as co-bond counsel along with Bracewell & Giuliani LLP as disclosure counsel.

**Recommendation:**

The Finance Working Group recommends the approval of this item.

**REQUIRED AUTHORIZATION**

**Finance Director:**



**Other Authorization:**

**Other Authorization:**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

<b>Subject:</b> Ordinance authorizing an Agreement between Harris County and the City of Houston relating to joint elections to be held on November 8, 2011.	Category #	Page 1 of 1	Agenda Item <b>14</b>
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<b>FROM (Department or other point of origin):</b> City Secretary	<b>Origination Date:</b> 9-29-2011	<b>Agenda Date</b> <b>OCT 12 2011</b>
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<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected:</b> All
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<b>For additional information contact:</b> Anna Russell Phone: (832) 393-1100	<b>Date and Identification of prior authorizing Council Action:</b> N/A
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**RECOMMENDATION: (Summary)**  
That City Council pass an ordinance approving and authorizing a joint election services agreement ("Agreement") with Harris County for the November 8, 2011 joint election, and setting a maximum contract allocation.

<b>Amount of Funding: \$714,377.00</b>	<b>Finance Budget:</b>
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**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

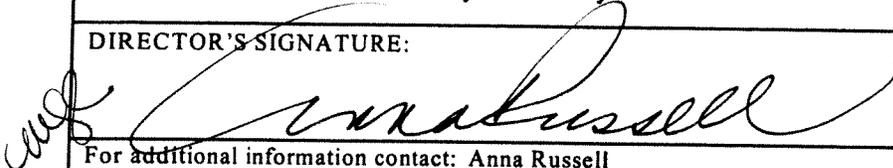
The proposed ordinance approves the Agreement under which Harris County will conduct the joint entity elections to be held on Tuesday, November 8, 2011. Under the Agreement, each participating governmental entity is allocated, and obligated to pay its pro rata share of the actual cost of the election, including expenses for polling locations, election personnel, and administrative costs. The \$714,377.00 sum allocated in the ordinance is slightly above the amount of \$706,377.06 estimated by the Harris County Clerk's Office. If the final cost of the election exceeds the estimated cost, and the amount allocated by the proposed ordinance is insufficient to pay the City's allocated share of such cost, Council approval will be sought for any additional amount needed to meet the City's obligation under the Agreement.

The proposed ordinance is for the November 8, 2011 election only and if a runoff election is required, separate funding will be requested.

**REQUIRED AUTHORIZATION**

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

<b>SUBJECT:</b> Ordinance Establishing Election Precincts and Designating Polling Places for the 2011 City General Election to be held November 8, 2011		Page 1 of 1	Agenda Item # <b>15</b>
<b>FROM (Department or other point of origin):</b>  City Secretary		<b>Origination Date</b> October 7, 2011	<b>Agenda Date</b> OCT 12 2011
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
For additional information contact: Anna Russell Phone: 832.393.1100 Evelyn Njuguna; Phone: 832.393.6308		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance establishing election precincts and polling places for the 2011 City General Election to be held on November 8, 2011.			
<b>Amount and Source of Funding:</b> N/A			
<b>SPECIFIC EXPLANATION:</b>  Chapter 43 of the Texas Election Code requires that the City Council establish precincts and designate polling places for the City's General Election to be held on November 8, 2011. The City of Houston will enter into election agreements with Harris, Fort Bend and Montgomery Counties ("the Counties") for use of the Counties' voting equipment and polling places. The Commissioners' Courts of the Counties have recently approved, by their respective orders, the division of the Counties into election precincts, and the Counties have arranged for polling locations for the precincts.  On October 5, 2011, Harris County provided the City with a list of precincts and polling places for the City of Houston approved by the Harris County Commissioners' Court, which is contained in Exhibit A of this ordinance (Fort Bend and Montgomery Counties provided a list of their respective counties' precincts and polling places for the City of Houston on prior dates). Section 4.003 of the Election Code requires the City to post notice of the Election, with a list of precincts and polling places, not later than the 21 <sup>st</sup> day before the Election (by Friday, October 14, 2011). <b><u>Thus, to ensure timely posting of the notice of election, this ordinance must be approved by City Council at its October 12, 2011 meeting.</u></b>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

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

<b>SUBJECT:</b> Ordinance designating the 1900-2000 block of Norfolk Avenue, north and south sides, between Hazard Street and South Shepherd Drive as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>16</i>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 03/10/11	<b>Agenda Date</b>  OCT 12 2011
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 1900-2000 block of Norfolk Avenue, north and south sides, between Hazard Street and South Shepherd Drive as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-163 of the Code of Ordinances, the property owner of Tract 23A-5, Block 1, of the Richmond Place Section 2 Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 57% of the area. Notification was mailed to forty-five (45) property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Four written protests were filed. The Houston Planning Commission considered the application and protest at the September 30, 2010 meeting and voted to recommend the City Council establish the Special Building Line Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a 20'-0" Special Building Line for the area.

MLG:md:db

**Attachments:** Planning Commission Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area, Protest Letters

**xc:** Anna Russell, City Secretary  
David M. Feldman, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Building Line Requirement Area No. 162  
Planning Commission Approval**

Planning Commission Evaluation:

