

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 6, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Clutterbuck

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 7, 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** to consider amendments to Chapter 42, Code of Ordinances

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 88A

AGENDA - DECEMBER 7, 2011 - PAGE 2

MISCELLANEOUS - NUMBERS 2 and 3

2. RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2012 (January 1, 2012 - December 31, 2012)
3. RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a residential parking permit area in the Super Neighborhoods of University Place, Greenway/Upper Kirby, Neartown/Montrose, Midtown and Washington Avenue Coalition/Memorial Park - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$488,663.00 and acceptance of work on contract with **TEXAS LIQUA TECH SERVICES, INC** for Roof Replacement at Health and Human Services Headquarters, 8000 North Stadium Drive - 0.07% under the original contract amount - **DISTRICT D - ADAMS**
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$673,917.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Marian Park - 4.97% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$971,328.86 and acceptance of work on contract with **FORDE CONSTRUCTION COMPANY, INC** for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2010 (861) ES and STP 2010 (862) ES, etc. - 4.63% over the original contract amount - **DISTRICTS F - HOANG and H - GONZALEZ**

PROPERTY - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jennifer Thompson, South Texas Surveying, on behalf of Charlie Laviage, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey, Parcel SY12-019 - **DISTRICT I - RODRIGUEZ**
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel N. Pinnell, on behalf of Small Steps Nurturing Center, Inc (Evan Harrel, Executive Director), for abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S. M. Harris Survey, A-327, Parcels SY12-017 and SY12-018 - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 10

9. ORDINANCE appropriating \$88,235.00 out of Equipment Acquisition Consolidated Fund for additional purchase of a Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department
 - a. **AMEND Motion #2011-358, 5/4/11, TO PURCHASE** additional Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department, awarded to **INTERNATIONAL TRUCKS OF HOUSTON**
10. **APPROVE** spending authority to Address Emergency Repair of Water Line Breaks in an amount not to exceed \$1,400,000.00 for the Department of Public Works & Engineering, to **D. L. ELLIOTT ENTERPRISES, INC** - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 88A

11. RESOLUTION appointing **RAY A. HOLTZAPPLE** to serve as the City's Representative on the **BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT** for a two-year term commencing on January 1, 2012 and ending on December 31, 2013
12. RESOLUTION supporting request of waiver of the local match requirements in the Federal Off-System Bridge Program - **DISTRICTS A - STARDIG and I - RODRIGUEZ**
13. ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to On-Street Parking Regulations; containing findings and other provisions relating to the foregoing subject; providing for severability
14. ORDINANCE **AMENDING CERTAIN SECTIONS OF ARTICLES II AND III OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Water and Wastewater Rates and Charges; correcting clerical errors relating to Unmetered Fire Sprinkler System Rates, clarifying computations of certain Industrial Wastewater Rates; amending provisions and charges for collection and disposal of domestic sewage in the Lake Houston vicinity; providing a wastewater credit to single-family residential customers for newly permitted pools; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability; providing an effective date
15. ORDINANCE amending the City of Houston Construction Code by adopting the 2009 International Energy Conservation Code with local amendments, as the City of Houston Residential Energy Conservation Code and making other revisions to other volumes of the Construction Code; containing findings and other provisions relating to the foregoing subject; including a provision for Public Works and Engineering in 2012 and 2013 to submit for placement on the Council Agenda a proposal to increase energy efficiency by up to an additional 5%; containing a repealer; containing a savings clause; providing an effective date; providing for severability
16. ORDINANCE appropriating up to a maximum sum of \$154,000,000.00 out of the Street & Traffic Control and Storm Drainage DDSRF Fund to replace funding for certain drainage and street related Capital Improvement Projects awarded by the City; deappropriating up to the maximum sums of (1) \$81,000,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by various ordinances for Capital Projects with a Street and Traffic Storm Drainage Component, (2) \$70,000,000.00 appropriated from the Drainage Improvement Fund by various ordinances for Capital Improvement Projects for drainage purposes, and (3) \$3,000,000.00 appropriated from the Storm Sewer Consolidated Construction Fund by various ordinances for Capital Improvement Projects for storm sewer drainage purposes; authorizing, approving, confirming and ratifying certain matters relating to the City of Houston, Texas, General Obligation Commercial Paper Notes, Series K and such related Sub-Series, in an aggregate principal amount not to exceed \$200,000,000 for the purpose of providing financing for certain authorized purposes; approving and authorizing Certain Authorized Officials and designated employees to act on behalf of the City in the Selling and Delivery of such Notes within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, one or more Credit Agreements, an Offering Memorandum and one or more Commercial Paper Dealer Agreements; making certain findings and determinations regarding such Commercial Paper Program and other General Obligation Commercial Paper Programs; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Louisiana Street, from Chelsea Avenue south to its terminus; vacating and abandoning the right-of-way to the Joy Development School, Lynette Mandola, and Gramercy Place No. 1, Ltd., abutting owners, in consideration of the conveyance to the City of Houston, Texas (the "City") of two sanitary sewer easements, in the South End Villa Tract Subdivision and Chelsea Place Subdivisions, Obedience Smith Survey, A-696, Harris County, Texas, payment to the City of \$48,796.00, and other consideration - **DISTRICT C - CLUTTERBUCK**
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Swan Road, from Morales Road to North Sam Houston Parkway, in the Hartland Acres Subdivision, Washington County R.R. Company Survey, A-935, Harris County, Texas; abandoning the easement to Halliburton Energy Services Inc, abutting owner, in consideration of its payment to the City of \$213,722.00 and other consideration **DISTRICT B - JOHNSON**
19. ORDINANCE approving and authorizing Updated Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - \$12,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
20. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **515 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
21. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **643 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
22. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1120 Winston Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
23. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **816 Arlington Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
24. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **523 Columbia Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
25. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **301 East 10th Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
26. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4611 Oak Ridge Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

27. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **215 Westmoreland Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS**
28. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **743 Heights Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
29. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1136 Fugate Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
30. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1611 South Boulevard** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
31. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2211 Brentwood Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
32. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **308 Avondale Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS**
33. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **14 Remington Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
34. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3640 Piping Rock Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
35. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2440 Inwood Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
36. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **67 Tiel Way** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**

RESOLUTIONS AND ORDINANCES - continued

37. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4216-4218 Washington Avenue** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**
38. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3260 Chevy Chase Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
39. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2027 Sunset Boulevard** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
40. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2232 Looscan Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON**
41. ORDINANCE approving and authorizing agreement between the City of Houston and **PRO VISION, INC** to provide a grant of \$950,000.00 in Community Development Block Grant Funds for Construction of additional classroom, library and computer lab space for a public charter school located at 4590 Wilmington Street, Houston, Texas - **DISTRICT D - ADAMS**
42. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **FORT BEND COUNTY** to provide a \$500,000.00 grant of Federal Community Development Block Grant Funds to assist in the Construction of a Seniors Community Center to be located on property neighboring 5525 Hobby, Houston, Fort Bend County, Texas - **DISTRICT D - ADAMS**
43. ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTI CULTURAL COMMUNITY SERVICES**, providing up to \$291,000.00 in Housing Opportunities for Persons With AIDS Funds for the operation and administration of a Short-Term Rent Mortgage and Utility Assistance Program - **DISTRICT F - HOANG**
44. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON**, providing up to \$141,000.00 in additional funds for the administration of a Tenant Based Rental Assistance Program and a Short-Term Rent, Mortgage and Utility Assistance Program, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program **DISTRICTS D - ADAMS and H - GONZALEZ**
45. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, providing up to an additional \$9,040.38 for the administration and operation of a Single Room Occupancy Community Residence under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - CLUTTERBUCK and I - RODRIGUEZ**
46. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to an additional \$154,923.00 for the administration of a Tenant Based Rental Assistance Program and a Short-Term Rent, Mortgage and Utility Assistance Program, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

47. ORDINANCE approving and authorizing first amendment to Contract No. 4600010747 and amending Ordinance No. 2010-1007 (Passed on December 8, 2010) for contract between the City of Houston and **LAGAN TECHNOLOGIES, INC** for the Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department
48. ORDINANCE approving and authorizing first amendment to Contingency Agreement for Fee Auditing Services between the City of Houston and **MARKETING ON HOLD, INC d/b/a SOUTHWESTERN TARIFF ANALYST** to exclude certain telecommunications audits
49. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston, **CHRISTOPHER FISHER, and his attorneys William H. Stout and Graham E. Sutliff of Sutliff & Stout, PLLC** and the **HARRIS COUNTY HOSPITAL DISTRICT**; to settle a lawsuit - \$115,000.00 - Property and Casualty Fund
50. ORDINANCE approving and authorizing contract between the City of Houston and **BECK, REDDEN & SECREST**, a Registered Limited Liability Partnership for Legal Services in representation of the City in an action to be initiated against J.P. Morgan Securities LLC, UBS Financial Services Inc and/or Goldman Sachs & Co. or other responsible parties for the recovery of damages for losses incurred by the City in connection with the Adjustable Rate Bond Market failure in or about 2008
51. ORDINANCE consenting to the creation of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 12** and the inclusion of certain land within the district; consenting to the exclusion of certain land - **DISTRICT C - CLUTTERBUCK**
52. ORDINANCE appropriating \$70,000.00 out of Public Library Consolidated Construction Fund, \$50,000.00 out of Solid Waste Consolidated Construction Fund, and \$195,000.00 out of the Police Consolidated Construction Fund as an additional appropriation for the Task Order Architectural Services Contract between the City of Houston and **BRAVE/ARCHITECTURE INC** for Various City Departments (Approved by Ordinance No. 2008-0374)
53. ORDINANCE appropriating \$49,415.00 out of Metro Projects Construction Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Central Business District Communication System
54. ORDINANCE approving and authorizing Compromise and Settlement Agreement between **HOUMA ARMATURE WORKS & SUPPLY, INC** and the City of Houston for Repair of Submersible Pump for the Public Works & Engineering Department - \$63,996.07 - Enterprise Fund
55. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **LEGGETTE, BRASHEARS & GRAHAM, INC, d/b/a LBG-GUYTON ASSOCIATES** for Rehabilitation of existing water wells at various facilities
56. ORDINANCE appropriating \$600,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MIDTOWN ENGINEERS, LLC** for Citywide Intersection Safety Improvement Program; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

RESOLUTIONS AND ORDINANCES - continued

57. ORDINANCE appropriating \$157,700.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **FCM ENGINEERS, P.C. (Formerly PTI, INC)** for West Little York Paving from Wheatley to T.C. Jester (Approved by Ordinance No. 1998-1185); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON**
58. ORDINANCE appropriating \$554,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Second Amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (Approved by Ordinance No. 2009-0333) for services associated with the Design of Groundwater Treatment Plants Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and G - PENNINGTON**
59. ORDINANCE appropriating \$2,208,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Water Line Replacement in University of St. Thomas Area; setting a deadline for the bidders' execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**
60. ORDINANCE appropriating \$2,975,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Liberty North Area; setting a deadline for the bidders' 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 B - JOHNSON**
61. ORDINANCE No. 2011-1007, passed first reading November 30, 2011
ORDINANCE granting to **CELESTINE HOLCOMB d/b/a HOLCOMB ENVIRONMENTAL WASTE OIL SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and the **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Southern Montgomery County Municipal Utility District, in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Southern Montgomery County Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Southern Montgomery County Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

63. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3** and certain territory located in the vicinity of Harris-Fort Bend Counties Municipal Utility District No. 3, in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris-Fort Bend Counties Municipal Utility District No. 3; imposing the sales and use tax of the City of Houston in the area within Harris-Fort Bend Counties Municipal Utility District No. 3 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
64. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of Reid Road Municipal Utility District No. 1, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Reid Road Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Reid Road Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
65. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and the **SPRING CREEK UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SPRING CREEK UTILITY DISTRICT** and certain territory located in the vicinity of Spring Creek Utility District, In Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Spring Creek Utility District; imposing the sales and use tax of the City of Houston in the area within Spring Creek Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
66. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located within the vicinity of Harris Fort Bend Counties Municipal Utility District No. 1 in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris Fort Bend Counties Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Harris Fort Bend Counties Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2** and certain territory located in the vicinity of Reid Road Municipal Utility District No. 2, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Reid Road Municipal Utility District No. 2; imposing the sales and use tax of the City of Houston in the area within Reid Road Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19** and certain territory located in the vicinity of Montgomery County Municipal Utility District No. 19, in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Montgomery County Municipal Utility District No. 19; imposing the sales and use tax of the City of Houston in the area within Montgomery County Municipal Utility District No. 19 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

69. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **FALLBROOK UTILITY DISTRICT**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fallbrook Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

70. ORDINANCE amending Ordinance No. 2006-0708, relating to the approval and authorization of the first amended and restated strategic partnership agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412**
 - a. ORDINANCE amending Ordinance No. 2006-0709 relating to the annexation for limited purposes of a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

71. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 166 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

72. ORDINANCE approving and authorizing a second amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 109 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

73. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 21 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

74. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 280**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 280**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 280 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

75. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 194 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

76. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 23 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

77. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 36; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 36 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

78. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** and certain territory located in the vicinity of Harris County Municipal Utility District No. 230, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 230; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 230 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

79. ORDINANCE approving and authorizing a third amended and restated strategic partnership agreement between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Bridgestone Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Bridgestone Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Bridgestone Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
80. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Barker Cypress Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Barker Cypress Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Barker Cypress Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
81. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 143, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 143; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 143 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
82. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96** and certain territory located in the vicinity of Harris County Municipal Utility District No. 96, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 96; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 96 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

83. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364** and certain territory located in the vicinity of Harris County Municipal Utility District No. 364, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 364; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 364 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
84. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238** and certain territory located in the vicinity of Harris County Municipal Utility District No. 238, In Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 238; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 238 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
85. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215** and certain territory located in the vicinity of Harris County Municipal Utility District No. 215 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 215; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 215 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
86. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205** and certain territory located in the vicinity of Harris County Municipal Utility District No. 205 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 205; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 205 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

RESOLUTIONS AND ORDINANCES - continued

87. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183** and certain territory located in the vicinity of Harris County Municipal Utility District No. 183, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 183; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 183 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
88. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and the **FORT BEND MUNICIPAL UTILITY DISTRICT NO. 30**
- a ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 30, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 30; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 30 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 89 through 93

89. ORDINANCE approving the assignment of Lease and Development Agreement between the City of Houston and **IAH LAND PARTNERS, LP**, for certain premises at George Bush Intercontinental Airport/Houston; approving and authorizing Amendment No. 1 to the agreement - **DISTRICT B - JOHNSON** - **TAGGED BY COUNCIL MEMBER SULLIVAN**
This was Item 12 on Agenda of November 30, 2011
90. ORDINANCE approving and authorizing submittal of the Community Development Block Grant Disaster Recovery Program 2011 Housing Program Application for General Housing Applicants, setting forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike (Round 2.2); authorizing the acceptance of funds requested in the application - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 13 on Agenda of November 30, 2011

MATTERS HELD – continued

91. ORDINANCE approving and authorizing the Chief of the City of Houston Police Department to accept grant funds from the National Institute of Justice for funding for Strategic Approaches to Sexual Assault Kit (SAK) Evidence: Phase II Houston SAK Task Force; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

TAGGED BY COUNCIL MEMBER JONES

This was Item 17 on Agenda of November 30, 2011

92. ORDINANCE appropriating \$490,163.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for New Front Easement Reconnections; 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 - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 25 on Agenda of November 30, 2011

93. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBERS PENNINGTON, NORIEGA, BRADFORD and JONES

This was the substitute ordinance for Item 30A on Agenda of November 30, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
DECEMBER 6, 2011 2:00PM**

AGENDA

3MIN 3MIN 3MIN

NON- AGENDA

3MIN 3MIN 3MIN

MS. YVONNE SILVA – 2502 Mona Lee – 77080 – 713-464-2078 – Loss Revenue for City Houston

MR. DONALD BURNS – 13021 Donegal – 77047 – 713-880-0307 – Official Oppression

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

MR. ROBERT EDNESS – 6221 Main St. – 77030 – no phone – Discriminating 62 yrs. old people with no
discount on Metro

PREVIOUS

1MIN 1MIN 1MIN

MR. DON COOK – 7954 Glenheath – 77061 – 713-705-5594 – City Governess

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – US
President J Charles – N-C/V-G/Case W/World Leaders Adjoined – M/Position – World Leaders

/
DEC 07 2011

MOTION NO. 2011 0870

MOTION by Council Member Gonzalez that the recommendation of the Director of the Planning and Development Department, to set a hearing date to consider the amendments to Chapter 42, Code of Ordinances, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 7, 2011 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Hoang and carried.

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

PASSED AND ADOPTED this 30th day of November 2011.

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

City Secretary

SUBJECT: Greater Harris County 9-1-1 Emergency Network, Year 2012		Category	Page 1	Agenda Item # 2
FROM: Dennis Storemski, Director Mayor's Office of Public Safety and Homeland Security		Origination Date: 11/16/11	Agenda Date: DEC 07 2011	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: David Cutler (HEC Director) Phone: (713) 884-3602		Date and Identification of prior authorizing Council action:		

RECOMMENDATION: (Summary) Approval of the Greater Harris County 9-1-1 Emergency Network 2012 budget (January 1, 2012 – December 31, 2012)

Amount of Funding: N/A

F & A Budget:

SOURCE OF FUNDING:

The Houston Emergency Center is requesting City Council approval of the Greater Harris County 9-1-1 Emergency Network's annual budget of \$53,180,000.00 for budget year 2012 (January 1, 2012 – December 31, 2012). This is a decrease of \$2.9 million from their 2011 budget.

The Network is the governmental agency that administers the 9-1-1 system, providing coordination and other collateral support for participating jurisdictions within Harris and Fort Bend counties. Through the 9-1-1 system, emergency calls from citizens are referred to the appropriate emergency response agency – whether police, fire or EMS – or to other appropriate agencies like crisis hotline, poison control, or emergency management operations.

Due to its intergovernmental functions and pursuant to state law, the Greater Harris County 9-1-1 Emergency Network annual budget must be approved by its Board of Managers, Harris County Commissioners Court, and the Houston City Council.

A copy of the budget was delivered to each City Council Member during October 2011. Additionally, a copy of the budget is available for review in the City Secretary's Office, and copies are available from the Houston Emergency Center. Highlights of the 2012 budget are attached for your convenience.

REQUIRED AUTHORIZATION

F & A Director:

Other Authorization:

Other Authorization:

Greater Harris County 9-1-1 Emergency Network Year 2012 Budget Highlights

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

The proposed operational and capital budget for FY2012 totals \$53,180,000.00. This is a decrease of \$2.9M from the approved FY2011 budget.

Highlights of the FY2012 GHC budget include the following:

No change in service fee rates

- ◆ Residential - \$.50 per subscriber line
- ◆ Business - \$.80 per business line and \$.87 per trunk
- ◆ Wireless - \$.50 per subscriber as prescribed by law; wireless fees are transmitted to the Texas State Comptroller's Office and distributed to 9-1-1 entities by population.
- ◆ \$.50 per Nomadic IP-based connection
- ◆ Prepaid Wireless- 2% prepaid services purchased by any method

The Capital budget of \$17.9M decreased by \$3.1M from the previous budget.

The Capital budget includes:

- ◆ Normal upgrades to the call-taker equipment at the PSAPs throughout Harris and Fort Bend counties
- ◆ Capital outlay for NextGen911 network (MPLS and microwave).

The Operational budget totals \$35.3M, increased by \$159,000.00:

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

The budget also includes:

- ◆ Operating and capital cost for Next Generation projects, which include upgrades to the 9-1-1 frame network. The upgrades will include expansion

of the network's bandwidth and increase the diversity/redundancy of the network. In addition, the upgrades will allow a seamless integration of new technological devices capable to access 9-1-1 emergency services and to improve interoperability among the county and municipalities.

- ◆ Expenses for ongoing professional training seminars for personnel of participating jurisdictions and agencies throughout the GHC territory
- ◆ Public education programs, including targeted campaigns (e.g., wireless use, proper use of 9-1-1, and use of NEWS).

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Designation of residential parking permit areas in various neighborhoods in the City of Houston.

Category #

Page 1 of
22

Agenda Item#

3

FROM: (Department or other point of origin):

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

Origination Date

11 / 30 / 11

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE:

Council Districts affected:

C, D, H, I

For additional information contact:

Maria Irshad, CAPP Phone: 832-393-8641
Chris Newport Phone: 713-837-9533

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt a motion authorizing the designation of a residential permit parking area in the Super Neighborhoods of University Place, Greenway/Upper Kirby, Neartown/Montrose, Midtown, and Washington Avenue Coalition/Memorial Park

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 108 permit areas have been designated.

The Administration & Regulatory Affairs Department recommends that the following proposed areas be designated residential parking permit areas, where on-street parking at the times of day and days of the week specified in the attachment require a valid permit. The Administration & Regulatory Affairs and the Department of Public Works and Engineering reviewed the applications. The required public hearing was held on October 20, 2011 and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the following proposed areas are attached.