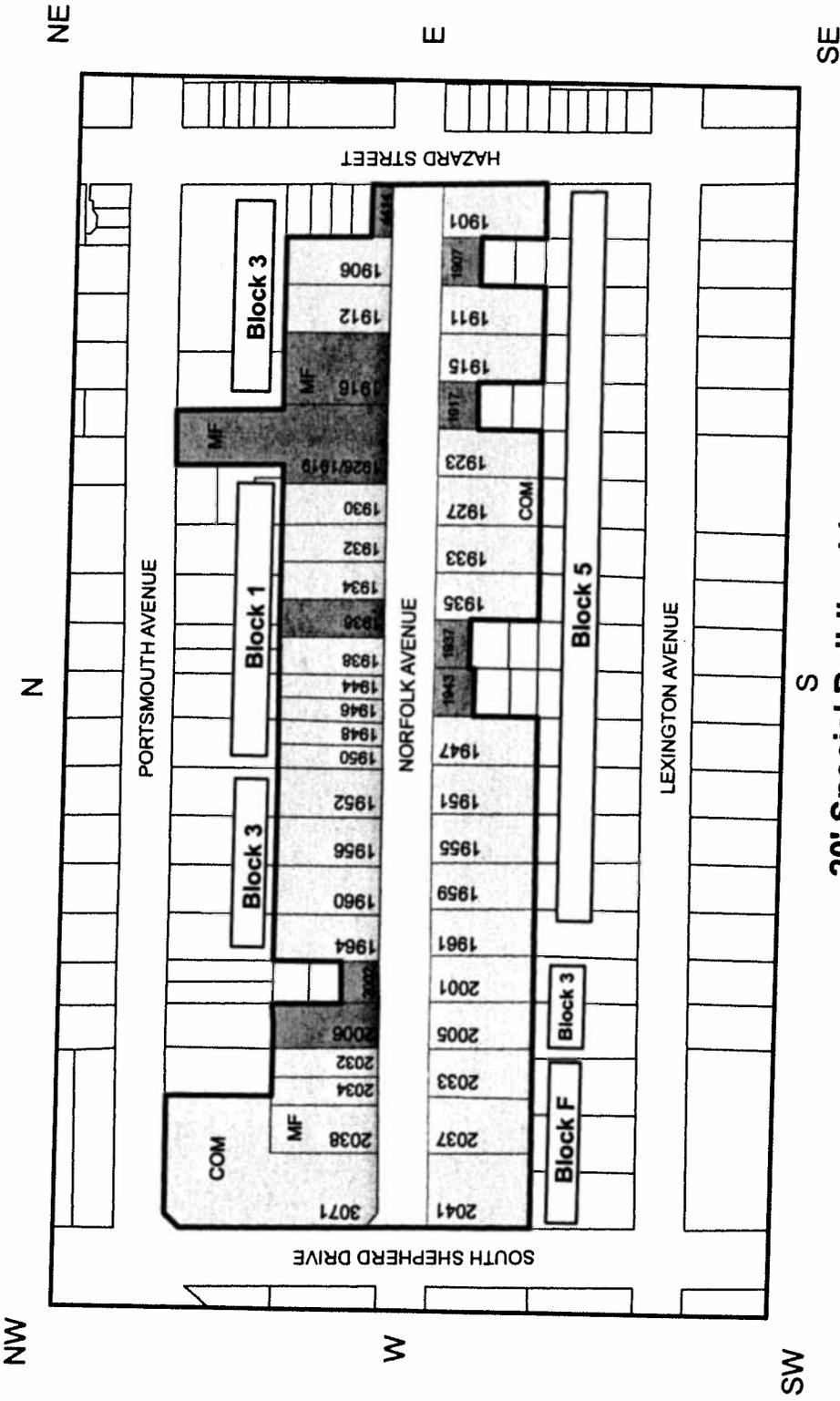
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1900-2000 block of Norfolk Avenue, north and south sides.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>75% of the proposed application area is developed with single-family residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 57% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 20 ft exists on thirty-four (34) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1924. The houses mostly originate from the 1930's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Thirty-four (34) out of forty-five (45) developed properties (representing 77% of the application area) have a building line of at least forty-five (45) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**

  
 Mark A. Kilkenny, Chair Date  
 or

\_\_\_\_\_  
 Sonny Garza, Date  
 Vice-Chair

# RICHMOND PLACE/ALBEMARLE PARK



## 20' Special Building Line

### MAP/SKETCH

SBLRA No. 162

- ▭ Properties that meet the 20' Special Minimum Building Line
- ▬ Properties less than the 20' Special Minimum Building Line
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

Dear Mr. Wilson,

I am writing to file for a protest against the proposed special minimum lot size and special minimum building line requirements for my neighborhood of 1900-2000 Norfolk St.

I request that the hearing be scheduled on October 14th or a later date since I need time to inform my neighbors of the important issues involved in this case.

Please acknowledge the receipt of this letter as I want to be certain that my request has been received.

As the city ordinance information you provided to me shows, existing properties that violate the proposed special minimum building line requirement are not fully grandfathered. Specifically, in the event of an accident, if the reconstruction cost exceeds 75% of the replacement cost of the property, the reconstruction shall obey the proposed special minimum building line requirement.

This outcome is unacceptable to me. My property is currently set back by 10 feet while the proposed special minimum building line requirement is 20 feet. In the event that my property suffers from a greater than 75% loss in an accident, my property after reconstruction will lose a drastic fraction of its living area. By my rough estimate, assuming the original 2-story construction of my property is retained, my property will lose approximately 50% of its living area upon reconstruction. Even a highly undesirable 3-story reconstruction may not match the original living area.

Therefore, if the proposal were passed, the resulting financial risk will severely impact the value and resell prospect of my property.

Some property owners in the neighborhood may have signed the original petition without the knowledge of the limitation with respect to reconstruction after an accident. Therefore, I believe a hearing is necessary, and all property owners of the block must be given the opportunity to reconsider the proposal after given complete information regarding this and any other limitations that are not yet made clear.

Please feel free to contact me by email or by phone at 832-590-0801.

Regards,

T. S. Eugene Ng, Ph.D.  
Associate Professor of Computer Science  
Rice University  
832-590-0801

I am filing my protest to the above referenced application, in response to your letter of 8/11/10.

My husband, David McSpadden, and I own the property at 1901 Norfolk. That property has no restrictions attached; we would not have bought the property otherwise. Additionally, the properties immediately adjacent to, directly across Norfolk and directly across Hazard do not meet the requirements proposed in the petition, so that the value of 1901 Norfolk would be substantially reduced should the petition be approved. We urge the Planning Commission to deny the petition.

Mary Ann Hylden

September 7, 2010

City of Houston:

We are the owners of 1937A Norfolk Street and would like to respond to the current petition before the board related to our block. Please consider this a formal protest, specifically against the 20ft property set back requirement. Our home sits on a small lot of 2150 sq ft and is located very near the property line. Our understanding is that if we suffer a loss of 75% or greater of our home due to fire or other catastrophe, we would not be allowed to rebuild our home. In fact, it is likely that NO building/home would be able to fit on our lot with a 20 ft set back- and certainly not one of similar size. We feel that the proposed constraint is unfairly restrictive. It could leave us without a home and with worthless land that cannot be rebuilt (by anyone).

Please reject this proposal.

Thank you for your consideration,

Noël and Robert Longden  
1937A Norfolk Street  
Houston, TX 77098  
713-240-1336

Dear Mr. Wilson,

We are hoping that this can serve as our official protest letter for the minimum lot size application for the 1900-2000 block of Norfolk St., between Shepherd Dr. and Hazard St.

If we need to send a separate letter, please let me know at your earliest convenience.