- 5300 block of Mandell, Monday – Friday, 9 a.m. – 6 p.m.
- 2700 block of Drexel, eastside, Monday – Sunday, 10 a.m. – 10 p.m., tow-away zone
- 4000 block of Chatham, Monday – Sunday, 10 a.m. – 10 p.m., tow-away zone
- 1500 block of Hawthorne, Wednesday – Sunday, 11 p.m. – 6 a.m.
- 100 block of Stratford, southside, Monday – Sunday, 5 p.m. – 6 a.m.
- 1800 block of Missouri (between Dunlavy and Ralph), Monday – Sunday, 5 p.m. – 5 a.m., tow-away zone
- 1300 block of Rosalie, southside, Wednesday – Sunday, 11 p.m. – 6 a.m., tow-away zone
- 6400 block of Westcott, Monday – Sunday, 6 p.m. – 2 a.m., tow-away zone

REQUIRED AUTHORIZATION

ARA Director:

Residential Parking Permit Areas

Legend

 UNIVERSITY PLACE (SN#28)

 Existing Areas

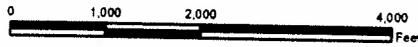
 Proposed Areas



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2011



050511-28-175: 5300 MANDELL ST



Disclaimer:
 COHGIS data is prepared and made available for general reference purposes only and should not be used, or relied upon for specific applications, without independent verification. The City of Houston neither represents, nor warrants COHGIS data accuracy, or completeness, nor will the City of Houston accept liability of any kind in conjunction with its use. PJ16343_univ_pl_mandl



Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 050511-28-175, **5300 Mandell, between Sunset and Bissonnet**
Proposed Times: Mon-Fri, 9am-6pm

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

5300 block of Mandell, 9 a.m. to 6 p.m., Monday through Friday

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

- Applicant is amending current residential permit parking regulations.
- A parking problem exists between the hours of 9 a.m. and 6 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from Texas Medical Center.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 75 percent of residents (out of 16 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Residential Parking Permit Areas

Legend

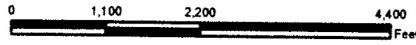
-  GREENWAY/UPPER KIRBY AREA (SN#87)
-  Existing Areas
-  Proposed Areas



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2011

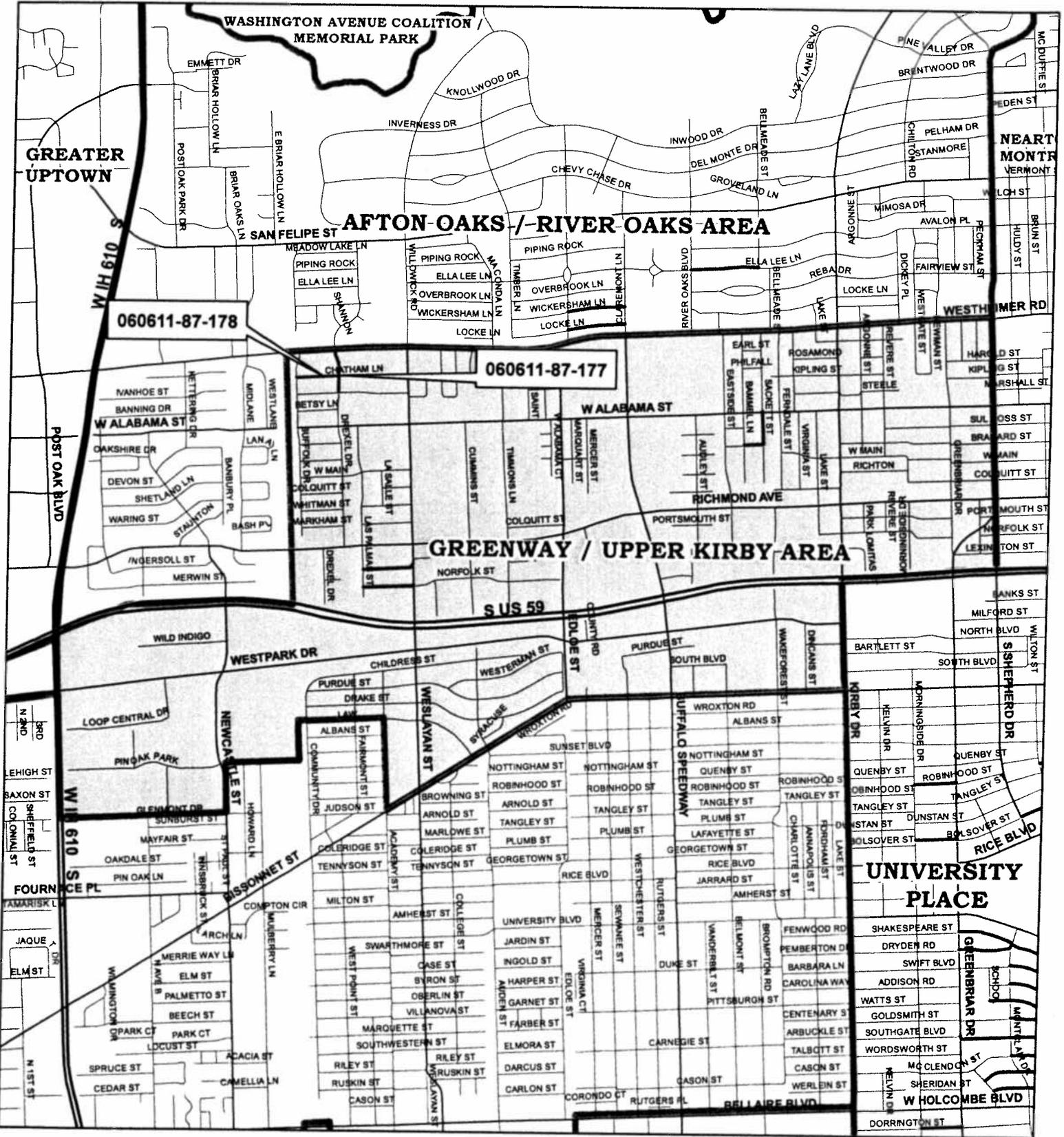


060611-87-177: 2700 DREXEL ST
 060611-87-178: 4000 CHATHAM ST



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PJ16345_gmwy_drexl



Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 060611-87-177, 2700 Drexel, eastside, between Essex and Chatham
Proposed Times Monday – Sunday, 10am-10pm, tow-away zone

Parking Official Recommendation:

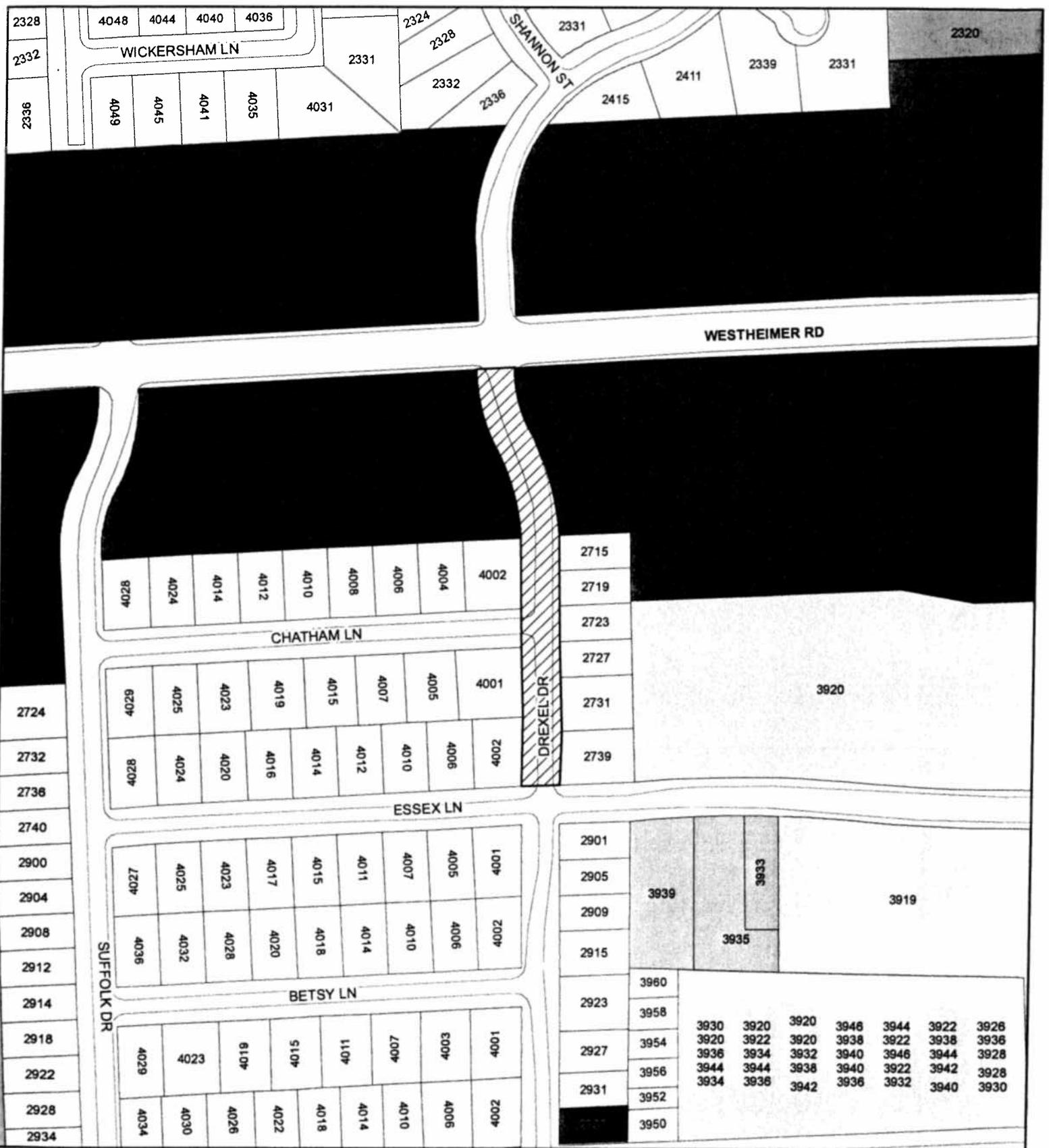
Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

2700 block of Drexel, eastside from 10 a.m. to 10 p.m., Monday through Sunday, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

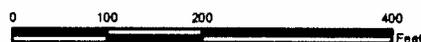
- A parking problem exists between the hours of 10 p.m. and 10 a.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from Highland Village.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 63 percent of residents (out of 8 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area

Application: 060611-87-177

2700 DREXEL ST (77027)



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pj16197_drexel

Legend

- Proposed
- Land Use:**
- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 060611-87-177, **4000 Chatham, between Drexel and Suffolk**
Proposed Times Monday – Sunday, 10am-10pm, tow-away zone

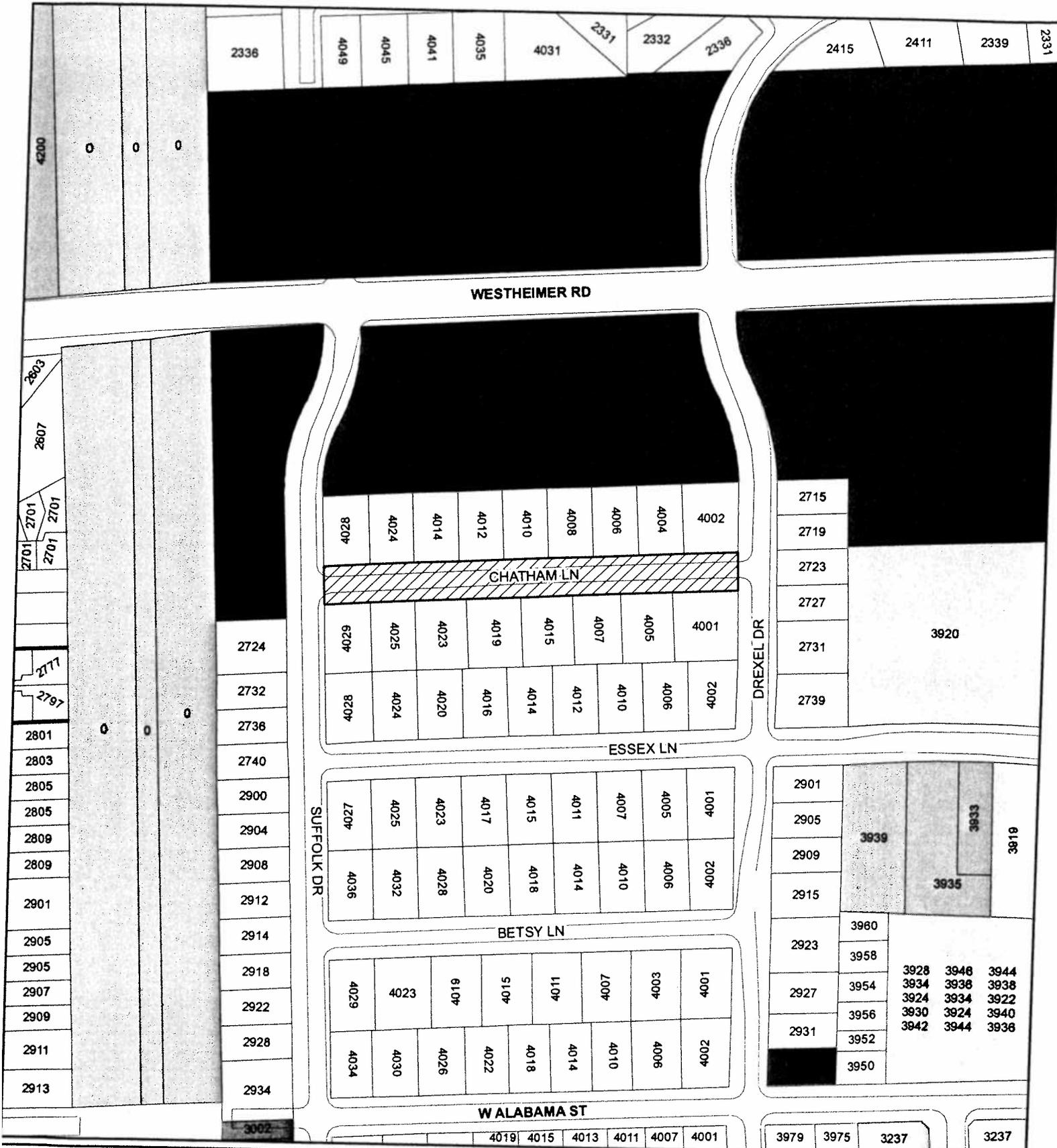
Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

4000 block of Chatham, Monday – Sunday, 10am-10pm, tow-away zone

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 10 a.m. and 10 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from Highland Village.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 76 percent of residents (out of 17 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



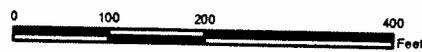
Proposed Residential Parking Permit Area

Application: 060611-87-178

4000 CHATHAM LN (77027)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: July 2011

Disclaimer:
 COHGIS data is prepared and made available for general reference purposes only and should not be used, or relied upon for specific applications, without independent verification. The City of Houston neither represents, nor warrants COHGIS data accuracy, or completeness, nor will the City of Houston accept liability of any kind in conjunction with its use.



- Legend**
- Proposed
 - Land Use:**
 - Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

Residential Parking Permit Areas



Legend

 NEARTOWN - MONTROSE (SN#24)

 Existing Areas

 Proposed Areas

042911-24-174: 1500 HAWTHORNE ST

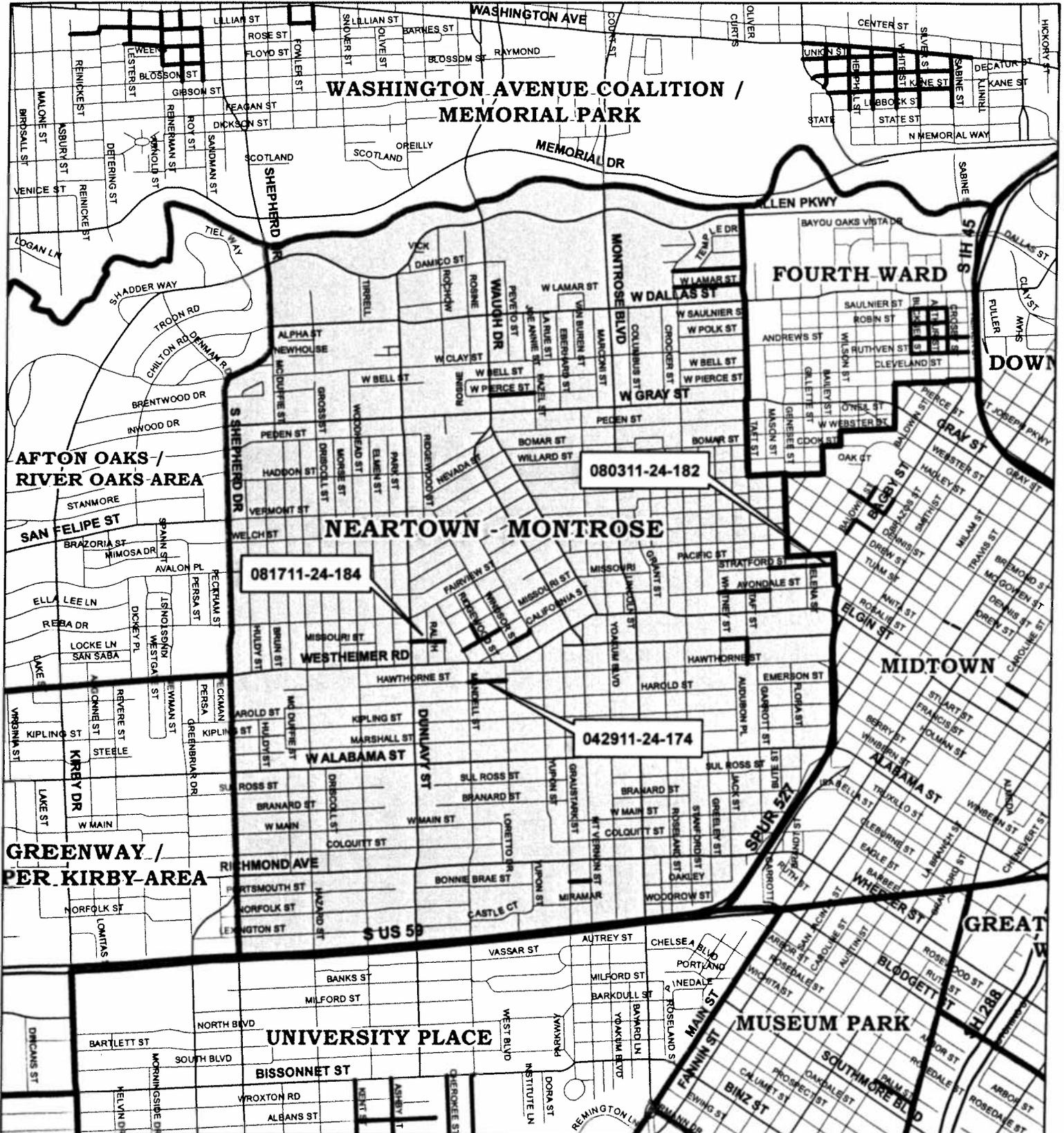
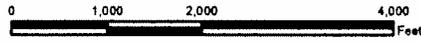
080311-24-182: 100 STRATFORD ST

081711-24-184: 1800 MISSOURI ST



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2011

Disclaimer:
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Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 042911-24-174, 1500 Hawthorne, between Mulberry and Mandell
Proposed times: Monday – Sunday, 11 p.m. – 6 a.m

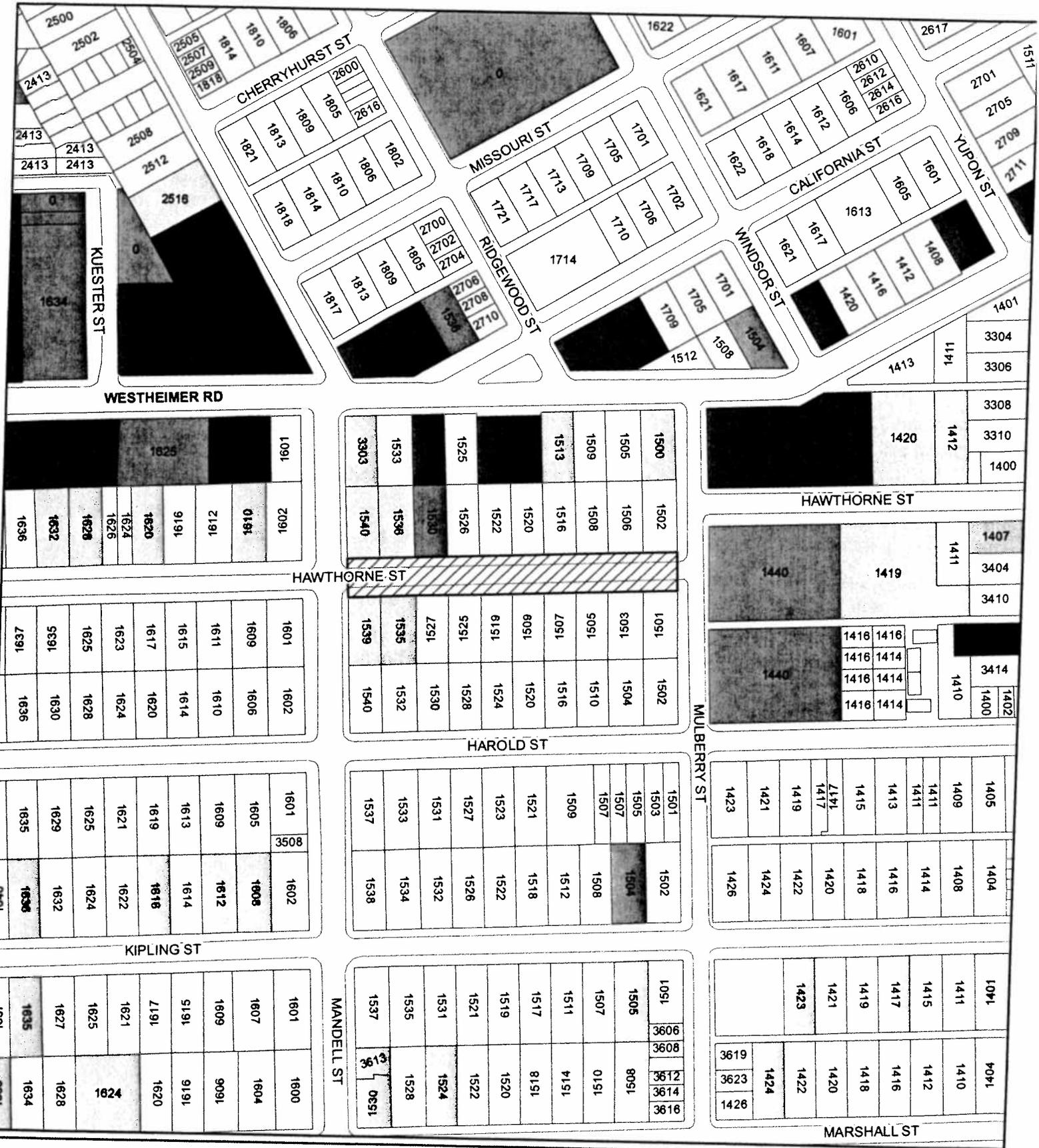
Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

1500 block of Hawthorne from 11 p.m. to 6 a.m., Wednesday through Sunday

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 11 p.m. and 6 a.m., Wednesday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from local bars and restaurants.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 65 percent of residents (out of 31 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



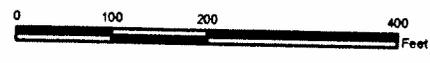
Proposed Residential Parking Permit Area