Thank you,  
Margaret French

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

<b>SUBJECT:</b> Ordinance designating the 1900-2000 blocks of Norfolk Avenue, north and south sides, between S. Shepherd Drive and Hazard Street as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> 17
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 09/23/11	<b>Agenda Date</b> OCT 12 2011
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 1900-2000 blocks of Norfolk Avenue, north and south sides, between S. Shepherd Drive and Hazard Street as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tract 23A-5, Block 1, of the Richmond Place Section 2 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 62% of the area. Notification was mailed to the forty-five (45) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Three (3) written protests were filed. The Houston Planning Commission considered the protest on July 7, 2011 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250 sf.

MLG:kw

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David M. Feldman, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Special Minimum Lot Size Requirement Area No. 330

## Planning Commission Approval

Planning Commission Evaluation:

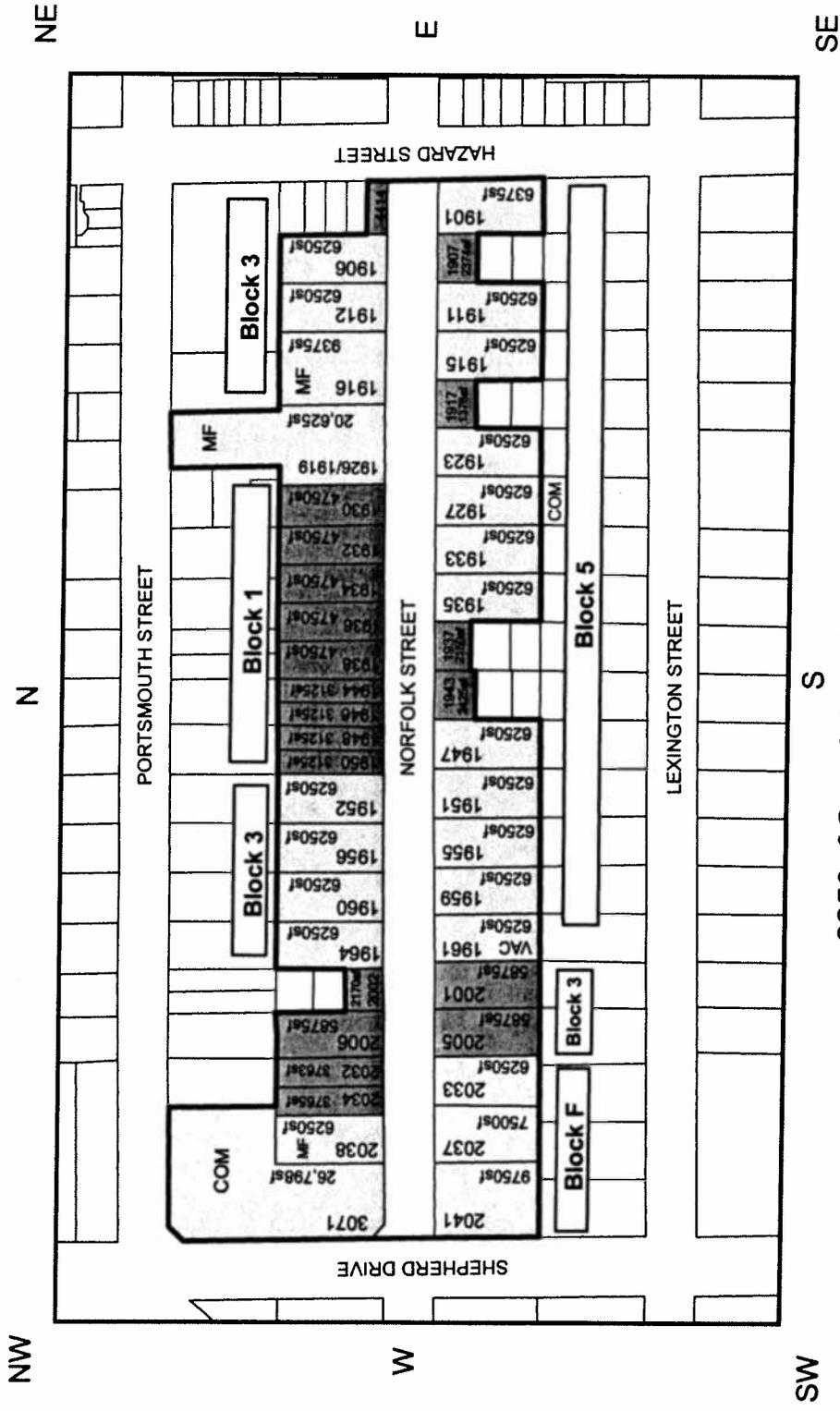
Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1900-2000 block of Norfolk Avenue, north and south side.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>72% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 62% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,250 sq ft exists on twenty-five (25) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivisions were platted in 1924. The houses originate from the 1930's.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty-five (25) out of forty-five (45) lots (representing 73% of the application area) are at least 6,250 square feet in size.</b></p>		

**The Special Minimum Lot Size Requirement Area meets the criteria.**

Mark A. Kilkenny      7-7-11  
 Mark A. Kilkenny, Chair      Date  
 or  
Mardene C. Gabrick      7-8-11  
 Sonny Garza,      Date  
 Vice-Chair



# RICHMOND PLACE/ALBEMARLE PARK



**6250sf Special Minimum Lot Size**  
**MAP/SKETCH**

SMLSA No. 330

- Properties that meet the 6,250sf Special Minimum Lot Size
- Properties less than the 6,250sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

**Wilson, Keith - PD**

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**From:** Sanford Steinberg [REDACTED]  
**Sent:** Wednesday, May 25, 2011 12:45 PM  
**To:** Wilson, Keith - PD  
**Subject:** RE: Special Minimum Lot Size Area Application for 1900 -2000 block of Norfolk Street

Keith,  
Nice talking with you this afternoon.  
I live at 1938 Norfolk and would like file a protest against this application.

Thanks

Sanford P Steinberg, AIA, CGP  
Principal  
Steinberg Design Collaborative, LLP  
8100 Washington Ave.  
Suite 110  
Houston, TX 77007  
713.552.1777 ext. 225  
713.850.7744 Fax

[REDACTED]



and become a Fan

from the desk of

**NISHIL  
SANT**

June 2, 2011  
Mr. Keith Wilson  
Planner  
City of Houston - Planning and Development Department  
611 Walker Street, 6th Floor  
Houston, Texas 77002

RE: SMLSA 1900 - 2000 block of Norfolk Street, north and south sides between S. Shepherd  
and Hazard streets

Dear Mr. Wilson:

Please accept this letter as my formal protest of the application for the creation of a Special Minimum Lot Size Area for the 1900 - 2000 block of Norfolk Street, north and south sides, between S. Shepherd and Hazard streets.