Application: 042911-24-174

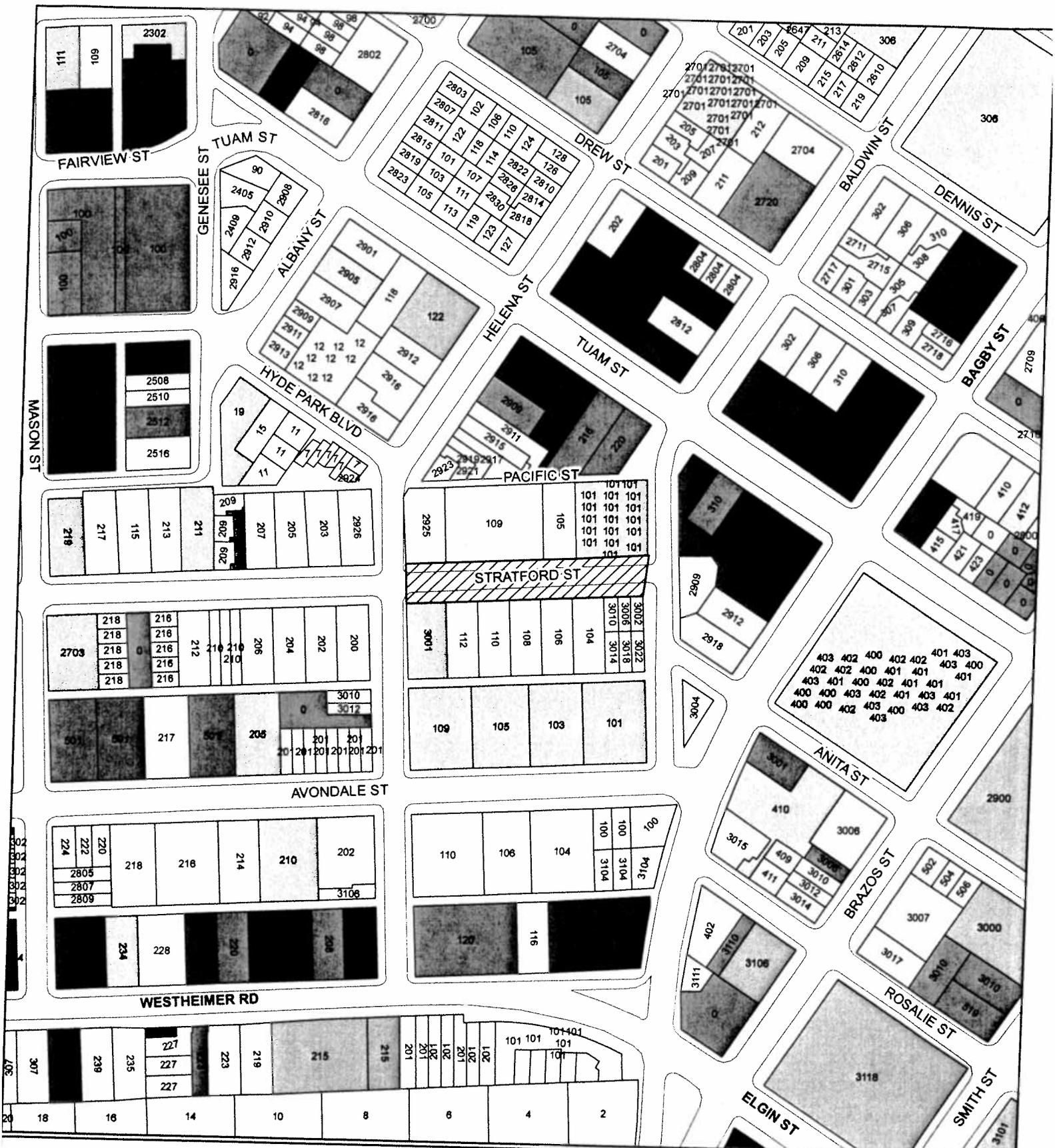
1500 HAWTHORNE ST (77006)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: July 2011

Disclaimer:
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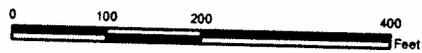
- Legend**
- Proposed
 - Land Use:**
 - Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown



Proposed Residential Parking Permit Area

Application: 080311-24-182

100 STRATFORD ST (77006)



- Legend**
- Proposed
 - Land Use:**
 - Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: August 2011

Disclaimer:
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pj16254_stratford

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 081711-24-184, 1800 Missouri, between Dunlavy and Ralph
Proposed Times: Monday – Sunday, 9 p.m. – 3 a.m., tow-away zone

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

1800 block of Missouri (between Dunlavy and Ralph), Monday – Sunday, 5 p.m. – 5 a.m., tow-away zone

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

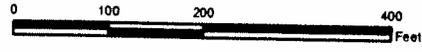
- A parking problem exists between the hours of 5 p.m. and 5 a.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from local bars and restaurants.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 100 percent of residents (out of 4 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area

Application: 081711-24-184

1800 MISSOURI ST (77006)



Legend

- Proposed
- Land Use:**
- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2011

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pj16256_missou

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 072211-67-181, **1300 Rosalie, between Caroline and Austin**
Proposed Times: Monday – Sunday, 11 p.m. – 6 a.m., tow-away zone

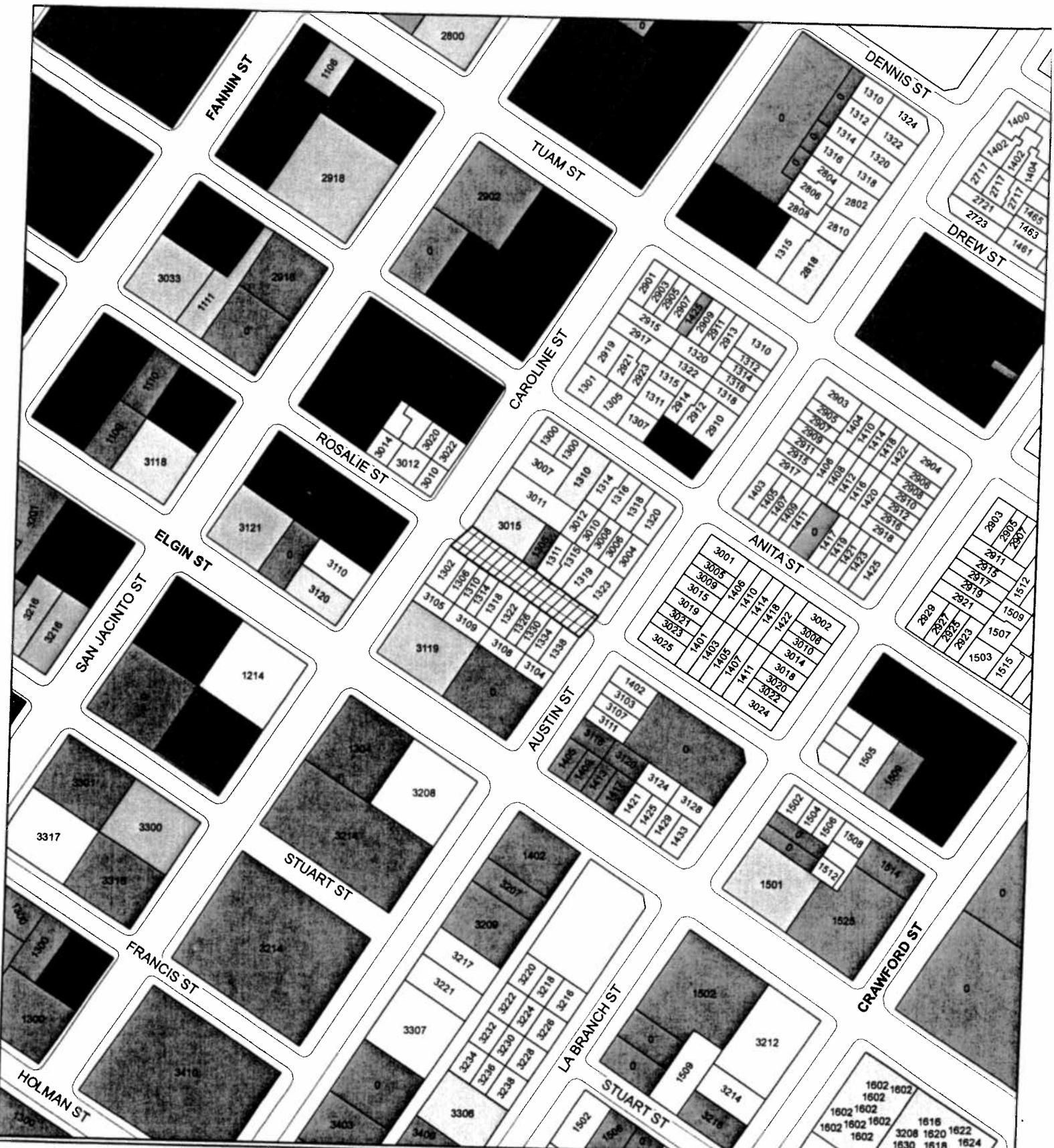
Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

1300 block of Rosalie, southside, Wednesday - Sunday, 11 p.m. – 6 a.m., tow-away zone

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

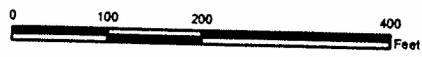
- A parking problem exists between the hours of 11 p.m. and 6 a.m., Wednesday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from local bars.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 100 percent of residents (out of 19 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area

Application: 072211-67-181

1300 ROSALIE ST (77004)



- Legend**
- Proposed
 - Land Use:**
 - Single-Family
 - Multi-Family
 - Commercial
 - Office
 - Industrial
 - Public & Institutional
 - Transportation & Utilities
 - Parks & Open Areas
 - Agriculture Production
 - Undeveloped
 - Unknown

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: August 2011

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pj16253_rosalie

Residential Parking Permit Areas

Legend

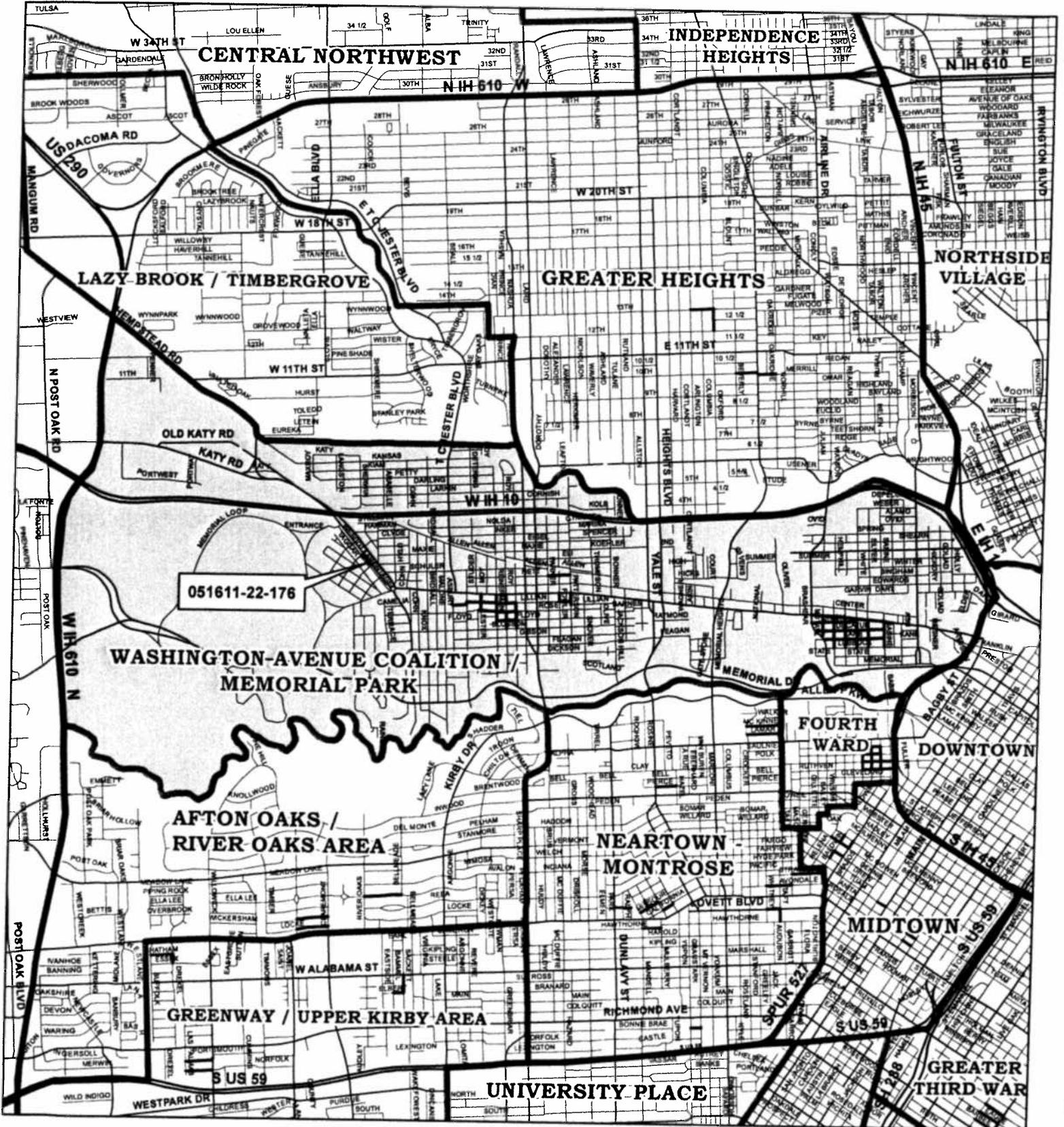
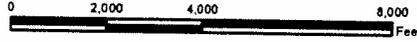
-  WASHINGTON AVENUE COALITION / MEMORIAL PARK (SN#22)
-  Existing Areas
-  Proposed Areas

051611-22-176: 6400 WESTCOTT ST



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: October 2011

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Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 051611-22-176, **6400 Westcott, between Prague and Coppage**

Proposed Times: Monday – Friday, 4 p.m. – 2 a.m., Saturday, 10 am-2am, Sunday 10 am- 1am, tow-away zone

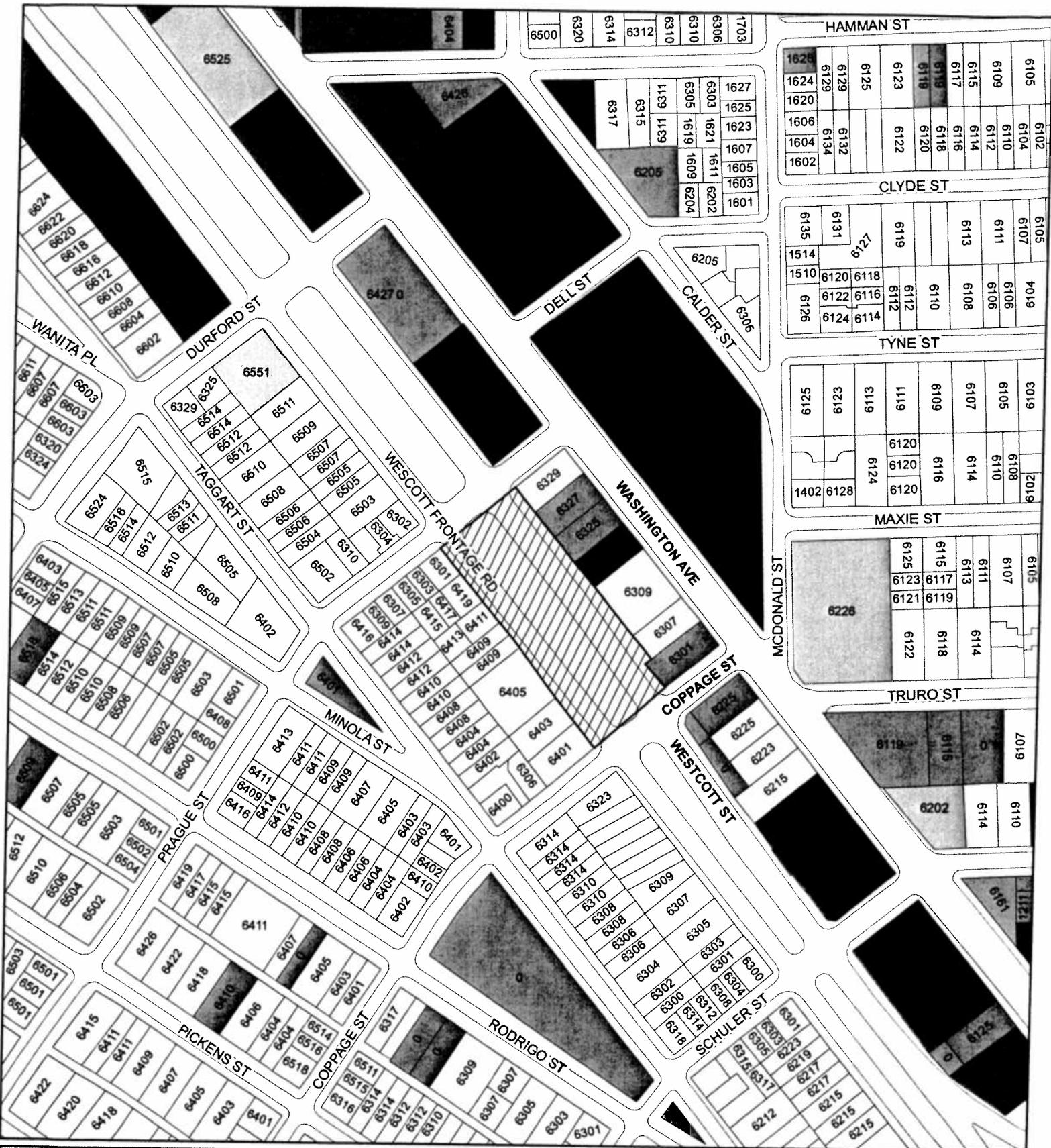
Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside:

6400 block of Westcott, Monday - Sunday, 6 p.m. – 2 a.m., tow-away zone

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Operations Division, and the public at the October 20, 2011 hearing leads to the findings:

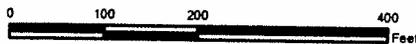
- A parking problem exists between the hours of 6 p.m. and 2 a.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside was generated by commuters from local bars.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 86 percent of residents (out of 14 households affected) signing the petition in favor of the permit area.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area

Application: 051611-22-176

6400 WESTCOTT ST (77007)



pj16200_westcott

Legend

Proposed

Land Use:

- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: July 2011

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

SUBJECT: Accept Work Texas Liqua Tech Services, Inc. Roof Replacement at Health and Human Services Headquarters 8000 North Stadium Drive WBS No. D-000IKE-0002-4	Page 1 of 1	Agenda Item: 4
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FROM (Department or other point of origin): General Services Department	Origination Date: 12/1/11	Agenda Date: DEC 07 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 11/23/11	Council District(s) affected: D
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2011-0212; March 23, 2011
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RECOMMENDATION: Pass a motion approving the final construction amount of \$488,663.00, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required	Finance Budget:
Previous Funding: \$563,266.00 - Hurricane Ike Aid and Recovery Fund (5206)	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$488,663.00 or 0.07% under the original contract amount, accept the work and authorize final payment to Texas Liqua Tech Services, Inc. for construction services in connection with the roof replacement at the Health and Human Services Headquarters.

PROJECT LOCATION: 8000 North Stadium Drive (532M)

PROJECT DESCRIPTION: The scope of work consisted of demolition of the existing roof, installation of new roof drains, a new air conditioning condenser unit, new roof insulation and a new built-up roof system.

CONTRACT COMPLETION AND COST: The contractor completed the project within 125 days: the original contract time of 120 days plus five days approved by Change Order 1. The final cost of the project, including Change Order 1, is \$488,663.00, a decrease of \$357.00 from the original contract amount.

Building Envelope Consultants, Inc. was the project design consultant.

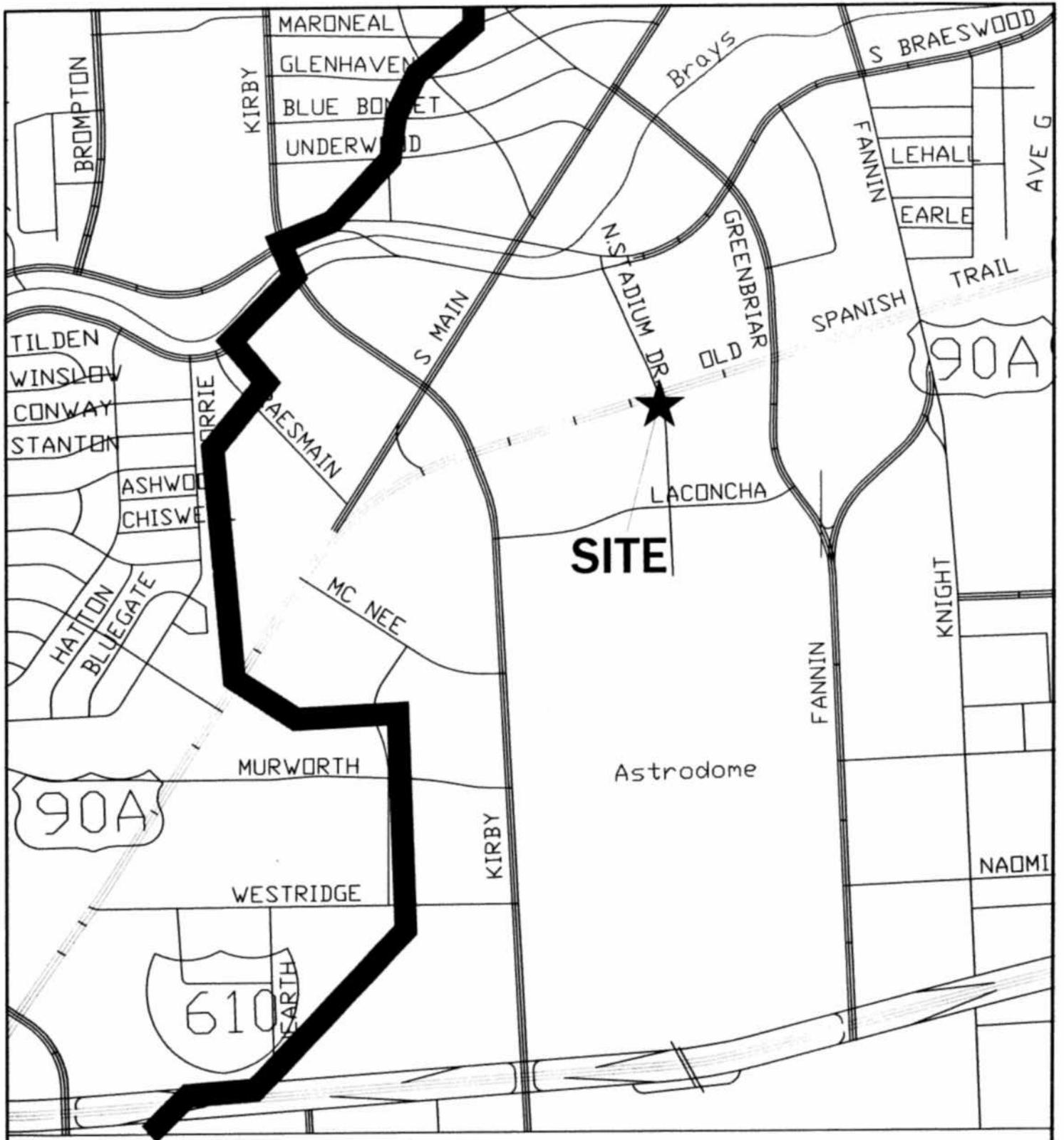
PREVIOUS CHANGE ORDER: Change Order 1 provided for deletion of sod replacement because the installation of new sod was not supported by the drought conditions.