I recently purchased the lot at 1911 Norfolk with the intention of subdividing the lot into two home sites, each containing 3,125 square feet. Many of the lots on this block have previously been subdivided into lots smaller than what we are intending to develop. In fact, the lot immediately east of our lot and the lot located one lot west of our lot have each been subdivided into three lots. Given, the variety of existing lot sizes; variety of land uses including office, commercial and multi-family; variety of housing products, including multi-family, condominium, townhomes and single-family, I was very surprised to receive notice of the minimum lot size application shortly after closing on this property.

The establishment of the Special Minimum Lot Size Area will not further the goal of preserving the lot size character of the area given the variety of lot sizes already in existence. The existing lots in the area range in size from 26,798 s.f. to 1,224 s.f.. The preliminary staff review of the application indicates that the minimum lot size is 6,250 square feet. However the mean average of the lots in the area is actually 5,615 square feet. The average size of the lots used for single-family purposes is only 4,992 square feet and the average size of the lots owned by the applicant and supporters of the application, (excluding the owner of the multi-family tracts) is even smaller at 4,774 square feet.

The establishment of the Special Minimum Lot Size Area will not further the goal of preserving the lot size character of the area given the current variety of land uses and the lack of evidence of a common plan or scheme of development. Of the 45 properties included in the application 22 properties have previously been re-subdivided and/or are being used for purposes other than single family residential.

The establishment of the Special Minimum Lot Size Area will not further the goal of preserving the lot size character of the area and only seems to benefit the owners of lots already re-platted into lots smaller than the proposed minimum. Seventeen (17) of the 29 supporters of the application own lots smaller than the proposed minimum lot size.

Please do not hesitate to contact me if you have any questions or need additional information. Otherwise, I would respectfully request that the Houston Planning Commission reject the application for the creation of a Special Minimum Lot Size Area

address  
103 South Friendswood Drive  
Friendswood, Texas 77456

tel 281-935-6654  
fax 713-992-6645

Sincerely,

Nishil Sant



6/2/2011

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Second Amendment to Lease Agreement at 1415 North Loop West with 1415 NLW, LLC for the Internal Affairs Division of the Houston Police Department		<b>Page</b> 1 of 1	<b>Agenda Item</b> 18
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 10/6/11	<b>Agenda Date</b> OCT 12 2011
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<b>DIRECTOR'S SIGNATURE</b> Scott Minnix <i>Scott Minnix</i> 9/15/11	<b>Council District(s) affected:</b> A
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-0283; 04/14/04 Ordinance No. 2006-1190; 12/6/06
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**RECOMMENDATION:** Approve and authorize a Second Amendment to Lease Agreement with 1415 NLW, LLC, (Landlord) for the lease space at 1415 North Loop West, Houston, Texas.

<b>Amount and Source of Funding:</b> <b>General Fund (1000):</b> \$224,422.32 Initial Base Term	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends approval of a Second Amendment to the Lease Agreement with 1415 NLW, LLC, a Texas limited liability company, (Landlord) for 2,602 square feet of office space at 1415 North Loop West for the Internal Affairs Division of the Houston Police Department (HPD). HPD has utilized the facility for general office space since August 1, 1994.

The proposed Second Amendment provides for a five-year base term with one three-year renewal option at market rate. The First Amendment extended the lease term through October 31, 2011. The new lease term will commence on November 1, 2011 and expire on October 31, 2016, at the following monthly rentals:

- \$3,523.54 (\$16.25 psf per year/\$1.35 psf per month) from November 1, 2011 – October 31, 2012
- \$3,631.95 (\$16.75 psf per year/\$1.40 psf per month) from November 1, 2012 – October 31, 2013
- \$3,740.37 (\$17.25 psf per year/\$1.44 psf per month) from November 1, 2013 – October 31, 2014
- \$3,848.79 (\$17.75 psf per year/\$1.48 psf per month) from November 1, 2014 – October 31, 2015
- \$3,957.21 (\$18.25 psf per year/\$1.52 psf per month) from November 1, 2015 – October 31, 2016

All other terms and conditions of the prior lease remain the same. The monthly rental increase is necessary to offset building expenses.

SM:HB:JLN:FA:rdg  
c: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell

REQUIRED AUTHORIZATION

CUIC ID# 25 FA 27

**General Services Department:**

*Humberto Bautista*

Humberto Bautista, P.E.  
Assistant Director

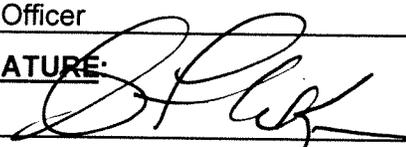
**Houston Police Department:**

*Charles A. McClelland, Jr.*

Charles A. McClelland, Jr.  
Chief of Police

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance approving a First Amendment to the Economic Development Agreement between the City of Houston, Texas ("City") and InTown Homes, Ltd. ("Developer") pursuant to Chapter 380 of the Texas Local Government Code	<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> 19
<b>FROM (Department or other point of origin):</b> Andrew F. Icken Chief Development Officer	<b>Origination Date:</b>	<b>Agenda Date</b> OCT 12 2011	
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District Affected:</b> A, H		
<b>For additional information contact:</b> Tim Douglass Phone: (713) 837-9857	<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2010-716, 9/07/10; Ord No. 99-674, 6/30/99		

**RECOMMENDATION (Summary):** City Council adopt an Ordinance approving a First Amendment to the Chapter 380 Economic Development Agreement between the City and InTown Homes, Ltd.

**Amount of Funding:** No funding required **Finance Dept Budget:**

**Source of Funding:**  General Fund  Grant Fund  Enterprise Fund  N/A

**SPECIFIC EXPLANATION:**

On September 7, 2010, by Ordinance No. 2010-716, City Council approved the economic development agreement granting the Developer a reimbursement of certain of its public infrastructure costs attributable to specific commercial and residential development projects ("Agreement").

The City and the Developer desire to amend the Agreement by adding a provision that will allow the Developer to assign its interests in the Agreement to its affiliate and subsidiary entities and to lending institutions as security for financing the construction of the projects. The City has included such an assignment provision in all other subsequent economic development agreements executed with developers.

The Administration recommends that Council adopt the Ordinance approving the First Amendment to the Agreement.

Attachments: Ordinance approving First Amendment to Development Agreement

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

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

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9112**

**Subject:** Approve an Ordinance Awarding a Sole Source Contract for the Development and Maintenance of the Electronic Client-Level Integrated Prevention System for the City of Houston Department of Health and Human Services/S23-E24014

Category #  
4

Page 1 of 2

Agenda Item

21

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

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

**Origination Date**

September 23, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Kathy Barton Phone: (832) 393-5045  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a sole source contract to Novasys Technologies, Inc. in an amount not to exceed \$263,030.00 for the development and maintenance of the Electronic Client-Level Integrated Prevention System (ECLIPS) for the City of Houston Department of Health and Human Services.

Maximum Contract Amount : \$263,030.00

**Finance Budget**

\$200,000.00 - Federal Government Grant (Fund 5000) - FY2012  
\$ 63,030.00 - Federal Government Grant (Fund 5000) - Out Years

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\$263,030.00 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a two-year sole source contract with two one-year options to Novasys Technologies, Inc. in an amount not to exceed \$263,030.00 to develop, maintain, and support the use and expansion of the Electronic Client-Level Integrated Prevention System (ECLIPS), for the City of Houston Department of Health and Human Services (HDHHS). The City Purchasing Agent and/or Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment and supervision to ensure that ECLIPS will interface with the Centralized Patient Care Data Management System (CPCDMS) utilized by Harris County Department of Public Health and Environmental Services. Additionally, the contractor will deploy and implement ECLIPS; develop a structure within the ECLIPS to import expanded HIV testing data; incorporate ten new required variables into the ECLIPS as prescribed by the Center for Disease Control (CDC) for counseling and testing; develop an informational dashboard for generating queries with visual results; and incorporate a Testing4Tickets database module. Moreover, the contractor will ensure that ECLIPS will work in tandem with Rhapsody Connect, Maven, and other newly identified data systems within or outside HDHHS; update/modify and expand the ECLIPS as required; provide 24 hour-a-day, 7-day-a-week, 365-day-per-year response to HDHHS requests for maintenance and support; and provide designated HDHHS project staff with weekly updates concerning progress of contracted services.

The ECLIPS will improve contract management for HIV prevention services; enhance counseling, testing and referral services, related lab and linked referral activities. Furthermore, the ECLIPS will bring the HDHHS HIV prevention data into compliance with CDCs PEMS requirements; and contribute to the overall improvement and expansion of a coordinated system of HIV/AIDS prevention and care, in order to improve the quality of life for those infected and affected in the greater Houston area.

Novasys Technologies, Inc. is the sole authorized application developer of the CPCDMS utilized by Harris County Department of Public Health and Environmental Services. Additionally, there are no other application developers who are authorized to integrate directly to the CPCDMS.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*M*

*27*

Date: 9/23/2011	Subject: Approve an Ordinance Awarding a Sole Source Contract for the Development and Maintenance of the Electronic Client-Level Integrated Prevention System for the City of Houston Department of Health and Human Services/S23-E24014	Originator's Initials RB	Page 2 of 2
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This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) 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: M/WBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity.

Buyer: Roy Breaux

**Estimated Spending Authority**

Department	FY12	Out Years	Total
Health & Human Services	\$200,000.00	\$63,030.00	\$263,030.00



Administration & Regulatory Affairs

# Memorandum

**To:** Calvin D. Wells, Deputy Director  
 City Purchasing  
 Strategic Purchasing Division

**From:** Roy Breaux

**Date:** July 8, 2011

**Subject:** Waiver of Goal ( Sole Source)

**received**  
 9/16/2011  
*[Signature]*

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: \_\_\_\_\_

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

Solicitation Number: E24014 Estimated Dollar Amount: \$263,030.00 Goal On Last Contract: N/A

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: \_\_\_\_\_ Was Goal met: Yes  No

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

Name and Intent of this Purchase: Sole Source Procurement.

**Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement):**

*(To be completed by SPD)*

Novasys Technologies, Inc. ("Novasys") is the only authorized application developer for the Harris County Public Health and Environmental Services Department's (HCPHES) Centralized Patient Care Data Management System CPCDMS data system. There are no other means of integrating directly with CPCDMS other than by utilizing Novasys services. Not using Novasys would mean that HDHHS would not be able to integrate data with CPCDMS, limiting the enhancement of link referral services between HDHHS and HCPHES. Currently, about 33 percent of HIV patients are not linked to care or lost to follow-up; interfacing the two data systems between HDHHS and HCPHES will significantly reduce the approximately 33 percent of HIV patients that are out of care/lost to follow-up, by providing faster notification between agencies of newly identified HIV + patients.

**Concurrence:**

*[Signature]*

SPD Initiator

*[Signature: Robert Gallegos]*

Robert Gallegos, Deputy Assistant Director

\*Affirmative Action

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

*[Signature: Roy Breaux]*

Division Manager



June 16, 2011

Mr. Hickmon Friday  
Houston Dept. of Health and Human Services  
Division of Communicable Disease  
Bureau of HIV/STD Prevention  
8000 N. Stadium Dr, 5th Floor  
Houston, TX 77054

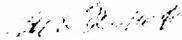
SUBJECT: Sole Source Letter for CPCDMS integration

Dear Mr. Friday,

Novasys Technologies, Inc. ("Novasys") is the only authorized application developer for the Harris County Health Department's ("HCPHES") CPCDMS data system. There are no other means of integrating directly with CPCDMS other than by utilizing Novasys services.

If you need further information, please contact me at 281-640-8023 or at [rtackett@novasystech.com](mailto:rtackett@novasystech.com).

Sincerely,



Ram Tackett  
President

**REQUEST FOR COUNCIL ACTION**

RCA# 9168

**TO:** Mayor via City Secretary

**Subject:** Approve an Ordinance Authorizing a First Amendment to the Interlocal Purchasing Agreement with the Metropolitan Transit Authority for Cooperative Purchasing

Category #  
6

Page 1 of 1

Agenda Item

22

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

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

**Origination Date**

September 23, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

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

Ord. 2011-0457, Passed 6/8/11

**RECOMMENDATION: (Summary)**

Approve an amending ordinance authorizing a first amendment to the Interlocal Purchasing Agreement (IPA) between the City of Houston and the Metropolitan Transit Authority to amend the general terms and conditions of the IPA.

No Funding Required.