SM:JLN:RAV:MCP:JBW

c: Marta Crinejo, Jacquelyn L. Nisby, Claudette Manning, Christopher Gonzales, Morris Scott, File

REQUIRED AUTHORIZATION CUIC ID#25CONS192

General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division	Department of Health and Health Services: <i>[Signature]</i> Stephen L. Williams, M.ED, MPA Director
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**Roof Replacement at Health & Human Services Headquarters:
8000 N. Stadium Dr.
Houston, TX 77054**

COUNCIL DISTRICT "D"

WBS. No. D-000IKE-0002-4

KEYMAP No. 532M

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Times Construction, Inc. Marian Park WBS No. F-000674-0001-4	Page 1 of 1	Agenda Item 5
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FROM (Department or other point of origin): General Services Department	Origination Date 11/29/2011	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i>	Council District affected: C
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2010-607, Dated July 28, 2010
--	--

RECOMMENDATION: Pass a motion approving the final contract amount of \$673,917.00, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required	Finance Budget:
Previous Funding: \$733,335.00 Parks Consolidated Construction Fund (4502)	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$673,917.00 or 4.97% over the original contract amount, accept the work and authorize final payment to Times Construction, Inc. for construction services in connection with Marian Park for the Parks and Recreation Department.

PROJECT LOCATION: 11000 South Gessner Dr. (530 X)

PROJECT DESCRIPTION: The scope of work included a new water sprayground, decorative front plaza and entry to the community center, lighting, parking lot expansion, trellis, awning, landscape, irrigation and painting.

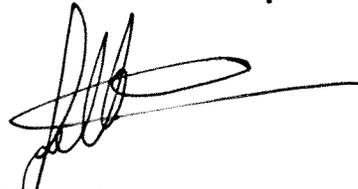
CONTRACT COMPLETION AND COST: The contractor completed the project within 188 days: the original contract time of 150 days plus 38 days approved by Change Orders. The final cost of the project, including Change Orders, is \$673,917.00, an increase of \$31,917.00 over the original contract amount.

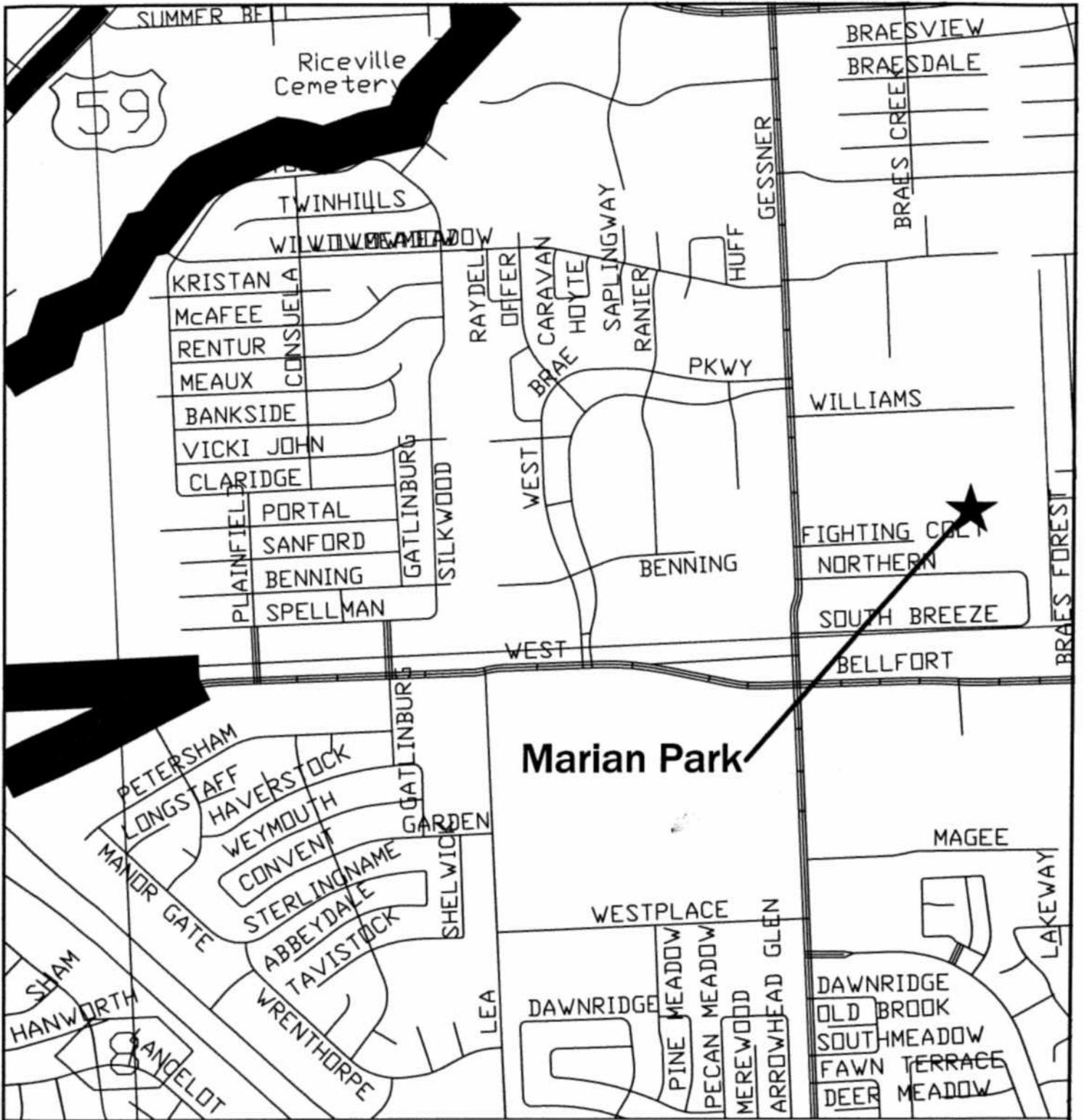
M2L Associates, Inc. was the project design consultant and construction manager for the project.

PREVIOUS CHANGE ORDERS: Change Orders 1-6 added new electrical service and a meter to an existing lift station; additional electrical conduit across drainage swales; added tile edge protectors; two concrete drainage aprons; replaced playground concrete ramp; added a discharge pipe for existing ice machine; provided extension and relocation of splash pad controls and lines to fenced enclosure; new base plate cover for metal columns; concrete cover pad at underground tank; and mow strips.

SM:RAV:JLN:DJR:rp
c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Lucy Herrera, Morris Scott, Gabriel Mussio, Lisa Johnson, Christopher Gonzales, File 1108

REQUIRED AUTHORIZATION CUIC #25PARK161

General Services Department:  Richard A. Vella Chief of Design & Construction Division	Parks and Recreation Department:  Joe Turner Director
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Marian Park

Marian Park
11000 South Gessner Dr.
Houston, TX 77071

COUNCIL DISTRICT "C"

KEYMAP No. 530X

SUBJECT: Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2010 (861) ES and STP 2010 (862) ES, Etc.; WBS No. N-001037-0059-4, TxDOT CSJ 0912-70-036.	Category #1, 7	Page 1 of 2	Agenda Item # <div style="text-align: right; font-size: 2em;">6</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/1/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: F, H, 
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For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2010-0297 dated: 04/21/2010 Ord. # 2011-0026 dated: 01/05/2011
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$971,328.86 or 4.63% over the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$1,112,617.00 with \$487,828.00 from American Recovery and Reinvestment Act (ARRA) Fund No. 5300, and \$624,789.00 from Street and Bridge Consolidated Construction Fund No. 4506.

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

PREVIOUS HISTORY: On April 21, 2010 Ordinance No. 2010-0297 approved the appropriation of \$30,000.00 and the Advance Funding Agreement between the City of Houston and Texas Department of Transportation for the Local Rehabilitation Contingency Projects under the American Recovery and Reinvestment Act.

DESCRIPTION/SCOPE: This project consisted of the construction of base repair of flexible and rigid pavements, construction of approximately 3.5 inches of hot mix asphaltic concrete pavement, panel replacement, curb repair, striping, and curb ramps. The project was designed in-house by the Engineering Branch staff with 90 calendar days allowed for construction. The project was awarded to Forde Construction Company, Inc. with an original Contract Amount of \$928,362.50.

LOCATION: The street included in the ARRA – Local Rehabilitation Projects are listed below:

<u>S. No.</u>	<u>Street</u>	<u>Limits</u>	<u>Key Map Grid</u>	<u>District</u>
1.	Gessner	Bellaire to US-59	530E, J, P	F
2.	Jensen	IH-610 to Union Pacific Railroad Crossing	454N, S	H

CONTRACT COMPLETION AND COST: The Contractor, Forde Construction Company, Inc., has completed the work under the subject Contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of \$800.00 have been assessed and are reflected in the final payment amount. The final cost of the project, including overrun and underrun of estimated bid quantities is \$971,328.86, an increase of \$42,966.36 or 4.63% over the original Contract Amount.

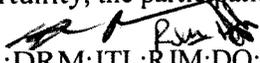
REQUIRED AUTHORIZATION 20HA138 *NOT*

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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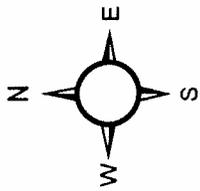
Date	SUBJECT: Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2010 (861) ES and STP 2010 (862) ES, Etc.; WBS No. N-001037-0059-4, TxDOT CSJ 0912-70-036.	Originator's Initials	Page 2 of 2
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The increase cost is a result of the difference between planned and measured quantities. This increase is primarily the result of an overrun in Bid Item No. 20 – Concrete Pavement Surface, includes Sawcutting Pavement, 9” or more, which were necessary to complete the project.

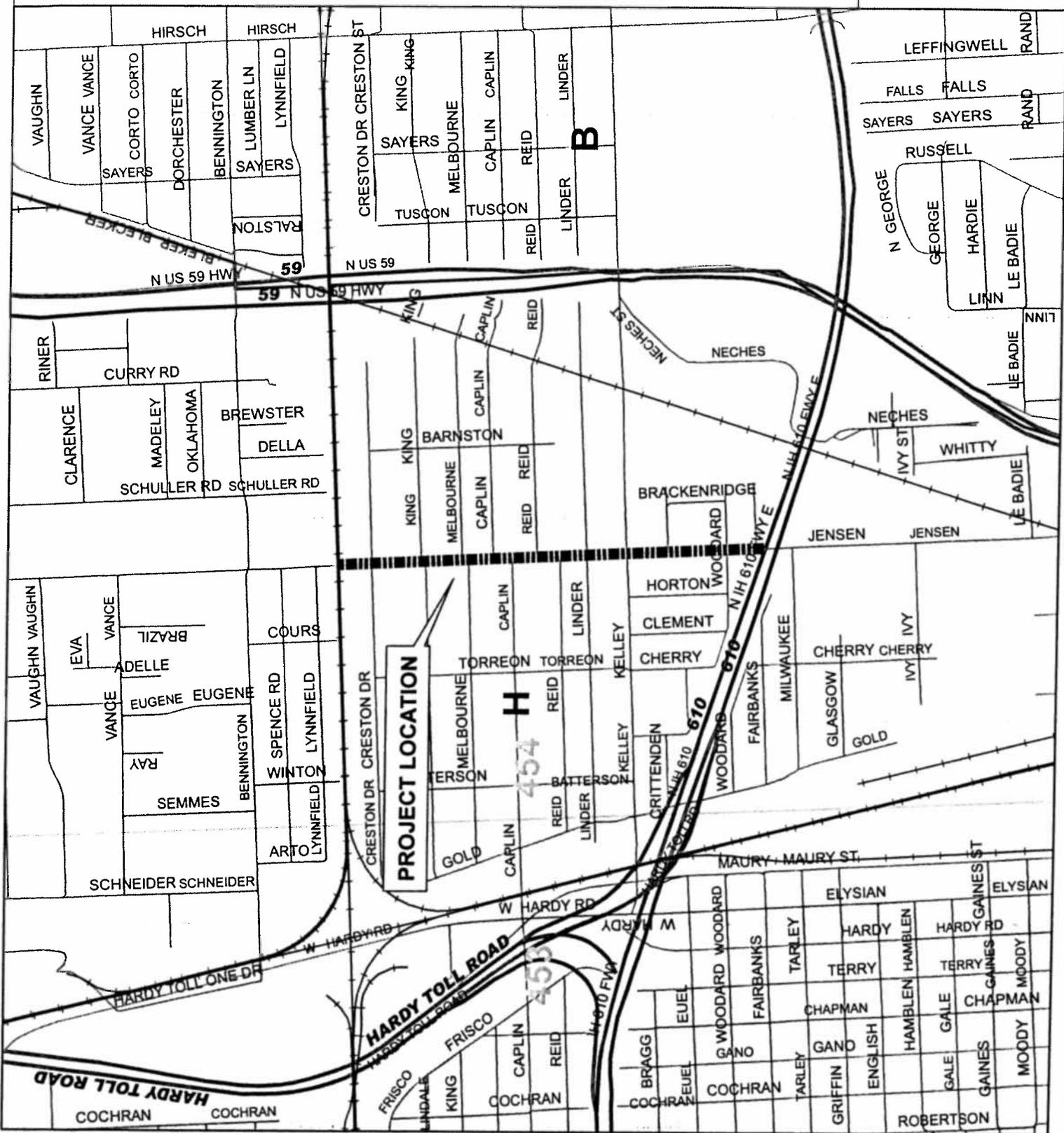
M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 18%. According to Office of Business Opportunity, the participation was 20.18%. Contractor’s M/W/SBE performance evaluation was rated Outstanding.

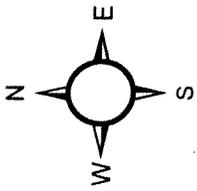

DWK:DRM:JTL:RJM:DO:ha

Z:\E&C Construction\North Sector\PROJECT FOLDER\N-001037-0059-4-ARRA 2\21.0 Close-out\RCA\RCA - Closeout.doc

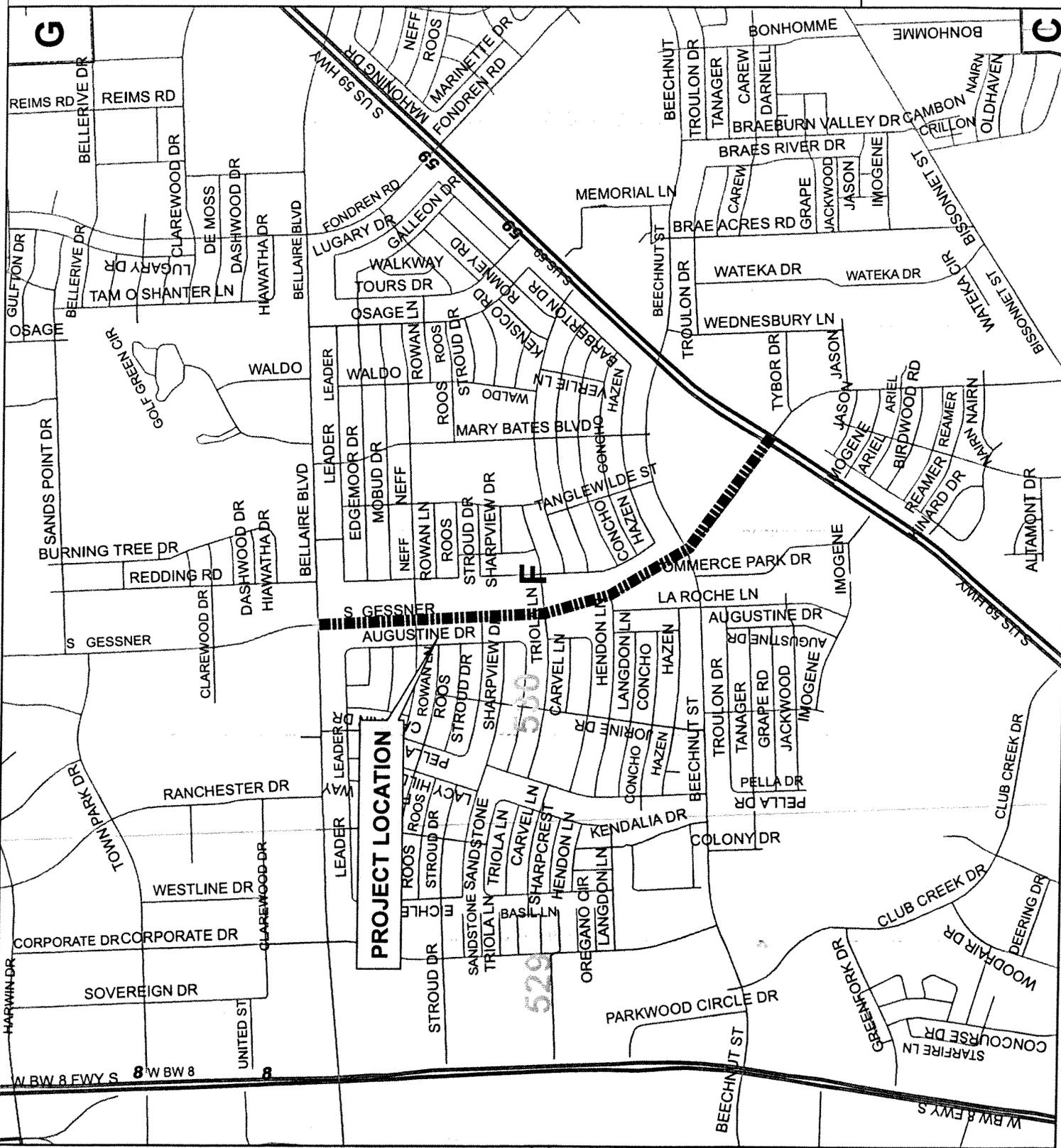


WBS # N-001037-0059-4,
American Recovery &
Reinvestment
(ARRA) Local Rehab
Projects STP 2010
COUNCIL DISTRICT
"H, F"





WBS # N-001037-0059-4,
American Recovery &
Reinvestment
(ARRA) Local Rehab
Projects STP 2010
COUNCIL DISTRICT
"H, F"



PROJECT LOCATION

520

520

W BW 8 FWY S 8 W BW 8

W BW 8 FWY S

SUBJECT: Request for a Motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey. Parcel SY12-019	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em;">7</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/30/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: I Key Map: 534Q <div style="float: right; font-size: 2em;">DD</div>
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For additional information contact: Nancy P. Collins  Senior Assistant Director-Real Estate Phone: (832) 395-3130	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) It is recommended City Council approve a Motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey. **Parcel SY12-019**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
 Jennifer Thompson, South Texas Surveying, 11281 Richmond Avenue, Building J-101, Houston, Texas, 77082, on behalf of Charlie Laviage, requested the non-acceptance of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey. The utility easement was dedicated to the City by the Golfview Manor Addition plat, recorded on September 8, 1939. No public utilities have ever been constructed in the utility easement. Further, the City has identified no future need for this utility easement. Charlie Laviage plans to construct a warehouse on his property in the location of the utility easement. The other property owners within Block 1, George R. Ritchey, Warren D. Faubion, Wilson Walton International Investments (Michael Long, President), and Poseidon Holdings, LLC (Gus Stergiou, Owner), are in favor of the non-acceptance of the utility easement. The Joint Referral Committee reviewed the request and determined the request could be processed as a non-acceptance. Therefore, it is recommended City Council approve a Motion declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey.

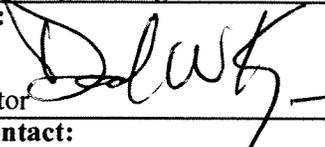
DWK:NPC:dob

c: Marta Crinejo
 David Feldman
 Marlene Gafrick
 Terry A. Garrison
 Daniel Menendez, P.E

s:\dob\sy12-019.rcl.doc CUIC #20DOB9237

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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SUBJECT: Request for the abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S.M. Harris Survey, A-327. Parcels SY12-017 and SY12-018		Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 11/30/11	Agenda Date DEC 07 2011
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director 		Council District affected: B	
For additional information contact: Nancy P. Collins <i>(info)</i> Phone: (832) 395-3130 Senior Assistant Director-Real Estate		Key Map: 494A 	
Date and identification of prior authorizing Council Action:			

RECOMMENDATION: (Summary) It is recommended City Council approve a motion authorizing the abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S.M. Harris Survey, A-327. **Parcels SY12-017 and SY12-018**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Daniel N. Pinnell, 26730 Interstate 45 North, Spring, Texas, 77386, on behalf of Small Steps Nurturing Center, Inc. (Evan Harrel, Executive Director), requested the abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S.M. Harris Survey, A-327. Signs notifying the public of the pending alley abandonment application were posted for at least thirty days. Small Steps Nurturing Center, Inc., one of the abutting property owners, plans to replat the subject alley and its abutting properties into one reserve to facilitate the construction of a new educational facility. Prince Complex Inc. (Mary Prince, Chairman), the other abutting owner, has agreed to the abandonment and sale of the subject property to accommodate Small Steps Nurturing Center, Inc.'s expansion project.

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

1. The City abandon and sell a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S.M. Harris Survey, A-327;
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 applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

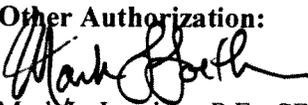
DWK:NPC:tj

c: Marta Crinejo
David Feldman
Marlene Gafrick
Terry A. Garrison
Daniel Menendez, P.E.
Jeffrey Weatherford, P.E., PTOE

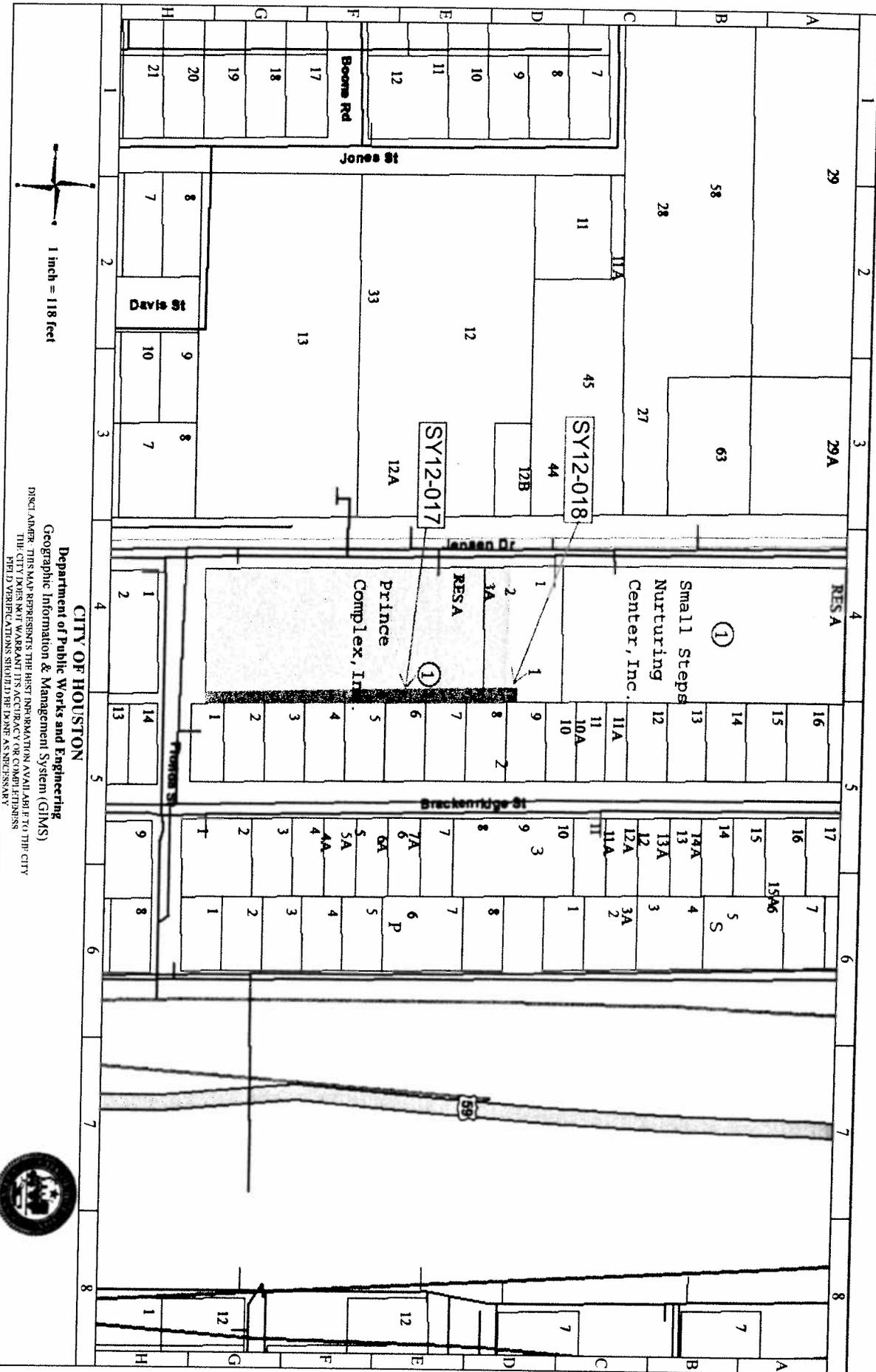
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CUIC #20TJ9236

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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Abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S.M. Harris Survey, A-327. Parcels SY12-017 and SY12-018



CITY OF HOUSTON
 Department of Public Works and Engineering
 Geographic Information System (GIS)
 DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
 THE CITY MAKES NO WARRANTY AS TO THE ACCURACY OR COMPLETENESS
 OF THE INFORMATION SHOWN ON THIS MAP.



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9203

Subject: Amend Council Motion No. 2011-0358, Passed May 4, 2011 to Purchase an Additional Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department S38-N23754-A1

Category #
1 & 4

Page 1 of 2

Agenda Item

9+9A

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

Origination Date
November 07, 2011

Agenda Date
DEC 07 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

For additional information contact:

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

Date and Identification of prior authorizing Council Action:
CM No. 2011-0358, Passed 05/04/2011

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$88,235.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and amend Council Motion No. 2011-0358, passed May 4, 2011 to purchase an additional 27,500-lb. diesel-powered GVWR cab & chassis mounted with platform/crane truck body for the Parks & Recreation Department.

Award Amount: \$88,235.00

Finance Budget

\$88,235.00 - Equipment Acquisition Consolidated Fund (Fund 1800)

[Signature]

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$88,235.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council amend Council Motion No. 2011-0358, passed May 4, 2011 to purchase an additional 27,500-lb. diesel-powered GVWR cab & chassis mounted with platform/crane truck body (Bid Item No. 8) for the Parks & Recreation Department for a total increase of \$88,235.00, and that authorization be given to issue a purchase order to the awarded supplier, International Trucks of Houston. This 27,500-lb. diesel-powered GVWR cab & chassis mounted with platform/crane truck body (truck) will be used by department personnel to inspect and make repairs to playground equipment in various City parks. This truck is included in the adopted FY12 Equipment Acquisition Plan.

In December 2010, as a result of advertising this bid in accordance with the requirements of the State of Texas bid laws, bids were received from five bidders. The bid document included a provision that allows the City to purchase additional vehicles, provided the awarded supplier agrees to honor the original bid price. International Trucks of Houston has agreed in writing to honor its original bid price through December 30, 2011.

This new truck will meet the EPA's current emission standards for trucks equipped with diesel engines. The cab & chassis will come with a warranty of a five years/100,000 miles and the truck body will come with a two year warranty. The life expectancy of this new truck is seven years or 100,000 miles and it will replace Shop No. 29421, a 12-year-old unit that has reached its life expectancy and will be sent to auction for disposition.

M/WBE Subcontracting:

Because these trucks are manufactured with factory-installed options and are shipped directly to the manufacturer's authorized dealer, the only M/WBE potential for this truck is the purchase and installation of non-factory options such as truck bodies and associated equipment. This bid was advertised with an 11% M/WBE goal for the purchase of non-factory options. To the extent possible, International Trucks of Houston has agreed to subcontract the purchase and installation of non-factory options and has designated General Truck Body Manufacturing, Inc. as its certified M/WBE subcontractor.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NO

Date: 1/17/2011	Subject: Amend Council Motion No. 2011-0358, Passed May 4, 2011 to Purchase an Additional Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department S38-N23754-A1	Originator's Initials LF	Page 2 of 2
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Recommended Supplier	Item No.	Award Amount	M/WBE Supplier	M/WBE Participation Amount	Percentage
International Trucks of Houston	8	\$88,235.00	General Truck Body Manufacturing, Inc.	\$31,985.00	36%

Buyer: Lena Farris

PR No. 10133031

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9202

Subject: Spending Authority to Address Emergency Repair of Water Line Breaks for the Public Works & Engineering Department
S12-E24118

Category #
4

Page 1 of 1

Agenda Item

10

copy for

FROM (Department or other point of origin):

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

Origination Date

October 20, 2011

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE

S. B. DuRousseau

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve spending authority to address emergency repair of water line breaks in an amount not to exceed \$1,400,000.00 for the Public Works and Engineering Department.

Estimated Spending Authority: \$1,400,000.00

F & A Budget

\$1,400,000.00 - 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 \$1,400,000.00 for emergency water line break repairs and that authorization be given to issue an automated (SAP) purchase order to D.L. Elliott Enterprises, Inc. and allow progress payments without further Council action.

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 two emergency purchase orders to D.L. Elliott Enterprises, Inc. to address these emergencies. 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 contractor 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 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:

NOT
AD

11
DEC 07 2011

MOTION NO. 2011 0869

MOTION by Council Member Gonzalez that the nominations for the City of Houston representative of the Harris County Appraisal District Board of Directors, for a two year term, be closed.

Seconded by Council Member Costello and carried.

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

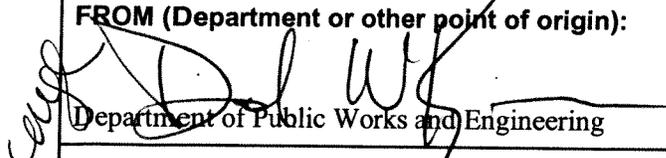
PASSED AND ADOPTED this 30th day of November, 2011.

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

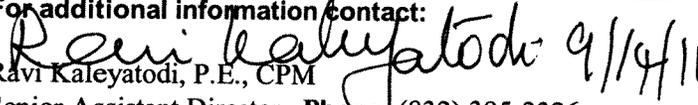
City Secretary

Council Member Pennington nominated Mr. Ray A. Holtzapple.

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation; WBS No. N-001320-0013-3.	Page 1 of 2	Agenda Item # 121
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FROM (Department or other point of origin):  Department of Public Works and Engineering	Origination Date	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E.	Council District affected: A and I <i>see</i>
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone (832) 395-2326	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.

Amount and Source of Funding: N/A

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located on the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the Program in return for the City agreeing to perform structural improvement work on other deficient bridges within the City's roadway system.

PREVIOUS HISTORY AND SCOPE: Under this Program, the usual fund participation ratio for projects is 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived on this project if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match Projects). The City of Houston has included in the FY 2012-2016 Capital Improvement Plan \$6,367,000.00 for the Bridge Rehabilitation/Replacement Program. The Texas Transportation Commission approved Minute Order No. 112696, dated May 26, 2011 for the reconstruction of the bridge listed below under the Off-System Bridge Replacement Program, hereinafter, referred to as "Participation Waived" Project.

<i>Bridge</i>	<i>Key Map No.</i>	<i>NBI Structure No.</i>	<i>Control Section Job No.</i>	<i>Council District</i>
Hollister Road At Proetzel's Branch	450V	12-102-0-B32273-204	0912-72-284	A

REQUIRED AUTHORIZATION CUIC ID # 20TAA74

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Based on field investigations, Public Works & Engineering has identified the following bridge as an appropriate candidate for replacement under this Program.

<i>Location</i>	<i>Key Map No.</i>	<i>Council District</i>
7200 Cowart	495J	I

The City proposes to replace an existing deficient 1 span bridge with a single barrel concrete box culvert crossing, which will cost approximately \$100,000.00. The local match participation required for the reconstruction of the Participation-Waived bridge is \$35,937.00.

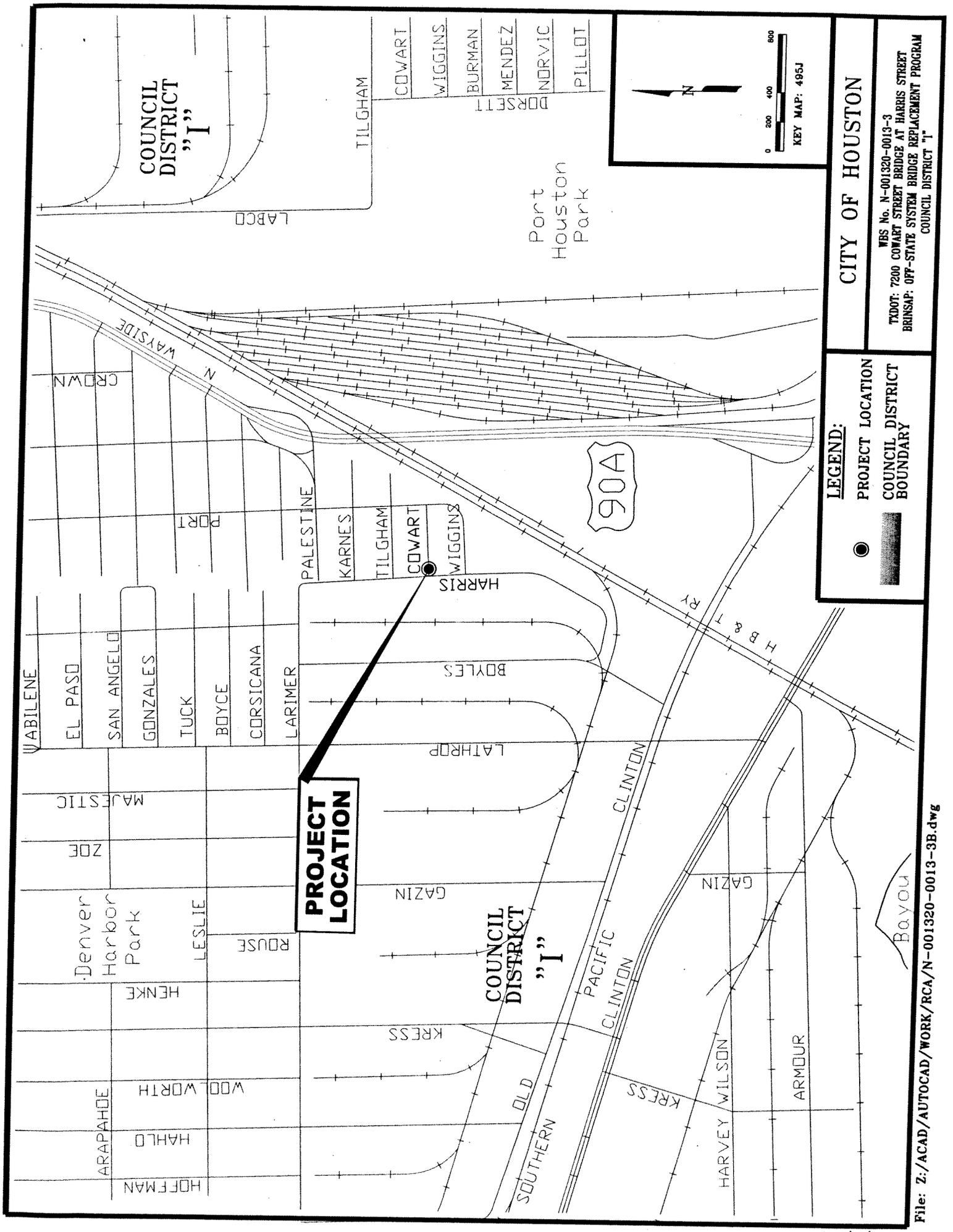
This resolution requests the State's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

ACTION RECOMMENDED: It is recommended that City Council approve a resolution supporting the Waiver of Local Match Participation Requirements for the Federal Off-System Bridge Program.

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DWK:DRM:RK:TAA:PKC:DWW:ERJ

Z:\constr\A-SB-DIV\Design\TxDOT\Projects\0912-72-904 Hollister Rd @ Proetzels Branch\RCA\Resolution1 RCA.DOC

c: File – TxDOT – Hollister Road at Proetzel's Branch



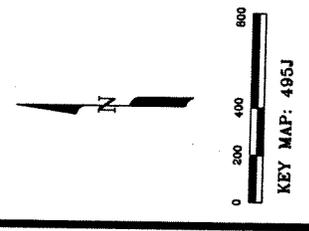
PROJECT LOCATION

LEGEND:

- PROJECT LOCATION
- ▬ COUNCIL DISTRICT BOUNDARY

CITY OF HOUSTON

WBS No. N-001320-0013-3
 TXDOT: 7200 COWART STREET BRIDGE AT HARRIS STREET
 BRINSAP: OFF-STATE SYSTEM BRIDGE REPLACEMENT PROGRAM
 COUNCIL DISTRICT "I"



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: Approve an Ordinance to Revise Sections of Chapter 26 of the Code of Ordinances Administered by ARA Parking Management.

Category #

Page 1 of 3

Agenda Item

13

FROM (Department or other point of origin):

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

Origination Date

November 29, 2011

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

Don Pagel Phone: (713) 837-7656
Maria Irshad, CAPP Phone: (832) 393-8643

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance to revise sections of Chapter 26 of the Code of Ordinance related to parking issues administered by ARA Parking Management.

Maximum Contract Award Amount: N/A

Finance Budget

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department ("ARA") recommends that City Council approve an ordinance to implement recommended revisions to Chapter 26 of the Code of Ordinances.

The ARA Parking Management Division, working with the Traffic Operations Division of the Public Works and Engineering Department, the Municipal Courts Department, the Legal Department, and the Houston Police Department, has recommended revisions and administrative updates to several areas of Chapter 26, as detailed in the attached chart.

Stakeholder meetings with valet stakeholders, private parking facility operators and interested residents were held on October 7, 2011. Based on feedback from the stakeholder meetings, revised ordinance drafts were sent by e-mail to valet, parking facility, restaurant, and residential stakeholders on November 3, 2011. The ordinance was presented to the joint Transportation, Aviation and Infrastructure/Development & Regulatory Affairs committee meeting held on November 17, 2011. The recommended revisions to each respective section of Chapter 26 are summarized below.

Generally, this reorganization:

- Includes a definition for digital receipts to recognize new technology (pay by cell phone). (Sec. 26-2)
- Clarifies existing verbiage and eliminates redundant paragraphs. (Sec. 26-87)
- Includes digital payment as a method to pay a parking meter. (Sec. 26-154)
- Updates language to reflect the use of "metered zones" instead of metered parking spaces. (Sec. 26-157)
- Clarifies that short-term parking is parking that does not exceed 4 hours, and long term parking is parking that is in excess of 4 hours. (Sec. 26-160)
- Amends ordinance to reflect actual disposition of meter fees, commercial loading/unloading zone fees and booting fees. (Sec. 26-163, Sec. 26-231 and Sec. 26-265)
- Inserts language to clarify that commercial vehicles may not park in commercial vehicle loading zones in excess of the permit-authorized time. (Sec. 26-228)
- Cleans up citation delinquency to be consistent with Chapter 16. (Sec. 26-261)

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/29/11	Subject: Approve an Ordinance to Revise Sections of Chapter 26 of the Code of Ordinances Administered by ARA Parking Management.	Originator's Initials CAN	Page 2 of 3
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Specific amendments to the parking regulations include:

Booting:

- Inserts provision to allow officers to hand a boot sticker notice to a vehicle owner or operator to prevent conflict when a vehicle owner or operator requests that the sticker not be placed on the vehicle. (Sec. 26-263)
- Cleans up verbiage for consistency with state law pertaining to towing; Occupations Code Sec. 2308.354 provides that an authorized employee of the city may have a vehicle towed. Revises provisions relating to post-deprivation hearings after a vehicle is booted or towed; adjudication hearing officers will conduct such hearings within two business days of a request. (Sec. 26-264)
- Provides for longer period to request a boot hearing (10 days rather than 6 days), and to reflect changes in state law (Sec. 26-266)

Residential Permit Parking (RPP):

- Amends definition of “residential area” to allow a blockface of 500 feet in length be considered two blockfaces if requested by the applicant.(Sec. 26-291)
- Allows unlimited number of RPP decals for vehicles registered to an RPP address; limits the number of residential permit visitor tags to four (4) per household and increases the fee to \$25 per hangtag to allow recovery of costs. (Sec. 26-344)
- Clarifies the method to display RPP permits. Decal permits must be adhered. (Secs. 26-346, 26-347)

Valet Parking Operators and Valet Zones:

- Updates definition of “valet zone” to include pick up/drop off on private property when the roadway is used to store vehicles, thereby requiring such zone to be permitted. (Sec. 26-371)
- Amends definition of “special event” with regard to valet parking services to clarify that such events are in residential districts and serve households/private gatherings. Commercial establishments must obtain temporary valet zone permit and submit parking plans. (Sec. 26-371)
- Provides affirmative defense when commercial establishments have obtained a valet zone designation outside the CBD; such designation allows valet operators to store vehicles on the public right-of-way. (Sec. 26-372)
- Clarifies prohibition against storing vehicles in a valet zone. (Sec. 26-412)
- Prohibits use of a valet zone for storage of vehicles. (Sec. 26-414)
- Provides that the Parking Official will consult with the Planning Official to ensure that minimum off-street parking requirements are not being adversely impacted by off-street valet zones. (Sec. 26-441)
- Restricts placement of a valet zone on private property in such a way that would impede traffic mobility. (Sec. 26-442)
- Requires notice to occupants within 200' of a valet zone’s proposed parking plan. (Sec. 26-443)
- Clarifies that signage provisions apply to valet zones located in a roadway. (Sec. 26-447)
- Provides that special event notifications are for valet services at private, residential events. Commercial entities outside the CBD must apply a temporary valet zones pursuant to Sec. 26-449 and may not use the special event notification process. (Sec. 26-450)
- Requires the City to schedule a hearing for a revoked valet service permit or a revoked valet zone within 30 days of receipt of request for hearing. (Sec. 26-418 and Sec. 26-452)

Minimum Parking Standards and Private Booting (applies to parking facilities that use booting or towing to enforce against unauthorized vehicles:

- Includes digital receipt as a valid receipt. (Sec. 26-601)
- Includes definition of temporary parking facility. (Sec. 26-601)
- Requires evidence of signed lease agreement authorizing parking operator to operate in the registered location (Sec. 26-606)

Date:
11/29/11

Subject: Approve an Ordinance to Revise Sections of Chapter
26 of the Code of Ordinances Administered by ARA Parking
Management.

Originator's
Initials
CAN

Page 3 of 3

- Requires registration of temporary lots including the required signage and attendant requirements. (Sec. 26-607)
- Requires parking facility operators to install signage identifying "no in-and-out privileges" if applicable. (Sec. 26-616)
- Updates enforcement requirements to allow for digital receipts. (Sec. 26-617)
- Requires parking operator to maintain at least one (1) years of records related to digital payments. (Sec. 26-624)
- Prohibits booting or towing of vehicles when a digital payment has been made and the vehicle owner is not displaying a paper receipt. (Sec. 26-644)

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
David Feldman, City Attorney
Jeff Weatherford, Public Works (Traffic Engineering)



Administration & Regulatory Affairs
 Parking Management Division
 Chapter 26 Revision
 9/28/2011



Item	Section	Issue	Action
1	26-2	New technology allows customers to pay parking fees by cell phone. The customer receives an electronic receipt in lieu of a paper receipt. This definition recognizes the new technology.	Included definition for digital payment
2	26-2	Cleanup- the definition of a "valet zone" is already in Article VII and is not necessary here.	Deleted valet zone definition
3	26-87	Clarify and eliminate redundant paragraphs -- the purpose of this section is to prohibit parking at the locations/times indicated by signage.	Deleted sections (b), (d), (g), (h), and (i)
4	26-154	Parking can be paid by cell phone. Customer receives an electronic receipt on their cell phone in lieu of a paper receipt. This insertion allows customers to pay by mobile device to park on-street at a meter.	Included digital payment as method to pay a parking meter
5	26-190	Clarify that short-term parking is parking that does not exceed 4 hours, and long term parking is parking that is in excess of 4 hours.	Inserted time periods for short and long term parking
6	26-163	Cleanup--fees generated from parking meters are not split between HPD and Parking Management; per the FY11 Budget Ord., parking meter revenues are deposited into the parking special revenue fund.	Amended ordinance to reflect actual disposition of fees
7	26-231	Cleanup to reflect actual disposition of fees. Commercial permit fees have been collected and deposited to the parking management special revenue fund since PMD began managing this function in 2007.	Amended ordinance because PWE no longer handles this function.
8	26-261	Cleanup. Unresolved citations are considered delinquent after 30 days rather than 45 days.	Amended ordinance to reflect earlier amendments to Ch. 16.
9	26-263	Boot notice stickers are adhered to vehicles if a boot notice is not generated. In some cases, the vehicle owner requests that the sticker not be adhered. See also Sec. 26-264(b). The need to adhere or hand boot notices to vehicle owners arise when the City cannot retrieve accurate vehicle ownership information from TxDot in order to mail a boot notice per City Code.	Inserted provision to allow officers to hand the sticker to the vehicle owner to prevent conflict.