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a first amendment to the Interlocal Purchasing Agreement (IPA) between the City of Houston and the Metropolitan Transit Authority (METRO) to amend the general terms and conditions of the agreement to allow the City Purchasing Agent and the METRO Vice President of Procurement and Materials the ability to review, approve and add local governments or political subdivisions of the State of Texas to the original IPA.

This IPA was approved on June 8, 2011, by Ordinance No. 2011-0457 for a one-year term with twenty successive one-year options. The original IPA allows the City and METRO to jointly participate in solicitations for the procurement of like goods and services. This regional alliance enables both agencies to leverage buying power through volume purchases, which ultimately will result in savings of valuable taxpayer dollars. Additionally, this IPA will generate significant costs savings associated with human capital and administrative procurement functions. Furthermore, it is anticipated that procurement lead-time will be reduced for the participating agencies.

Chapter 271, Subchapter F of the Texas Local Government Code allows local governments to participate in a cooperative purchasing program with another local government or a local cooperative organization. The local government that purchases goods or services under Subchapter F satisfies any State law requiring the local government to seek competitive bids for the purchase of goods or services.

This arrangement is part of the Strategic Purchasing Division's ongoing effort to improve the City of Houston's overall purchasing objectives.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*DM*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Sewer Stoppage Cleaning and Television Inspection (UMB), File No. WW5100	<b>Category</b>	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item</b> # <u>23</u>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 10/6/11	<b>Agenda Date</b> OCT 12 2011
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<b>DIRECTOR'S SIGNATURE:</b> Daniel W. Krueger, P.E. <i>DWK</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> A. James Millage Senior Assistant Director Phone: (713) 641-9566	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Accept low bid, award service contract, and allocate funds.

**Amount and Source of Funding:**  
 \$ 728,600.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY12) *102*  
 \$1,316,500.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY13)  
 \$1,316,500.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY14)  
 \$3,361,600.00 Total

**SPECIFIC EXPLANATION:** This project will provide for sewer stoppage cleaning and television inspection of sanitary sewers throughout the City.

**DESCRIPTION/SCOPE:** Work shall include removal of sewer stoppages, cleaning of sanitary sewers and manholes, and television inspection of City of Houston sanitary sewers throughout the City. The contract duration for this project is two-years, with a one-year option to renew, for a total of three years.

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

**BIDS:** Two (2) bids were received for this project on 06/16/11 as follows:

Bidder	Bid Amount
1. EnviroWaste Services Group, Inc.	\$3,192,000.00
2. CleanServe, Inc.	\$4,688,250.00

<b>REQUIRED AUTHORIZATION</b>			CUIC#20AJM251 <b>A</b>
<b>Finance Department:</b> ↓	<b>Other Authorization:</b> <i>A James Millage</i> 9/20/11	<b>Other Authorization:</b> <i>Jun Chang</i> Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	

24

<b>Date</b>	<b>Subject</b> Contract Award for Sewer Stoppage Cleaning and Television Inspection (UMB), File No. WW5100	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** It is recommended that this service contract be awarded to Envirowaste Services Group, Inc. with a low bid of \$3,192,000.00.

**PROJECT COST:** The total cost of this project is \$3,361,600.00 to be allocated as follows:

	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>
• Bid Amount	\$692,000.00	\$1,250,000.00	\$1,250,000.00
• Contingencies	\$ 34,600.00	\$ 62,500.00	\$ 62,500.00
• Engineering Testing Services	<u>\$ 2,000.00</u>	<u>\$ 4,000.00</u>	<u>\$ 4,000.00</u>
	\$728,600.00	\$1,316,500.00	\$1,316,500.00

Bandy & Associates, Inc. will provide Engineering Testing Services 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/WDBE PARTICIPATION:** The low bidder has submitted the following proposed MBE/SBE participation plan to satisfy the 10% MBE goal and 8% SBE goal for this project. The Public Works and Engineering Department's Small Business Development Group has reviewed and approved the deviation of the contract stated SBE goal from 8% to 5.8%.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Atlantic Petroleum & Mineral Resources, Inc.	Fueling Services	\$ 778,848.00	24.4 %
TEM Holding Company, Inc., dba Will Duett	Labor Services	\$ 185,136.00	5.8 %
	TOTAL	\$ 963,984.00	30.2 %

DWK:JC:AJM:OS:SM:TC:tc

cc: Marta Crinejo  
Carl Smitha, P.E.  
Robert Gallegos  
Sam Lathrum

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Texas Avenue Lift Station Upgrade and Force Main Replacement. WBS No. R-000267-00C2-4.

Page 1 of 2

Agenda Item #

24

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

Origination Date:  
10/6/11

Agenda Date:  
OCT 12 2011

DIRECTOR'S SIGNATURE:

*mls*  
  
Daniel W. Krueger, P.E., Director

Council District affected:

H  
IMR

For additional information contact:

*Ravi Kaleyatodi 9/12/11*  
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: \$3,128,000.00 Water and Sewer System Consolidated Construction Fund No. 8500.

*U.P. 9/14/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to improve and upgrade its force main and lift station facilities.

DESCRIPTION/SCOPE: This project consists of replacement of discharge piping in lift station and replacement of approximately 2,818 linear feet of force main.

The Contract duration for this project is 270 calendar days. This project was designed by Demopulos & Ferguson Associates, Inc. a division of Neel-Schaffer, Inc.

LOCATION: The lift station is located at 3502 Texas Avenue. The force main replacement is along Hirsch from North York to Clinton Drive. The project is located in Key Map Grids 494S, N, P, K.

BIDS: Bids were received on July 28, 2011. The four (4) bids are as follows:

Bidder	Bid Amount
1. Reytec Construction Resources, Inc.	\$2,632,549.00
2. E.P. Brady, Ltd.	\$3,171,708.00
3. Boyer, Inc.	\$3,368,147.00
4. Huff and Mitchell, Inc.	\$3,402,192.00

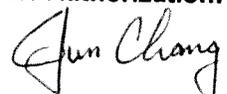
REQUIRED AUTHORIZATION

CUIC ID # 20IMR74

*NO*

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

<b>Date</b>	<b>Subject:</b> Contract Award for Texas Avenue Lift Station Upgrade and Force Main Replacement. WBS No. R-000267-00C2-4.	<b>Originator's Initials</b> <i>IMR</i>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to Reytec Construction Resources, Inc. with a low bid of \$2,632,549.00 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$3,128,000.00 to be appropriated as follows:

• Bid Amount	\$2,632,549.00
• Contingencies	\$ 131,627.45
• Engineering and Testing Services	\$ 25,000.00
• CIP Cost Recovery	\$ 79,223.55
• Construction Management	\$ 259,600.00

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

Construction Management Services will be provided by Omega Engineers, 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 has elected to pay into the Contractor Responsibility Fund in compliance with 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.