Administration & Regulatory Affairs
 Parking Management Division
 Chapter 26 Revision
 9/28/2011



Item	Section	Issue	Action
10	26-264	Cleanup for consistence with state law pertaining to towing; Occupations Code Sec. 2308.354 provides that an authorized employee of the city may have a vehicle towed. Revised provisions relating to post-deprivation hearings after a vehicle is booted or towed. Adjudication hearing officers will conduct such hearings within two business days of a request.	Sec. 26-264(a)(8) Deleted sentence requiring a peace officer to authorize a tow. Sec. 26-264(c) Amended to provide for post-deprivation hearing within 2 business days for request.
11	25-265	Cleanup to reflect that boot fees are deposited to the parking special revenue fund, per the FY11 Budget Ordinance.	Amended ordinance to delete Police Special Services Fund.
12	26-266	Updated Sec. 26-266(g) to provide that a hearing must be requested within 10 days (rather than within 6 days) after a boot or tow. Amended Sec. 26-266(h) to reflect the transfer of certain sections of the TX Transportation Code to the TX Occupations Code.	Amended ordinance to provide for longer period to request a hearing, and to reflect changes in state law.
13	26-344	Amend ordinance to allow more recovery of costs for administering Residential Parking Permit fees. Amended number of permits allowed.	Amended ordinance to allow unlimited number of residential unit parking fee, 4 visitor hangtags, 2 service provider hangtags. Cost: \$25 each.
14	26-345	See Sec. 26-344.	Clean-up related to the fee increase and the schedule.
15	26-346, 26-347	Clarification regarding the required permit display by adherence to the windshield.	Specified 'decal' permits must be adhered. Other permits are hangtags.
16	26-371	Address issues where valet operators outside the CBD pick up/drop off vehicles on private property and store vehicles on the roadway without a valet zone permit, resulting in various issues relating to unsafe practices, traffic congestion, and issues in neighborhoods such as blocking driveways. The change has the effect of requiring that valet zones on private property be permitted when vehicles are stored on the roadway.	Updated Valet Zone definition to include picking up/dropping off on private property when the roadway is used to store vehicles.



Administration & Regulatory Affairs
 Parking Management Division
 Chapter 26 Revision
 9/28/2011



Item	Section	Issue	Action
17	26-372	See Sec. 26-371. If a valet operator obtains a valet zone designation outside the CBD, the operator will be able to continue storing vehicles on the public right-of-way.	Amended code to provide an affirmative defense for valet operators who have obtained a valet zone designation outside the CBD; such operators may store vehicles on the right of way.
18	26-442	Update to reflect regulation of valet zones on private property.	Inserted characteristics that apply to storage of vehicles on the public right-of-way. Also included provision that restricts the placement of valet zones in a location that impedes mobility.
19	26-444	Cleanup to reflect changes to valet zone ordinance.	Verbiage inserted to clarify application to valet zones in a roadway.
20	26-446	Fees did not reflect the current cost as approved by City Council in the Permit Omnibus legislation	Inserted correct fee for valet zones (\$400)
21	26-447	Cleanup regarding signage to reflect that it applies to valet zones in the roadway.	Amended to include verbiage showing that the section applies to valet zones in a roadway.
22	26-452	The code did not contain a provision requiring the setting of a hearing within a defined time limit for a zone revocation.	Amended code to require the City to schedule a hearing for a revoked zone within 30 days of receipt of request for hearing.
23	26-601	Definition of "receipt" needed to include digital receipt	Included digital receipt as a valid receipt
24	26-601	HPD requested amendment to address temporary parking facilities.	Definition added.
25	26-606 26-607	HPD requires a copy of the signed lease agreement authorizing the operator to operate in the location.	Inserted provision requiring a copy of the lease agreement in order to register a parking facility operating company.
26	26-616	Signage needs to better reflect method of payment, address digital payment receipts, uniformed parking attendants.	Amended ordinance relating to signage requirements, attendant requirements.
27	26-617	When digital payment is made, vehicles shall not be booted or towed for failure to pay or for failure to display a paper receipt	Update enforcement requirements to allow for digital receipts.



Administration & Regulatory Affairs
 Parking Management Division
 Chapter 26 Revision
 9/28/2011



Item	Section	Issue	Action
28	26-624	Digital payments are recorded differently from in-person payments, records shall be maintained.	Require operators to maintain three years of records related to digital payments. Peace officers are authorized to request, inspect, copy such records.
29	26-644	When digital payment is an authorized method of payment in a parking facility, boot operators shall not boot vehicles for nonpayment when digital payment was made.	Updates prohibited activities to allow for digital receipts.

CHAPTER 26. PARKING
ARTICLE I. IN GENERAL
DIVISION 1. PARKING MANAGEMENT

Sec. 26-1. Short title.

This chapter may be known and cited as the Parking Ordinance.

Sec. 26-2. Definitions.

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

* * *

Digital payment means payment of a parking meter, parking zone, or parking facility fee through an online application or by using a mobile device.

~~Valet zone means the area or space officially set apart within a roadway by one or more appropriate signs or markings for the use of valet service providers operating under permit issued by the city. [Note: This term is defined in Article VII and is only used in that article.]~~

* * *

Sec. 26-5. Rules and regulations.

The director is hereby authorized to promulgate, from time to time, reasonable rules and regulations to carry out the intent and purposes of articles I through VII, IX and X of this chapter, including, but not limited to rules for the conduct of hearings. The director shall also be responsible for promulgation of forms and establishment of fees in articles I through VII, IX and X of this chapter. A copy of the rules, regulations, forms and fee schedules shall be maintained in the office of the parking official for inspection, and copies may be purchased at the fee prescribed by law.

* * *

ARTICLE II. STOPPING, STANDING, PARKING AND OPERATION OF VEHICLES

Sec. 26-82. Parking citations issued for rental vehicles.

(a) The parking official shall cause notice to be provided by mail or electronic transmission to the registered owner of a rental vehicle that is the subject of a parking citation, provided that the registered owner has supplied information required by procedures adopted by the director in connection with this subsection. The notice shall be provided within 20 days after the issuance of the parking citation.

(b) If a parking citation is issued for a violation committed by the operator of a rental vehicle and the lessee or other person parking the vehicle fails to make an appearance on the parking citation within ~~45~~ 30 days following the date of its issuance, then the lessor shall, within 30 days following the date of mailing of a written default notice from the parking official, pay the applicable fine for the citation including all applicable fees and costs on behalf of the lessee. Any default notice authorized to be mailed under this section may be deposited in the United States mail addressed as shown on the state vehicle registration records for the rental vehicle lessor or addressed to any other address used by the lessor for its rental vehicle business operations within the city.

* * *

Sec. 26-87. Parking prohibitions and restrictions on specific streets generally.

(a) When one or more signs are erected giving notice ~~thereof~~ the prohibition of parking a vehicle, no person shall park a vehicle at any time upon any of the streets so signed.

~~(b) When one or more signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours designated by such signs on any day, unless otherwise designated.~~

~~(e) When one or more signs are erected in each block giving notice thereof restrictions on the stopping, standing or parking of vehicles, no person shall stop, stand, or park a vehicle between the hours in violation of the restrictions specified on such signs on any day, unless otherwise designated.~~

~~(d) When one or more signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the specified period at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays.~~

~~(ce) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on an official sign, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.~~

~~(df) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.~~

~~(g) When one or more signs prohibiting parking are erected upon narrow streets as authorized in section 45-117 of this Code, no person shall park a vehicle upon any such street in violation of any such sign.~~

~~(h) When one or more signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized in section 45-118 of this Code, no person shall park a vehicle in any such designated place.~~

~~(i) When one or more signs are erected at hazardous or congested places as authorized in section 45-119 of this Code, no person shall stop, stand, or park a vehicle in any such designated place.~~

ARTICLE III. PARKING METERS
DIVISION 1. GENERALLY

Sec. 26-154. Operation, design, etc., of meters.

(a) Parking meters shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, and may also accept currency, credit cards, debit cards, digital payment or other forms of payment, based upon the capabilities of the meters installed.

(b) Except as provided in subsections (c) and (d) of this section, each parking meter shall be so designed, constructed, installed, and set that, upon the expiration of the time period registered for payment made as provided herein, it will indicate by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains of such period. Where a meter has been installed that controls two or more parking spaces, then the meter shall separately perform the above function for each individual space.

~~(c) Where a meter has been installed that allows payment of time for a parking meter space, and prints a written receipt, and does not indicate expiration of the time period registered for payment by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, then the operator shall display such receipt in on the dashboard of the parked vehicle in an unobstructed manner.~~

~~(d) Where a meter or a parking zone accepts digital payment, a printed receipt is not provided; thus, display of a printed receipt on the dashboard for digital payments is not required.~~

Sec. 26-157. Payment; overtime parking and feeding meters prohibited.

(a) Parking in a metered space zone during the restricted and regulated time applicable to the parking meter zone in which such meter is located requires payment in the amount applicable to that metered space zone, which may be paid through operation of the meter as provided in section 26-154 of this Code. The maximum time to park in a parking meter zone is indicated on the ~~printed~~ receipt issued pursuant to section 26-154 of this Code, by appropriate street signage, or by signage located on the parking meter. It shall be unlawful to park beyond the maximum legal parking limit applicable to a parking meter zone.

(b) It shall be unlawful for the owner or operator of a vehicle to park the vehicle in any parking metered space zone without paying the applicable parking meter fee.

(c) It shall be unlawful for the owner or operator of a vehicle to allow the vehicle to remain parked in any parking meter space zone beyond the time paid to park such vehicle.

(d) It shall be unlawful for the owner or operator of any vehicle or for any person on behalf of another person to deposit any coin or make any other form of payment ("feed the meter") for the purpose of parking beyond the maximum legal parking limit applicable to the parking meter zone.

(e) Parking a vehicle in any parking space zone in excess of the time paid for such vehicle for parking in such parking space zone shall be the initial offense under this division. It shall also be unlawful to continue such violation, and more than one ticket may be issued for a continued violation under this division.

(f) If a notice on the meter itself or applicable signage placed under section 26-155 of this Code states that the parking metered zone is not effective during certain hours or on certain days, then this section shall not be applicable during those days or times.

Sec. 26-160. Parking meter fees.

The parking official is hereby authorized to establish parking meter fees for any parking meter that has been placed upon any street or other property owned or controlled by the city. The following fees are hereby established for public parking at any parking meter that is governed by this section:

- (1) *Short-term parking (not to exceed 4 hours):* A fee to be established by the parking official between a minimum of \$0.30 for each ten minutes and a maximum of \$1.80 for each ten minutes, which includes any applicable sales tax. Short-term parking fees shall apply to a meter during a time period for which the meter has been designated for short-term parking use upon determination that the public's needs during that time period may be best served by ensuring that the space is not used for lengthy periods of time by one vehicle.
- (2) *Long-term parking (over 4 hours):* A fee shall be established by the parking official between a minimum of \$0.30 for each hour and a maximum of \$1.80 for each hour, which includes any applicable sales tax. Long-term parking fees shall apply at meters during those periods in which they have not been designated for short-term parking use.

In establishing the foregoing fees, the parking official shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, and the needs of patrons of nearby businesses and other premises to have access to the use of metered parking, as well as relevant traffic mobility and engineering issues, as applicable. Without limiting the parking official's options, a parking space may be designated for short-term parking during some times and days and long-term parking during other times and days.

Sec. 26-163. Disposition of fees.

All fees and/or revenues generated from the use of parking meters under this division and all fees and revenues generated under division 2 of this article shall be first expended to defray all costs associated

with debt service and operation and maintenance of parking meters placed in service on or after April 1, 2006, and any remaining funds shall be deposited into ~~divided evenly between the city's general parking special revenue fund and the police special services fund administered by the police department.~~

ARTICLE IV. COMMERCIAL VEHICLE LOADING ZONES

Sec. 26-228. Use of parking meters.

As an alternative to obtaining a permit, the operator of a commercial vehicle may park the commercial vehicle in a commercial vehicle loading zone space or spaces during posted hours of operation for the zone by paying the commercial vehicle loading zone meter fee for each space utilized in whole or in part for parking the commercial vehicle in that zone, provided that:

- (1) The commercial vehicle is then being expeditiously loaded or unloaded; and
- (2) The meter or meters are not allowed to expire; and
- (3) The commercial vehicle may not be parked in excess of the maximum time allowed as posted on the meter or as authorized by a permit as provided for by section 26-225 of this Code;

provided, however, that pending the installation of a meter in a commercial vehicle loading zone, an unpermitted commercial vehicle may utilize one or more metered passenger vehicle spaces, or portions of such spaces, within the same blockface as the unmetered commercial vehicle loading zone, by paying the meter fee for each space wholly or partially occupied by such commercial vehicle.

Sec. 26-231. Disposition of fees.

All fees and/or revenues generated from the use of commercial vehicle loading zones shall be first expended to defray all signage and administration costs under this article, and the remainder shall be deposited into the ~~divided evenly between the transportation parking special revenue fund administered by the public works and engineering department and the police special services fund administered by the police department.~~

ARTICLE V. BOOTING AND TOWING DELINQUENT VEHICLES AND OTHER ENFORCEMENT PROVISIONS

Sec. 26-261. Definitions.

Unresolved, with respect to a "parking citation," means a citation issued and not cleared by an appearance within 45-30 days of issuance.

Sec. 26-263. Delinquent vehicle list.

- (a) The parking official shall be responsible for creating and maintaining the delinquent vehicle list.
- (b) A delinquent vehicle may be placed on the delinquent vehicle list after notice has been issued as provided in subsection (c), and a hearing, if requested, under subsection (d).
- (c) At least 15 days prior to placing a delinquent vehicle on the delinquent vehicle list, the parking official shall mail a notice to the owner, at the address stated on the most current registration records available to the city from the state, or any more current address of which the parking official has actual notice, by first-class United States mail, postage prepaid. When the Texas Department of Transportation does not have current registration records for a vehicle, a self-adhering notice placed on the vehicle or handed to the vehicle operator by an officer will be deemed sufficient notice. The notice shall set forth:

- (1) The license plate number of the alleged delinquent vehicle;
- (2) A date certain on which the delinquent vehicle will be subject to placement on the delinquent vehicle list;
- (3) A list of the three or more alleged unresolved parking citations or the single unresolved parking citation related to parking in a space designated for a transport vehicle for a person with disabilities, including the citation number, date, time, place of the violation, and the nature of the violation;
- (4) That the owner may avoid the vehicle's being placed on the delinquent vehicle list by making an appearance on the unresolved parking citations;
- (5) The name, mailing address (and street address if different), and telephone number of a city office or agency that may be contacted for a hearing if any of the alleged unresolved parking citations has been resolved by appearance, or if the recipient was not the owner of the vehicle when any of the alleged unresolved parking citations was issued, or if the title to the vehicle has been transferred since the unresolved parking citations were issued; and
- (6) That administrative fees, boot fees, and towing/storage fees may be payable to obtain the release of a vehicle booted or towed pursuant to this article in addition to appearance on any unresolved parking citations.

For a vehicle that is not yet a delinquent vehicle, the notice required under this section may be mailed, or adhered to the vehicle, or handed to the vehicle owner or operator by an officer advising that there are already two unresolved parking citations and that a third parking citation (which shall also be specified in the notice) will become unresolved if an appearance is not made thereon by the date specified for placement of the vehicle on the delinquent vehicle list.

Sec. 26-264. Booting or towing procedures.

(a) An officer may boot any vehicle then parked, lawfully or unlawfully, upon any street or highway within the city, or upon any other property under the ownership or control of the city. An officer may also boot any vehicle on property not owned or controlled by the city provided that parking citations may lawfully be issued for violation of city or state laws regarding the parking of vehicles on the property and further provided that the owner of the property gives written consent to the parking official for the installation of boots on the property.

An officer may cause the vehicle to be towed in lieu of being booted:

- (1) If the vehicle, when located by the officer, was parked in violation of any city ordinance or state penal law relating to parking of vehicles;
- (2) Under any circumstances in which towing by a peace officer is authorized by city ordinance or state law;
- (3) If the location, configuration or size of the vehicle's tires, wheels, fender wells or other components makes the installation of any available boot owned by the city impracticable;
- (4) If, based upon the age, model and condition of the vehicle, or the incidence of vehicular crimes in the area where the vehicle is located, or other relevant factors, the officer reasonably believes that there is a significant possibility of theft or damage relating to the vehicle if it is immobilized in place;
- (5) If the owner has been convicted of any crime relating to the removal of, tampering with or theft of a boot previously installed by the city on any vehicle; or

- (6) If the owner or operator of the vehicle requests, in writing, that the vehicle be towed.

A vehicle that has already been booted may be towed by an officer if any of the circumstances enumerated in items (1) through (6) above exists, or if:

- (7) The owner has not made arrangements with the parking official to secure removal of the boot within 72 hours after its installation; or
- (8) The vehicle remains immobilized in any zone where parking is prohibited during certain hours until the commencement of the restricted hours.

~~In each instance where a vehicle is to be towed, the officer authorizing the towing shall be a peace officer.~~
[Note: See Occupations Code Sec. 2308.354 – authority for an authorized employee of the city to have vehicle towed]

- (b) At the time of booting or towing of a vehicle under this article the officer shall:

- (1) Check or cause to be checked the appropriate records to ensure that the vehicle is properly listed on the delinquent vehicle list;
- (2) Check or cause to be checked the most current vehicle registration records available to the city to ensure that the ownership of the vehicle is not reflected to have changed from that specified on the delinquent vehicle list;
- (3) If booted, notify any office designated by the parking official and place a conspicuous notice or notices in a form approved by the director on the vehicle warning the operator or any other person not to attempt to move the vehicle and advising the operator of the means by which the boot may be removed, including the right of the hearing; provided, however, that the officer may hand the notice or notices to vehicle owner or operator who is present and objects to the placement of a notice on the vehicle; and
- (4) If towed, notify the police dispatcher and any other office designated by the director so that they may respond promptly to any inquiry about the vehicle's disappearance.

(c) A vehicle may be booted or towed at any time on any day. A hearing requested pursuant to section 26-266 of this Code shall be conducted within two business days of such request. ~~provided that a adjudication hearing officer is then on duty to conduct any hearing requested pursuant to section 26-266 of this Code, and that a adjudication hearing officer will remain on duty for such purpose until at least two hours after the time that boot is installed.~~

(d) Vehicles shall be towed to a storage lot operated by the city or to a city-licensed storage lot operated under contract with the city. Each lot that is utilized shall have an attendant on duty or available for the release of vehicles from at least 6:00 a.m. to 9:00 p.m., Monday through Saturday, city observed holidays excepted, and shall have an attendant on call who will come to the lot upon one hour's notice at all other times.

(e) The parking official shall ensure that officers are available, either on duty or on call, to remove boots from vehicles Monday through Saturday, from 7:00 a.m. through 7:00 p.m. An officer shall remain on duty until at least two hours after a boot is installed. At other times, an officer shall be on call to remove a boot upon two hours' notice.

Sec. 26-265. Fees, release.

Except as provided in section 26-266 of this Code, the claimant of a vehicle may not secure the release of the vehicle until an appearance has been made on all unresolved parking citations relating to the

vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is booted or towed hereunder, and the claimant has paid the following fees, as applicable:

- (1) An administrative fee, if the vehicle has been booted or towed, or both, of \$150.00 to defray the city's administrative costs in placing the vehicle on the delinquent vehicle list and related expenses under this article.
- (2) A boot fee if the vehicle has been booted, of \$150.00 to defray the city's costs of installing, removing and maintaining the boot.
- (3) Towing/storage and related fees, if the vehicle has been towed, in an amount established by the director, based upon the city's cost or upon the fees imposed by the city's contractors, as applicable. If the vehicle has been towed and stored by city contractors, then the parking official may provide that the towing/storage fees be paid directly to the contractors, rather than to the city.

Towed vehicles that are not redeemed within 30 days shall be subject to disposition in the same manner provided by Chapter 683, Texas Transportation Code, for sale of abandoned motor vehicles by police auction after notice to the owner and lienholders. No person shall be permitted to claim a vehicle without proof of identity. If the person claiming the vehicle is not the owner or a family member residing at the same address as the owner, based upon the most current vehicle registration data available to the city, then proof shall also be required that the claimant is the owner or is redeeming the vehicle with the consent of the owner.

All fees and/or revenues generated from fees imposed under this section shall be deposited to ~~divided evenly between the city's general~~ parking special revenue ~~fund and the police special services fund administered by the police department.~~

Sec. 26-266. Hearing.

- (a) The presiding judge of the municipal courts department shall designate one or more persons to act as adjudication hearing officers and to ~~conduct~~ post-deprivation hearings for persons whose vehicles have been booted or towed under this article.
- (b) Hearings shall be conducted on a first-come, first-served basis without the necessity of a prior appointment. The hours when hearings will be conducted and the place or places where they will be conducted shall be established by the presiding judge of the municipal courts department, provided that hearings shall be conducted at least between 9:00 a.m. and 6:00 p.m., on Mondays through Fridays, city observed holidays excepted.
- (c) The applicant may secure release of the vehicle pending the hearing by making an appearance on the unresolved parking citations and posting a bond for the administrative and boot fees prescribed in section 26-265 of this Code, as applicable. If a bond is posted then a hearing may then be scheduled for a date and time certain, and the vehicle shall be released. If the vehicle has been towed, then the applicant shall also be required to post a bond for the towing/storage fees or to make payment of the towing/storage fees to the city's contractor, as applicable, subject to reimbursement as provided in subsection (f), below.
- (d) The adjudication hearing officer shall be a person who is not associated with the maintenance of the delinquent vehicle list, nor shall the adjudication hearing officer hear any appeal in which he has personally participated in any decision relating to the booting or towing of the vehicle.
- (e) The only issues before the adjudication hearing officer will be whether or not the vehicle was a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article and whether the city has complied with this article in placing it on the delinquent vehicle list and causing it to be booted or towed, or both. The adjudication hearing officer shall have no authority to adjudicate any unresolved parking citation. The adjudication hearing officer may consider any

competent evidence, including, but not limited to, public records and testimony from the applicant and city employees. The applicant may be represented by legal counsel and may cross-examine any witness presented by the city. Each applicant must appear at the hearing and shall be subject to examination on any matter relevant to the issues before the adjudication hearing officer. The adjudication hearing officer shall announce and record his decision within one hour following the conclusion of the hearing.