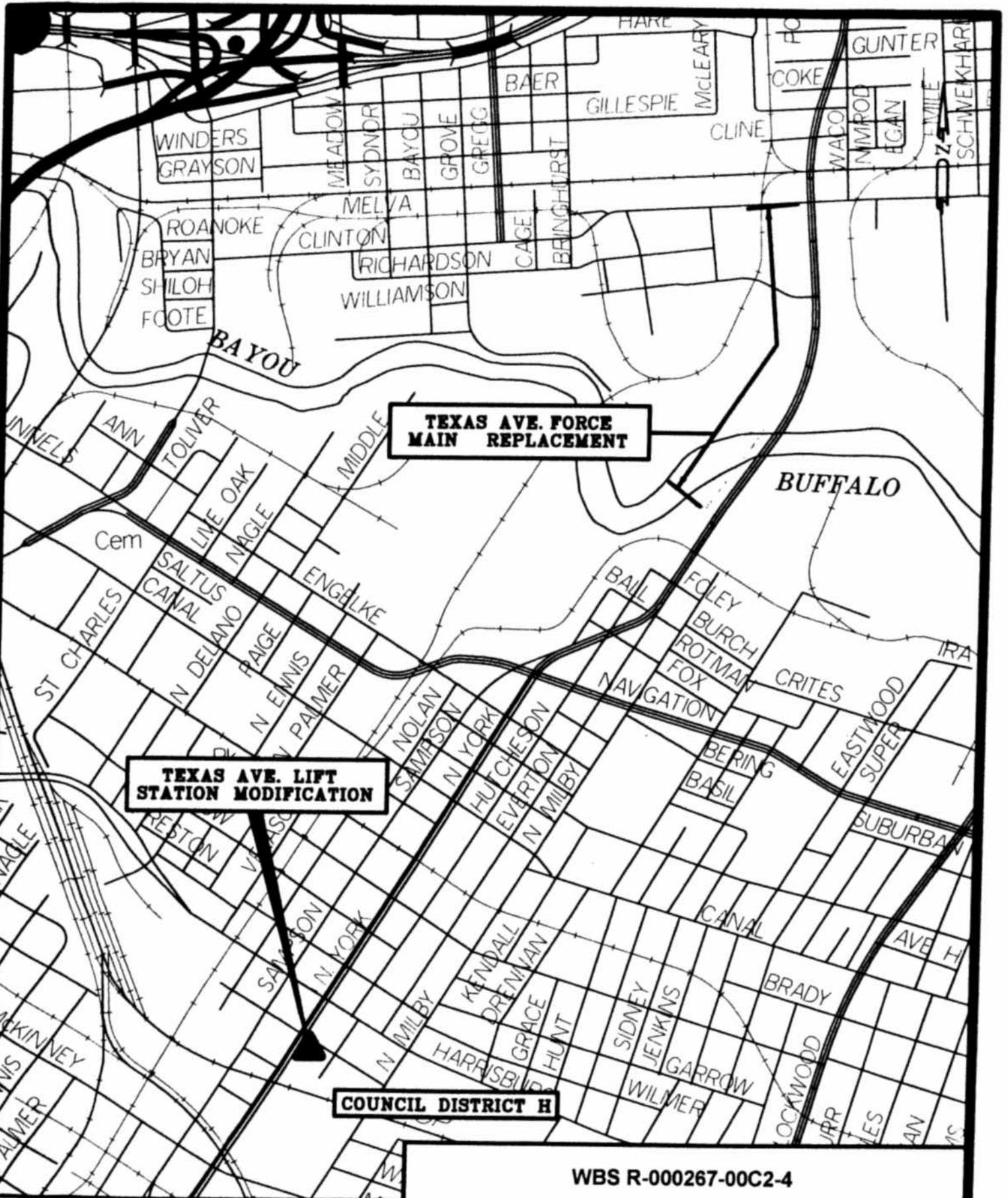
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Access Data Supply, Inc.	Underground utility supplies and services	\$323,000.00	12.27%
<b>TOTAL</b>		<b>\$323,000.00</b>	<b>12.27%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Vaca Underground Utilities, Inc.	Install underground utilities	\$300,000.00	11.40%
<b>TOTAL</b>		<b>\$300,000.00</b>	<b>11.40%</b>

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

*[Signature]*  
DWK:DRM:RK:EN:IMR:pa

c: File No. R-000267-00C2-4



**TEXAS AVE. FORCE  
MAIN REPLACEMENT**

**TEXAS AVE. LIFT  
STATION MODIFICATION**

**COUNCIL DISTRICT H**

**LEGEND**

-  PROJECT LOCATION
-  COUNCIL DISTRICT BOUNDARY
-  CITY LIMITS

**WBS R-000267-00C2-4**

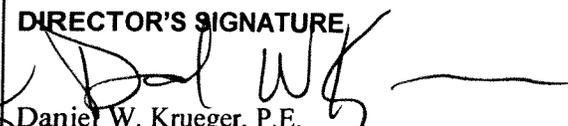
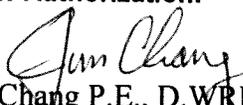
**Texas Ave Lift Station and Force Main**

KEY MAP: 494-K

NOT TO SCALE

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0028-4		<b>Page</b> 1 of 2	<b>Agenda Item #</b>  25								
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> OCT 12 2011								
<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E.		<b>Council District affected:</b> All									
<b>For additional information contact:</b> Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		<b>Date and identification of prior authorizing Council action:</b>  N/A									
<b>RECOMMENDATION: (Summary)</b> Accept low bid, award construction contract, and appropriate funds.											
<b>Amount and Source of Funding:</b> \$2,569,164.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II.		W.P. 9/22/2011									
<b>SPECIFIC EXPLANATION:</b> This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.											
<b>DESCRIPTION/SCOPE:</b> This project consists of sanitary sewer rehabilitation by cured-in-place pipe method. The contract duration for this project is 540 calendar days.											
<b>LOCATION:</b> The project area is generally bounded by the City Limits.											
<b>BIDS:</b> Three (3) bids were received on July 21, 2011 for this project as follows:											
<table border="0"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. RePipe Construction, LLC</td> <td>\$2,418,251.10</td> </tr> <tr> <td>2. Insituform Technologies, Inc.</td> <td>\$2,824,247.46</td> </tr> <tr> <td>3. Reynolds Inliner, LLC</td> <td>\$2,899,383.15</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. RePipe Construction, LLC	\$2,418,251.10	2. Insituform Technologies, Inc.	\$2,824,247.46	3. Reynolds Inliner, LLC	\$2,899,383.15		
<u>Bidder</u>	<u>Bid Amount</u>										
1. RePipe Construction, LLC	\$2,418,251.10										
2. Insituform Technologies, Inc.	\$2,824,247.46										
3. Reynolds Inliner, LLC	\$2,899,383.15										
<b>File/Project No. WW 4258-50</b>		<b>REQUIRED AUTHORIZATION</b>									
Finance Department	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division									
		CUIC# 20JAI396									

<b>Date</b>	<b>Subject:</b> Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0028-4	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction contract be awarded to RePipe Construction, LLC, with a low bid of \$2,418,251.10.