(f) If the adjudication hearing officer determines that the vehicle was not a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article, or that the city has not complied with this article in placing the vehicle on the delinquent vehicle list and causing it to be booted or towed, or both, then the vehicle shall be ordered released without payment of the fees prescribed in section 26-265 of this Code. Vehicle storage and related fees shall be payable for each twenty-four-hour period or portion thereof that a towed vehicle remains in storage after the adjudication hearing officer orders its release if not reclaimed within 24 hours after the adjudication hearing officer orders its release. If a bond had been posted for the administrative, boot, or towing/storage fees prescribed in section 26-265 of this Code, the bond shall be ordered to be refunded to the applicant. Furthermore, the city shall reimburse the applicant for any towing/storage fees that the applicant may have paid to a city contractor in order to secure release of the vehicle if those fees have been directly incurred by the applicant.

(g) A hearing under this section shall must be requested ~~before the sixth~~ within 10 days after following the initial booting or towing of the vehicle by the city. A hearing requested thereafter will be granted if the city has not disposed of the vehicle, provided the owner must pay the vehicle storage and related fees for each day after the tenth ~~sixth~~ day until the vehicle is reclaimed, regardless of the adjudication hearing officer's determination.

(h) In any instance in which a vehicle has been towed to a vehicle storage facility not owned by the city, then the applicant may alternatively request a hearing under Section ~~685.003~~ 2308.452 of the Texas ~~Transportation Occupations~~ Code, before the justice court in the time and manner provided by Section ~~685.007~~ 2308.456 of the Texas ~~Transportation Occupations~~ Code. The justices of the justice courts and the judges of the municipal courts shall have no authority to adjudicate any fee imposed under section 26-265 of this Code, or to order any release of a vehicle without payment of applicable fees, or to order a refund of applicable fees.

Sec. 26-291. Definitions.

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

Residential area means a contiguous area containing or bounded by public streets or parts thereof abutted by residential property occupying at least 75 percent of the front footage along the blockface, exclusive of vacant property that is not restricted by deed, covenant, plat or otherwise to residential use. A residential area may be one or more blockfaces within a larger residential area, provided that the parking official can consider a street of ~~750~~ 500 feet in length or greater to be two blockfaces of approximately equal length for purposes of this article if requested by the applicants.

ARTICLE VI. RESIDENTIAL PARKING PERMITS

DIVISION 3. PERMITS

Sec. 26-344. Number of permits allowed.

(a) ~~Each residential unit may obtain visitor permits~~ annually according to the following schedule:

Number of Motor Vehicles Registered	0	1	2+
Visitor Permits Allowed	4	3	2

PERMIT TYPE	NUMBER OF PERMITS ALLOWED ANNUALLY
Residential Unit Decal	No limit for vehicles registered to RPP address
Visitor Hangtag	4
Service Provider Hangtag	2
One Day Visitor (24-Hour) Hangtag	100

~~(b) Each residential unit may obtain two service provider permits.~~

~~(c) Each residential unit is limited to five packs of one day (24 hour) visitor permits per year, with each pack containing 20 permits.~~

Sec. 26-345. Schedule of permit fees.

~~(a) The annual fee for each residential unit, permits and visitor, and service provider permits is \$25.00 each for the first two permits, and \$2.00 each for additional permits.~~

~~(b) The annual fee for service provider permits is \$25.00 each. The fee for each one-day (24-hour) visitor permit is \$1.00.~~

~~(c) The fee for one day (24 hour) visitor permits is one for \$1.00, or a pack of 20 for \$20.00.~~

Sec. 26-346. Display of permits.

(a) Each residential unit decal permit shall be permanently adhered to the inside bottom driver side corner of the windshield of the motor vehicle above the inspection and vehicle registration stickers. A residential unit decal permit that is not permanently adhered shall not be a valid permit.

(b) All Each visitor and service provider hangtag permits shall be displayed inside the motor vehicle hanging from the rear view mirror so that the permit is easily visible from outside the motor vehicle.

Sec. 26-347. Effect of issuance of permit.

(a) A permit shall not guarantee or reserve a curbside parking space within a residential parking permit area. A permit issued pursuant to this article shall not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

(b) Whenever the holder of a permit, or the motor vehicle for which a residential unit permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance or renewal of permits, the holder shall notify the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

(c) Until its expiration, surrender or revocation, a residential unit permit shall remain valid for the length of time the holder continues to reside within the designated residential parking permit area.

(d) A permit shall be valid only in the residential parking permit area for which it is issued.

ARTICLE VII. VALET PARKING SERVICES

DIVISION 1. GENERAL

Sec. 26-371. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

* * *

Special event means an event occurring at a specific location in a residential district outside the central business district not more than twelve times in a 12-month period and for not more than three consecutive 24 hour periods per event, for which valet parking service will be provided, including events at which the pick-up and drop-off point is entirely on private property when the valet parking operator's valet parking storage location includes the roadway.

* * *

Valet zone means the area or space officially designated by the traffic engineer as a pick-up and drop-off zone (a) within a roadway as indicated by appropriate signs or markings for the use of valet parking service providers operating under permit issued by the city, or (b) off the roadway (such as in a parking facility or business establishment's driveway) when the valet parking service operator uses the roadway as a valet parking storage location.

Sec. 26-372. Prohibited activities.

(a) It is unlawful for any person to provide valet parking service without a valet parking service permit issued by the city. It shall be an affirmative defense to prosecution under this subsection that the operation of a valet parking service occurs on private property and does not use any portion of a roadway for a pick-up and drop-off point or as a valet parking storage location, save for incidental use of the roadway in driving vehicles to and from a pick-up and drop-off point on private property and a valet parking storage location not located on any portion of a roadway.

(b) It is unlawful for a permittee to operate, or cause to be operated, a valet parking service in violation of any term of a permit.

(c) It is unlawful for any permittee to fail to display a permit or a true copy thereof as required by this article. In any prosecution under this article, it shall be presumed that there is no permit if the permit or a true copy thereof is not properly displayed.

(d) It is unlawful for any permittee to park a vehicle or to cause or allow a vehicle to remain parked at any curbside parking space or any other portion of the roadway ~~within the central business district~~ in the course of providing valet parking service. Outside the central business district, it shall be an affirmative defense to prosecution under this subsection that permittee is operating pursuant to an approved valet zone designation obtained in accordance with division 4 of this article. Any person who violates any provision of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each act of parking a vehicle in violation of this subsection shall constitute and be punishable as a separate offense. A violation of this subsection is a penal offense and shall not be subject to civil adjudication pursuant to article IV of chapter 16 of this Code. Parking enforcement officers are authorized to issue written citations to persons violating this subsection.

(e) It is unlawful for any permittee to utilize any place on the roadway that is not a valet zone as a pick-up and drop-off point. It shall be an affirmative defense to prosecution under this subsection that the valet parking service is provided for a special event for which notice has been provided to the parking official pursuant to section 26-450 of this Code, or that the valet parking service operator is making reasonable accommodations for persons with disabilities who are utilizing the valet parking service.

(f) It is unlawful for any permittee to fail to identify a vehicle as required by section 26-412(4011) of this Code.

DIVISION 2. VALET PARKING SERVICE PERMITS

Sec. 26-411. Insurance.

The valet parking service operator shall maintain insurance coverage continuously during the term of its permit, in each case in accordance with the terms of this section through insurance carriers that are authorized or eligible by the Texas Department of Insurance to do business in the State of Texas and, in the case of claims made coverage, for an additional two years thereafter. The insurance required by this section shall insure against the following risks in at least the following amounts:

Coverage	Limit of Liability
Commercial General Liability: Including Broad Form Coverage	Bodily Injury and Property Damage, Combined Single Limits of \$500,000.00 Each Occurrence and \$500,000.00 Annual Aggregate
Automobile Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident
OR	
Garage Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Insurance Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident

The city shall be named as an additional insured on the commercial general liability and garage liability policies. Each policy must state that it may not be canceled, materially modified, or non-renewed unless the insurance company gives the director 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate limits are per 12-month policy period unless otherwise indicated. Proof of insurance required by this section shall be on the authorized form approved for this purpose by the director. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the director may cause the permit to be revoked for cause for failure to maintain insurance pursuant to section 26-418417 of this Code.

Sec. 26-412. Valet parking service operations.

A valet parking service permittee shall operate the permitted valet parking service in accordance with the following requirements:

- (1) The valet parking service permittee shall maintain one valet parking service stand that meets the requirements of section 26-416415 of this Code at each location where the permittee provides valet parking service;
- (2) ~~When pick-up and drop-off of vehicles occurs in the roadway, t~~The permittee shall operate a pick-up and drop-off point only in a designated valet zone and in accordance with division 4 of this article;
- (3) ~~When the pick-up and drop-off of vehicles occurs in the roadway, T~~the permittee shall not park or allow the parking of vehicles in a the pick-up and drop-off point;

- (4) The permittee shall not cause or allow the standing of any vehicle in a pick-up and drop-off point for more than five minutes, inclusive of loading and unloading passengers, taking possession of or returning a vehicle and all other functions relating to the acceptance or return of a vehicle, as applicable;
- ~~(5)~~ (6) The permittee shall not cause or allow the standing of vehicles in any moving lane of traffic approaching the pick-up and drop-off point.
- ~~(5)~~~~(6)~~ (6) The permittee shall ensure that the valet parking service does not unreasonably interfere with safe traffic operations of roadways, driveways, and intersections;
- ~~(6)~~~~(7)~~ (7) Except as provided in subsection 26-416415(a) of this Code or otherwise authorized by a permit issued pursuant to article XVII of chapter 40 of this Code, the permittee shall not place signs, cones, or any other object in a roadway, parking space, or sidewalk, or otherwise block or hinder movement of pedestrian or vehicular traffic;
- ~~(7)~~~~(8)~~ (8) The permittee shall not place or allow the placement of a sign identifying or advertising the valet parking service on a roadway or sidewalk unless the sign is located on the valet parking service stand;
- ~~(8)~~~~(9)~~ (9) The permittee shall provide each patron with a pre-numbered receipt indicating the valet parking fee, if any; the name, address, and telephone number of the valet parking service operator; and information on obtaining a vehicle after the hours of valet parking service operation;
- ~~(9)~~~~(10)~~ (10) The permittee shall display a true and correct copy of the valet parking service permit required by this article at each valet parking service stand;
- ~~(10)~~~~(11)~~ (11) Promptly upon receipt of each vehicle for valet parking service, the permittee shall clearly identify the vehicle by affixing a ticket hang tag to the inside rear view mirror of the vehicle that identifies the valet parking service operator;
- ~~(11)~~~~(12)~~ (12) The permittee shall provide a secure location for the storage of keys and shall not store keys with the parked vehicle;
- ~~(12)~~~~(13)~~ (13) The permittee shall comply with all applicable traffic control laws, devices and markings and shall conduct valet parking services only where and when vehicles may lawfully park and stand; and
- ~~(13)~~~~(14)~~ (14) The permittee shall not discriminate against persons wishing to utilize valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or disability.

~~Sec. 26-414. Additional valet parking service operations requirements in central business district.~~

~~For valet parking service operations within the central business district, the valet parking service permittee shall not cause or allow the standing of vehicles in any moving lane of traffic approaching the pick-up and drop-off point. [See Sec. 26-412(5); stakeholder requested that this prohibition apply regardless of whether inside/outside the CBD. Traffic engineer concurred.]~~

Sec. 26-415414. Attendant requirements.

It is the duty of the valet parking service permittee to ensure that no person at any time performs as an attendant unless the person meets each of the criteria of this section for an attendant. All attendants at a valet parking service location shall wear similar uniforms. Each attendant shall:

- (1) Be 18 years of age or older;

- (2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner that assures the safety of persons and property;
- (3) Possess a valid class A, B, or C Texas driver's license with no more than two convictions for offenses that occurred within any 12-month period during the preceding three years as a result of moving traffic violations;
- (4) Wear a name tag identifying the attendant by name and the name of the valet parking company or the commercial establishment for which valet parking service is being provided; and
- (5) Perform his duties in a courteous and professional manner.

If the valet parking service permittee, or any principal of a permittee, performs as an attendant, the permittee or principal must satisfy each of these requirements. The permittee shall maintain the information necessary to demonstrate compliance with item (3) of this section. The permittee shall retain the records at its principal office in the city for a period of three years. The director shall have the right, upon request, to inspect and copy these records of the permittee to determine compliance with the requirements of the permit.

Sec. 26-416415. Valet parking service stand.

(a) The valet parking service permittee shall provide one valet parking service stand at each location where the permittee provides valet parking service. The valet parking service stand may be located within the building for whose benefit the valet parking service is provided or wholly on private property. A valet parking service stand shall not be located on a roadway unless expressly allowed by a valet zone designation issued pursuant to division 4 of this article. Any valet parking service stand located in whole or in part on a roadway, sidewalk, or any portion of the public right-of-way shall:

- (1) Occupy a portion of the roadway, sidewalk, or public right-of-way no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;
- (2) Not be affixed to the roadway, sidewalk, or public right-of-way in any manner;
- (3) Be easily moveable by one person;
- (4) Be removed from the roadway, sidewalk, or public right-of-way when the valet parking service is not being operated;
- (5) Have affixed a sign not larger than four feet high by four feet wide with an area no smaller than 12 inches by 18 inches indicating:
 - a. The name and the valet parking service permit number of the valet service parking operator;
 - b. If the permittee is providing valet parking service for more than one establishment, the names of all such commercial establishments;
 - c. The fee for the valet parking service, if any;
 - d. The telephone number provided by the parking official for complaints or inquiries regarding operations of the valet parking service.
- (6) Be secured and locked when left unattended; and

(7) Display a true and correct copy of the permit.

(b) If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of subsection (a)(5) of this section on the sidewalk or roadway at the pick-up and drop-off point.

Sec. 26-417416. Parking areas.

All vehicles parked by an attendant shall be legally parked in conformance with applicable city ordinances and state law.

Sec. 26-418417. Revocation.

(a) A valet parking service permit may be revoked if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The holder of the permit has failed to comply with any applicable provision of the permit or this article;
- (4) The permittee fails to perform under the release and indemnity required by section 26-391(b) of this Code; or
- (5) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) Notice of revocation shall be provided to the valet parking service permittee by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the permittee shown in the permit application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation. If the revocation is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws.

(c) If the permittee wishes to request a hearing, such request must be made in writing and provided to the director within twenty days of the date of the director's notice of revocation. The city shall schedule the hearing within 30 days of receipt of the request. Pending the hearing, the director may suspend the valet parking service operator's permit when the director determines that continued operation of the valet parking service constitutes a hazard to public safety and welfare, including, but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic. At the hearing, the burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Sec. 26-419418. Permit subject to police regulation.

All valet operations are subject to temporary suspension when a police officer determines that the continued operation of the valet service constitutes a hazard to the public safety and welfare, including but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

Secs. 26-420419--26-440. Reserved.

DIVISION 4. VALET ZONES

Sec. 26-441. Designation of valet zones.

(a) The owner or tenant of one or more commercial establishments located on a blockface may apply to the parking official for designation of a valet zone.

(b) In carrying out the functions assigned by this division, the parking official shall consult with the planning official and obtain the concurrence of the traffic engineer.

Sec. 26-442. Characteristics of a valet zone.

(a) A valet zone located in a roadway shall:

(a)(1) Be located in the curbside lane of a roadway or, under certain conditions, in the portion of a roadway adjacent to a curbside that provides angled or parallel parking and;

(b)(2) Include not more than three parallel parking spaces, unless, under certain conditions, the traffic engineer approves the use of more spaces; provided, however, for a major event venue, a valet zone may include up to nine parallel parking spaces per blockface.

(b) Valet zones located on private property shall not be located in the entrance to a parking lot or in any such manner so as to interfere with the on-site parking spaces required by article VIII, division 2 of this chapter or the safe traffic operations of the adjoining roadway, sidewalks, driveways, and intersections. The traffic engineer is authorized to determine whether the location of a valet zone on private property is consistent with sound traffic engineering and mobility practices.

(c) A valet zone may be utilized for valet parking service only during the days and times authorized by the parking official in the valet zone designation.

Sec. 26-443. Application.

(a) Application for a valet zone designation shall be made upon a form promulgated by the director, shall be accompanied by a nonrefundable application fee of \$400.00, and shall include, at a minimum, the following:

- (1) The name, address and phone number of the applicant;
- (2) The name and location of each commercial establishment to be served by a valet parking service in the requested valet zone, and the name, address and telephone number of the owner or tenant of each commercial establishment;
- (3) The days and hours during which the valet zone will be utilized for valet parking service.
- (4) A copy of the valet parking service permit held by the valet parking operator who will provide valet parking service for the applicant;
- (5) A copy of the applicant's valet parking plan, including:
 - a. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet zone and the valet parking storage location;
 - b. Information about the valet parking storage location, i.e.:

- [1] Within the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility to store vehicles, including the name and address of the off-street parking facility; or
 - [2] Outside the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility, if applicable, and, if any vehicles will be stored on the roadway, a description of the area the valet parking operator will use to store vehicles, including names of streets, block designations, and an indication whether both sides of the block are intended to be used; and
- c. A description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the proposed valet zone; and
- (6) Any other information reasonably required by the parking official to make any determination required under this division.

(b) The parking official initially shall review each application for completeness. If the parking official determines that the application is incomplete, he shall return the application with written notice of the deficiencies.

(c) If the parking official determines that the application is complete, the application shall be acted upon as further provided in this article following provision of notice of the application by furnishing of a written notice by regular mail to the owners of property within 200 feet of the valet zone designation at the name and address as indicated by the most recent appraisal district records.

The parking official may provide the notice, but require the applicant to pay the costs of providing notice. The notice shall be in a form prescribed by the parking official and shall contain the street address of the proposed valet zone designation, the name of the commercial establishment making the application, a city office, city telephone number and city e-mail address that interested persons may call or contact by e-mail to obtain further information or to provide input regarding the impact of the proposed valet zone designation. Input received by the parking official within ten business days after the date of the notice will be considered by the parking official and the traffic engineer in reviewing the application.

Sec. 26-444. Review and designation by traffic engineer.

(a) The parking official shall immediately forward a copy of an application determined to be complete to the traffic engineer, who is hereby authorized to determine whether the location of a valet zone within the blockface and the valet operator's parking plan are feasible and consistent with sound traffic engineering and mobility practices.

(b) The traffic engineer shall determine the number of on-street parking spaces required for each valet zone proposed to be located in a roadway, which shall not exceed the equivalent of three parallel parking spaces, or for a valet zone serving a major event venue, the equivalent of nine parallel parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant.

(c) The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic.

(d) As a condition of designating or renewing designation of a valet zone located within a roadway, the parking official and the traffic engineer may require holders of and applicants for valet zone designations

to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(e) The traffic engineer shall review and approve or disapprove the proposed valet zone and parking plan. If the traffic engineer disapproves the valet zone or valet parking plan, he shall return the application to the parking official with notice of the reasons for his disapproval.

(f) If the traffic engineer determines that a valet zone and the valet parking plan are feasible and consistent with sound traffic engineering and mobility practices, he shall submit his determination and designation to the parking official.

* * *

Sec. 26-446. Fees; ~~t~~Term; renewal.

~~Each approved valet zone shall be designated for a period of one year, and shall require payment to the director of an annual fee of \$300, plus a one-time fee to cover the city's actual cost of making and installing signage designating the valet zone. The fee shall be reviewed and approved by the director on an annual basis and adjusted to fully recover the city's costs, taking into account zone designation issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provide that no fee increase in excess of 5 percent per year shall be implemented without prior approval of city council.~~

A valet zone designation may be renewed by filing an application and paying the fee pursuant to section 26-443 of this Code at least 30 days prior to the expiration of the zone designation. A valet zone designation renewal application shall be reviewed and approved or denied pursuant to section 26-445 of this Code.

Sec. 26-447. Signage; signage fee.

(a) Upon the traffic engineer's receipt of a one-time fee to cover the city's actual cost of making and installing the signage for an approved designation of a valet zone located in a roadway, he shall place and maintain appropriate signs indicating the same and stating the days and hours during which the valet zone is authorized to operate. The parking official is hereby authorized to install, maintain, and remove signs with the approval of the traffic engineer.

~~(b) The one-time signage fee shall be reviewed and approved by the director on an annual basis and adjusted to fully recover the city's costs, taking into account zone designation issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provide that no fee increase in excess of 5 percent per year shall be implemented without prior approval of city council. For valet zones operating at commercial event venues where valet operations are provided for events when scheduled but not during regularly fixed days and times, the traffic engineer shall place and maintain appropriate flip signage. Such flip signage shall be designed so that the signage may be manipulated to display an indication either that the valet parking service zone is in operation or that public parking is available in the zone. The signage indicating a valet zone shall be displayed not more than two hours prior to a scheduled event and while the zone is in operation for a scheduled event. At all other times the signage shall indicate that the public may park in the zone, subject to any other parking restrictions applicable to such zone.~~

* * *

Sec. 26-450. Special events.

A valet parking operator shall notify the parking official not later than 48 hours before a special event that it will provide valet parking services for the special event and provide the following information:

- (1) The name, address and telephone number of the valet parking operator;
- (2) The address of the establishment or residence to be served;

- (3) The days and times of operation;
- (4) The locations, including street names and block designations, where the valet parking operator will store vehicles, and a description of the portions of the roadway, if any, to be utilized for pick-up and drop-off of vehicles.

* * *

Sec. 26-452. Revocation of valet zone designation.

(a) A valet zone designation may be revoked without refund of any portion of the annual and signage fees if the director determines that:

- (1) A violation of any condition of the valet zone designation exists;
- (2) The holder of a valet zone designation has failed to regularly provide or maintain valet parking service during any day or time period designated on the signs posted in the valet zone;
- (3) The holder of a valet zone designation or the valet parking service permittee has allowed or provided valet parking service on days or times other than those authorized in the valet zone designation;
- (4) The holder of a valet zone designation has failed to renew the designation in accordance with section 26-446 of this Code;
- (5) The valet parking service permittee has failed to operate in accordance with the parking plan for the associated valet zone designation; or
- (6) The valet parking service permittee has failed to operate in accordance with the requirements for operating a valet parking service as set forth in division 3 of this article; or
- (7) The traffic engineer has made a finding that the valet zone has an adverse impact on sound traffic engineering or mobility practices.

(b) Notice of a revocation shall be provided to the holder of a valet zone designation by depositing the same in the United States Mail, first class, certified, return receipt requested, addressed to the address of the holder shown in the valet zone application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation.