**PROJECT COST:** The total cost of this project is \$2,569,164.00 to be appropriated as follows:

- Bid Amount \$2,418,251.10
- Contingencies \$120,912.90
- Engineering Testing Services \$30,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants 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/WSBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 10.00% and SBE participation of 8.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & Televiser Sewer Lines	\$120,000.00	4.96%
5M Rope & Supply, Inc.	Supplies	\$71,825.00	2.97%
Standard Cement Materials, Inc.	Manhole Rehabilitation	\$50,000.00	2.07%
	<b>TOTAL</b>	<b>\$241,825.00</b>	<b>10.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Asphalt/Paving	\$120,000.00	4.96%
Austin Ray Construction, LLC.	Resin Supplies	\$73,462.00	3.04%
	<b>TOTAL</b>	<b>\$193,462.00</b>	<b>8.00%</b>

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

*[Signature]*

DWK:JC:JI:DR:mb

File No. WW 4258-50

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Watonga Area.  
WBS No. S-000035-0104-4.

Page  
1 of 2

Agenda Item #  
26

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

OCT 12 2011

DIRECTOR'S SIGNATURE:

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

Council District affected:

A,G

For additional information contact:

*Ravi Kaleyatodi 9/6/11*  
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:

\$2,771,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

*M.P. 9/13/2011*

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: This project consists of the construction of approximately 34,361 linear feet of water lines comprising of 40 linear feet of 2-inch, 55 linear feet of 4-inch, 233 linear feet of 6-inch, 31,768 linear feet of 8-inch, 170 linear feet of 12-inch and 2,095 linear feet of 16-inch including valves, fittings, connections, fire hydrants and appurtenances as shown on the construction drawing and project manual. The contract duration for this project is 300 calendar days. This project was designed by KIT Professionals, Inc.

LOCATION: The project is divided into four (4) areas as follows:

Bounded By

Key Map Grid

Council District

1. Talmadge Hill on the north, Briar Forest on the south, Hickory Ridge on the east and Crestbend on the west.
2. Barryknoll on the north, Taylorcrest on the south, Bunker Hill on the east and Holly Ridge on the west.

490J,N

G

490A,B,E,F

G

REQUIRED AUTHORIZATION

CUIC ID# 20RS99

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

- |  |            |   |
|--|------------|---|
| 3. Warwana on the north, Long Point on the south, Crestdale on the east and Witte on the west. | 450S,W     | A |
| 4. Pinemont on the north, Libbey on the south, Mountwood on the east and Randon on the west.   | 451G,H,L,M | A |

**BIDS:** Bids were received on July 21, 2011. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Scohil Construction Services, LLC	\$2,295,401.00
2. D.L. Elliott Enterprises, Inc.	\$2,375,435.98
3. Resicom, Inc.	\$2,618,518.50
4. TRCU, Ltd.	\$2,958,856.89

**AWARD:** It is recommended that this construction contract be awarded to Scohil Construction Services, LLC with a low bid of \$2,295,401.00 and that Rider No. 1 be made a part of this contract.

**PROJECT COST:** The total cost of this project is \$2,771,000.00 to be appropriated as follows:

• Bid Amount	\$2,295,401.00
• Contingencies	\$114,770.05
• Engineering and Testing Services	\$70,000.00
• CIP Cost Recovery	\$68,744.34
• Construction Management	\$222,084.61

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

Construction Management Services will be provided by HDR, 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.

**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>
1. Lopez Brothers Enterprises, Inc.	Hauling, Gravel & Limestone	\$252,494.00	11.0%
		<b>Total \$252,494.00</b>	<b>11.0%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Teague Industrial Sales & Services, Pipeline Products DBA Teague Industrial Sales & Services		\$133,486.09	5.3%
2. Mickie Service Company, Inc.	Installation of Water Mains	\$51,700.00	2.3%
3. Regional Traffic Services LLC	Traffic Barricading	\$21,400.00	0.9%
		<b>Total \$206,586.09</b>	<b>9.0%</b>

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



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

RCA #

Agenda Item#

27 21

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

OCT 12 2011

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

**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

28 

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

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

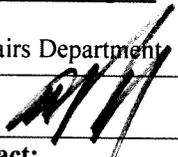
**Origination Date**

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:

<b>Date:</b> 9/28/2011	<b>Subject:</b> Approve an Ordinance Amending Chapter 30 of the Houston Code of Ordinances, Related to Noise and Sound Level Regulations	<b>Originator's Initials</b> 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.**

~~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:

- (a~~1~~) 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-~~17~~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.

**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

29 #A

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

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

**Origination Date**

September 06, 2011

**Agenda Date**

OCT 12 2011

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding 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**

**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

RCA# 9166

Agenda Item

30 #

**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 12 2011  
~~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*



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

#  
~~OCT 05 2011~~  
Interoffice

Correspondence

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

From: Tom Smyer

Date: August 22, 2006

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0

If requesting a revision, how many solicitations were received: 2

Solicitation Number: L22011 Estimated Dollar Amount: \$2,371,500.00

Anticipated Advertisement Date: 7/21/2006 Solicitation Due Date: 8/10/2006

Goal On Last Contract: Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
Fuel Transportation Services for Various Departments, Pick up gasoline and diesel fuel at Houston area Fuel Rack and deliver it to City of Houston facility locations.

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

The recommended company uses only company owned equipment and company employees. They do not sub-contract any part of this service contract. There is no M/WBE sub-contract opportunity.

Concurrence:

SPD Initiator

Deputy Assistant Director

Velma Laws, Director  
\*Affirmative Action

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

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