(c) If the holder of the valet zone designation wishes to request a hearing, such request must be made in writing and provided to the director within 20 days of the date of the director's notice of revocation and the city shall schedule the hearing within 30 days of receipt of such request. Pending the hearing, the director may suspend the valet zone designation pursuant to section 26-451(a). At the hearing, the burden of demonstrating that a valet zone designation should be revoked shall be upon the city. The holder of the valet zone designation may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

ARTICLE IX. MINIMUM STANDARDS FOR PARKING FACILITIES*
DIVISION 1. GENERALLY

Sec. 26-601. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Receipt means any paper receipt issued by a machine or parking attendant or a digital receipt for a digital parking payment issued by a parking operator.

Special event means an event for which demand for parking in an area is increased because of an activity that does not occur on a daily or regular basis.

Special event parking fee means any parking fee charged other than the commonly-charged hourly, daily, or monthly rate as reflected on permanent signage or on the pay station in a parking facility; the special event parking fee may change during a special event depending on the demand for parking.

Temporary parking facility means a parking facility that operates during authorized times for not more than a 30-day period up to 3 times in a 12-month period.

Unauthorized vehicle means a vehicle parked, stored, or located on a parking facility without the consent of a parking facility general manager or parking facility operating company.

Sec. 26-606. Registration of parking facility operating companies.

(a) It shall be unlawful for any person to operate a parking facility in the city that has not been issued a registration compliance certificate as required by this section.

(b) A parking facility general manager may apply for a registration compliance certificate for each parking facility under his management by paying a fee of \$60.00 per facility to the police official and providing to such official the following information regarding each parking facility:

- (1) The name, telephone number, and business address of the parking facility operating company;
- (2) The name, telephone number, facsimile number, and business or residence address, including street name and number, city, state and zip code, of the parking facility general manager; and
- (3) The street address, days and hours of operation of the parking facility; and
- (4) Evidence of a valid lease or contract authorizing the parking facility general manager or the parking facility operating company to operate in the location currently in use as a parking facility, by completion of a form provided by the police official.

The use of a public or private post office box or other similar address shall not be sufficient for the purposes of complying with this subsection.

(c) Upon receipt of an application for a registration compliance certificate, the police official will provide a receipt to the applicant and perform an inspection of the parking facility to make a determination as to whether the facility is in violation of any requirements of this article. Upon completion of the inspection the police official shall either:

- (1) Provide to the parking facility general manager a registration compliance certificate and decal to be posted as instructed by the police official; or
- (2) Advise the parking facility general manager in writing that the parking facility is in violation of this article, pointing out the deficiencies and requiring that they be remedied within ten calendar days.

The police official shall reinspect the parking facility pursuant to this subsection upon receipt of a written request for reinspection and payment of a reinspection fee of \$50.00.

(d) Any change in the information required in subsection (b) of this section shall require the new parking facility general manager to file updated registration information and to pay a registration update fee of \$10.00 to the police official within 30 days of the effective date of the change. A prior parking facility general manager shall advise the police official that he no longer manages the property.

(e) The parking facility general manager of a newly constructed or established parking facility shall comply with the provisions of this section not later than the thirtieth day following completion of construction or new opening of the parking facility, whichever occurs first.

(f) A parking facility general manager shall annually renew the registration for each parking facility under his management by paying a annual fee of \$50.00 per parking facility to the police official, who shall verify that each parking facility is still in compliance with this article.

Sec. 26-607. Temporary parking facilities.

(a) It shall be unlawful for any person to operate a temporary parking facility in the city that has not been issued a registration compliance certificate as required by this section.

(b) A parking facility general manager may apply for and obtain a registration compliance certificate for each temporary parking facility under his management pursuant to the provisions set forth in section 26-606 of this Code.

(c) Conspicuous temporary signage at least two feet high and two feet wide shall be posted at all entrances to the temporary parking facility clearly stating the amount of the parking fee in letters not less than six inches high and displaying the name and logo of the parking facility operating company.

(d) It shall be the duty of any owner or manager of a temporary parking facility to comply with the attendant requirements set forth in section 26-618 of this Code.

Secs. 26-608—26-615. Reserved.

DIVISION 2. BUSINESS PRACTICES

Sec. 26-616. Signage required.

(a) Signage prohibiting unauthorized vehicles on a parking facility shall comply with Sections 2308.301 and 2308.302 of the Texas Occupations Code. In addition, signage must be:

- (1) Located at all pay stations; and
- (2) Unobstructed by vegetation or any other obstruction.

(b) In addition to the requirements of Sections 2308.301 and 2308.302 of the Texas Occupations Code, signage prohibiting unauthorized vehicles must contain lettering at least one inch in height in a solid color that contrasts with the background that clearly states:

- (1) How to pay for parking in the parking facility (i.e., "pay uniformed attendant," ~~or~~ "pay drop box," "pay by phone," etc., as applicable), and the hourly or other fee for such service; provided, however, for parking facilities utilizing different rates for various periods of parking, fee information may be contained on a separate sign adjacent to the pay station;
- (2) If unauthorized vehicles may be booted in the parking facility, the telephone number for the police department's auto dealers detail;

- (3) If unauthorized vehicles may be booted in or towed from the parking facility, the following: "Paper Receipts must be displayed on dashboard-"; and "Save digital receipt in mobile phone as proof of payment", as applicable;
- (4) Notice to "See receipt for expiration time-" and;
- (5) "No in-and-out privileges"; if applicable.

(c) In addition to the requirements listed in paragraphs (a) and (b) of this section, signage located at pay stations shall clearly state the street address of the parking facility in lettering at least one inch in height in a solid color that contrasts with the background.

(d) Unless otherwise provided in this article, lettering on all signs shall be at least one inch in height in a solid color that contrasts with the background.

(e) When the fee to park in a parking facility during a special event is a different amount than the hourly, daily or monthly rate, conspicuous temporary signage at least two feet high and two feet wide shall be posted at all entrances to the parking facility and at all pay stations, clearly stating the amount of the special event parking fee in letters not less than six inches high.

Sec. 26-617. Receipt and enforcement.

(a) It shall be unlawful for a parking facility general manager to have a vehicle immobilized ("booted") or towed for non-payment of parking fees in a parking facility that does not provide receipts for payment of parking fees.

(b) Each paper receipt issued by an attendant or printed by a pay station for payment of a parking fee shall have printed thereon in bold type the following directive "Display receipt face up on dashboard" and shall contain the name and logo of the parking facility, street address of the parking facility, the parking space number, if applicable, the date and time parking fees were paid and the expiration time. Lettering for the directive "Display receipt face up on dashboard" and expiration dates and times shall be printed on receipts in at least 14 point font size.

(c) It shall be unlawful for a parking facility general manager to allow a receipt to be printed or issued for a space that is not available due to being "Reserved."

(d) It shall be unlawful for a parking facility general manager to have a vehicle booted for any reason (e.g., being parked on or across the parking space lines, on or across areas marked with hash marks, in driving lanes or in other unauthorized areas on the parking facility) other than non-payment.

(e) When a parking fee was paid by digital payment, it shall be unlawful for a parking facility general manager to have a vehicle immobilized or towed for:

- (1) Failing to display a receipt; or
- (2) Non-payment of parking fees.

Sec. 26-624. Records of digital parking payments.

Records of digital payments shall be maintained by the parking operator for a period of one year from the date of the digital payment. Any peace officer shall have the right, upon request, to inspect and copy such records to determine compliance with this article.

Secs. 26-624 26-625--26-640. Reserved.

ARTICLE X. IMMOBILIZATION ("BOOTING") OF VEHICLES
DIVISION 1. GENERALLY

* * *

Sec. 26-644. Prohibited activities.

(a) It is unlawful for any person to immobilize a vehicle without a vehicle immobilization service permit issued by the city.

(b) It shall be unlawful for any vehicle immobilization operator to boot a vehicle:

- (1) In a parking facility that is not in compliance with the signage requirements of section 26-616 of this Code;
- (2) Without complying with the operating requirements of section 26-662 of this Code;
- (3) In a parking facility used wholly or partly for paid motor vehicle parking that is accessible to the public and does not provide a receipt for payment of parking fees as required by section 26-617 of this Code;
- (4) In a parking facility that has not been issued a registration compliance certificate as required by section 26-606 of this Code;
- (5) In a parking facility for any reason (e.g., parked in a parking space marked "Reserved" when a receipt for the space has been issued and properly displayed, or parked on or across the parking space lines, on or across areas marked with hash marks, in driving lanes or in other unauthorized areas on the parking facility) other than non-payment; ~~or~~
- (6) On the dashboard of which is displayed, face up and clearly visible through the front windshield of the vehicle, a valid receipt issued by a parking attendant, a barrier gate, or a pay station; or
- (7) In a parking facility in which payment of parking fees was made by a digital parking payment.

(c) It is unlawful for a permittee to operate or cause to be operated a vehicle immobilization service in violation of any term of a permit.

SUBJECT: Ordinance amending Ordinance No. 2010-0305 related to unmetered fire sprinkler system rates, certain industrial wastewater computations, charges for collection and disposal of domestic sewage in the Lake Houston vicinity, and providing a wastewater credit for newly permitted single family residential pools.	Category #	Page 1 of	Agenda Item# <div style="text-align: right; font-size: 2em; font-family: cursive;">14</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: 	Council District Affected: All
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For additional information contact: Susan Bandy, C.P.A., Deputy Director - PWE Phone: 832.395.2468 	Date and identification of prior authorizing Council action: Ordinance: 2010-305, April 21, 2010
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RECOMMENDATION: (Summary)
 Adopt an Ordinance amending Ordinance No. 2010-0305 to provide corrections and updates to Code of Ordinances Chapter 47 relating to water and sanitary sewer charges.

Amount of Funding: Not Applicable	Finance Budget:
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Source of Funding: General Fund Grant Fund Other (Specify) Enterprise Fund

SPECIFIC EXPLANATION:

On April 21, 2010, City Council adopted Ordinance 2010-305 that adjusted the Combined Utility System's water and wastewater rates to reflect the cost of providing service per the System's most recently published Rate Study. In the final version of that Ordinance there were two inadvertent clerical errors this action seeks to correct:

- 1) Replace the Section 47-64(a) unmetered connection serving a fire sprinkler system billing rates with the rates from the Rate Study.
- 2) Update Section 47-143(a) to clarify the surcharge industrial wastewater computations to include a wastewater service base charge.

In addition, the following rate changes are proposed:

- 1) An increase in the charge to customers in the Lake Houston vicinity for collection and disposal of domestic sewage from the current charge of \$15 to \$160 to reflect the cost of providing the service. A two year phase in plan is proposed, as follows:
 - Effective January 1, 2012: \$100.00 collection and disposal fee for up to 500 gallons
 - Effective January 1, 2013: \$160.00 collection disposal fee for up to 500 gallons.
- 2) Provide an initial pool filling sewer credit for single family residential customers. These customers will be able to apply for an adjustment on their sewer charges following the initial pool filling of a newly constructed, permitted and inspected pool.

These items were taken before the joint committee meeting of the Development and Regulatory Affairs Committee and the Transportation, Infrastructure, and Aviation Committee on November 17, 2011. No action was taken due to a lack of a quorum.

REQUIRED AUTHORIZATION	CUIC 20SB38	
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Other Authorization:	Other Authorization: 	Other Authorization:
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City of Houston, Texas, Ordinance No. 2011-_____

ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLES II AND III OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS RELATING TO WATER AND WASTEWATER RATES AND CHARGES; CORRECTING CLERICAL ERRORS RELATING TO UNMETERED FIRE SPRINKLER SYSTEM RATES, CLARIFYING COMPUTATIONS OF CERTAIN INDUSTRIAL WASTEWATER RATES; AMENDING PROVISIONS AND CHARGES FOR COLLECTION AND DISPOSAL OF DOMESTIC SEWAGE IN THE LAKE HOUSTON VICINITY; PROVIDING A WASTEWATER CREDIT TO SINGLE-FAMILY RESIDENTIAL CUSTOMERS FOR NEWLY PERMITTED POOLS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Houston (the "City") operates a combined utility system (the "System") for the purpose of providing water and wastewater service to its residents and other governmental and private entities pursuant to Texas Government Code Chapter 1502, the City's Charter and its Code of Ordinances;

WHEREAS, the City adjusted its System rates pursuant to City Ordinance No. 2010-305 in accordance with (i) sound business principles and analysis, (ii) City Ordinance No. 2004-299 (the "Master Ordinance"), (iii) City Charter Article IX, Section 20, and (iv) applicable provisions of state and federal law;

WHEREAS, the City desires to correct and update certain sections of Chapter 47 related to unmetered fire sprinkler lines to reflect the rates recommended in a rate study by Red Oak Consulting;

WHEREAS, the City desires to provide single-family residential customers with an incentive to obtain permits for newly constructed pools;

WHEREAS, the City desires to adjust charges related to City removal of on-site domestic sewage to meet the cost of service;

WHEREAS, the City desires to clarify the formula for industrial wastewater charges;

NOW, THEREFORE,

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

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

Section 2. That, subject to the rate adjustment requirements in Ordinance No. 2010-0305, Section 47-64(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) Each person with an unmetered connection serving a fire sprinkler system under the provisions of subsection (b) of section 47-4 of this Code shall pay the following monthly service charge for the corresponding size of the diameter of each unmetered sprinkler service line connected to the city's water main. The charge for a fire line with a city approved backflow prevention device with a bypass meter will be the same as for unmetered fire lines:

<i>Customer's Meter Size</i>	Defined Charge for Basic Service
<i>5/8 inch</i>	\$12.03
<i>3/4 inch</i>	\$12.03
<i>1.0 inch</i>	\$12.03
<i>1.5 inch</i>	\$47.91
<i>2.0 inch</i>	\$70.66
<i>3.0 inch</i>	\$70.66
<i>4.0 inch</i>	\$70.66
<i>6.0 inch</i>	\$78.71
<i>8.0 inch</i>	\$134.35
<i>10.0 inch and above</i>	\$181.24”

Section 4. That Section 47-135 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-135. Adjustment of bill.

(a) If the department makes an adjustment in customer's water bill under the provisions of this chapter, the department shall make an appropriate adjustment to the customer's sewer charge for the same period to the extent that the sewer charge is calculated using the customer's water bill.

(b) A single-family residential customer may apply for an adjustment for credit on sewer charges associated with the customer's initial filling of a newly constructed and permitted pool within six months of the day the pool passes the city's final inspection. The department shall make applications for initial pool filling credit available on the department's website and at any city location designated by the director. The department shall apply credit to the customer's bill for sewer charges proportional to the number of gallons required to fill the pool, as documented in the city building permit, after

- (1) The department receives the customer's completed application for a pool that has passed the city's final inspection; and
- (2) Based on the customer's meter reading, the department determines that the customer has received city water documented on the permit in addition to the customer's normal usage."

Section 5. That Section 47-139(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-139. Charges for collection and disposal of domestic sewage from on-site sanitary facilities in the Lake Houston Vicinity.

(a) The utility official shall prescribe rules and regulations for the collection and disposal by the department of domestic sewage from any on-site sanitary facility located in the Lake Houston vicinity. As used herein, the term 'Lake Houston vicinity' includes the lake itself and all territory, which is either within 200 feet of the lakeshore or within the watershed of the lake, and the term 'on-site sanitary facility' includes holding tank, aerobic, and anaerobic systems for domestic sewage treatment."

Section 6. That Section 47-139(b) of the Code of Ordinances, Houston, Texas shall be amended to read as follows:

“(b) The department shall charge \$100.00 for each collection and disposal of up to 500 gallons of domestic sewage from any on-site facility.”

Section 7. That the rates provided in Section 47-139(b) of the Code of Ordinances, Houston, Texas shall not be subject to any automatic increase provision of the Code of Ordinances between January 1, 2012 and December 31, 2013. On January 1, 2013, Section 47-139(b) shall be amended to increase the rate for collection and disposal from \$100.00 to \$160.00. Beginning January 1, 2014, Section 47-139(b) shall be adjusted in accordance with the rate adjustment requirements of Ordinance Number 2010-0305.

Section 8. That, subject to the rate adjustment requirements in Ordinance No. 2010-0305, Section 47-143(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) The user charges to be determined to each establishment that produces industrial waste shall be computed by use of the following formula:

$$UC = BC + Q \times R$$

Formula Values are as follows:

- UC = User Charge (in dollars).
- BC = Basic Service Charge defined in 47-122(b)(2)(a) (in dollars)
- Q = Billable quantity of wastewater in thousand gallon units
- R = $[X + (BOD \times 8.337 \times Y/1000) + (SS \times 8.337 \times Z/1000)]$ per thousand gallons OR the rate per thousand gallons specified in sec. 47-122(b)(2)(b), whichever is greater
- X = \$3.78 per thousand gallons
- Y = \$0.6509 per pound of BOD
- Z = \$0.2569 per pound of SS

BOD = BOD is Biochemical Oxygen Demand in milligrams per liter based on the results of a five-day analytical test for BOD at 20 degrees Centigrade
SS = suspended solid content of the waste delivered, measured in milligrams per liter"

Section 9. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required bylaw preceding this meeting, as required by Texas Government Code Chapter 551; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. That this Ordinance shall apply to each affected customer and user of the System commencing on the first day of the customer's and user's next billing cycle or period that commences after the effective date of this Ordinance or after the applicable dates provided herein. The former provisions of the Code of Ordinances that are amended herein are saved from repeal for the limited purpose of their continued application to (a) billing periods or cycles that commence before the effective date of this Ordinance or (b) sections that, as provided by this Ordinance, are amended after the effective date of this Ordinance.

Section 11. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances

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

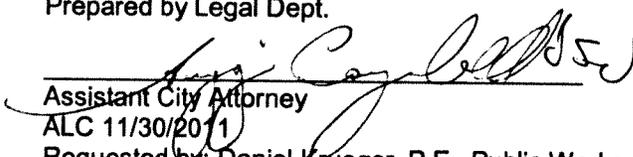
Section 12. That, with the exception of Section 6, which shall take effect January 1, 2012, all provisions of this Ordinance shall take effect immediately.

Section 13. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in **Section 12**, above.

PASSED AND APPROVED this ___ day of December, 2011.

Mayor of the City of Houston

Prepared by Legal Dept.



Assistant City Attorney

ALC 11/30/2011

Requested by: Daniel Krueger, P.E., Public Works and Engineering Department
L.D. File No. 0601100009001

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

RCR Revised

SUBJECT: An ordinance amending the City of Houston Construction Code by adopting the 2009 International Energy Conservation Code with local amendments, as the City of Houston Residential Energy Conservation Code and making other revisions to other volumes of the Construction Code; containing findings and other provisions relating to the foregoing subject, including a provision for Public Works and Engineering in 2012 and 2013 to submit for placement on the council agenda a proposal to increase energy efficiency by up to an additional 5%; containing a repealer; containing a savings clause; providing an effective date; providing for severability; and declaring an emergency.	Category #	Page 1 of 1	Agenda Item # 15
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date DEC 7 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: All
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For additional information contact: Mark L. Loethen, P.E., PTOE, CFM  Phone: (832) 395-2705 Acting Building Official	Date and identification of prior authorizing Council action: None
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RECOMMENDATION: (Summary) Approve and ordinance to adopt the City of Houston Residential Energy Conservation Code based on the 2009 International Energy Conservation Code with amendments for construction and alterations to one and two family homes, along with minor modifications to other volumes of the construction code.

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION:

PROJECT: I NOTICE/JUSTIFICATION

In 34 Texas Administrative Code §19.53 the Texas State Energy Conservation Office adopted the International Energy Conservation Code (IECC) as it existed on May 1, 2009 as the energy code in this state for use for single-family residential construction effective January 1, 2012.

With adoption of the 2009 International Energy Conservation Code with amended, residential provisions, the previously adopted Chapter 11 energy conservation provisions of the City of Houston Residential Code will be replaced.

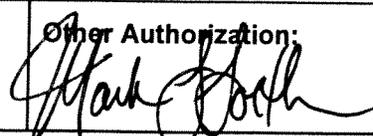
The proposed amendments have been approved by Texas A&M Energy Systems Lab as required by state law.

The Residential Energy Conservation Code applies to new construction while alterations to existing structures must comply with the new code only to the extent of the work covered by a permit. The local amendments include a five percent increase in energy efficiency above the code. This above-code requirement in Section 110 will be placed on the Council agenda in each of the next two years, prior to the end of 2012 and prior to the end of 2013, for consideration of up to an additional 5 percent increase in each subsequent year based on the applicable economic, technological and marketplace conditions existing at that time.

The Residential Energy Conservation Code amendments were developed in meetings with stakeholders in the Construction Industry Council (CIC), an organization of industry groups and trade associations. Their membership comprises over 30 groups such as the Association of Building Contractors, Associated General Contractors, American Institute of Architects, Building Owners and Managers Association, Greater Houston Builders Association, Greater Houston Restaurant Association, Houston Apartment Association, Houston Gulf Coast Building & Construction Trades Association, Houston Real Estate Council, Independent Electrical Contractors, Institute of Real Estate Management, Mechanical Contractors Association, Society of Fire Protection Engineers, and the United States Green Building Council. Each provides delegates and alternates who are eligible to participate in meetings and code reviews. Representatives from Environment Texas, an environmental advocacy group, and Public Citizen were participants as well. Further, code review subcommittee meetings are open to all interested parties.

The clean-up changes to the other construction codes included with this ordinance provide missing definitions, remove an unnecessary footnote, correct various references in the commercial energy conservation code, correct the requirements for a sign contractor, and restore a missing fee for the new state electrical license registration.

REQUIRED AUTHORIZATION CUIC# 20SWB08B

Finance Department:	Other Authorization:	Other Authorization: 
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RESIDENTIAL CODE

CHAPTER 11

ENERGY EFFICIENCY

~~This chapter has been revised in its entirety; there will be no marginal markings~~

[Delete this chapter in its entirety and replace with the following.]

N1101.1 Scope. The City of Houston Residential Energy Conservation Code ~~This Chapter~~ regulates the energy efficiency for the design and construction of buildings regulated by this code.

COMMERCIAL ENERGY CONSERVATION CODE (version based on ASHRAE 90.1)

3.1

daylight zone:

under skylights: the area under skylights whose horizontal dimension, in each direction plus either the floor-to-ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent skylights or vertical fenestration, whichever is least.

adjacent to vertical fenestration: the area adjacent to fenestration which receives daylight through the fenestration. For the purposes of this definition and unless more detailed analysis is provided, the daylight zone depth is assumed to extend into the space a distance of 15 feet (4572 mm) or to the nearest ceiling height opaque partition, whichever is less. The daylight zone width is assumed to be the width of the window plus 2 feet (610 mm) on each side, or the window width plus one-half the distance to the adjacent skylight or vertical fenestration, whichever is least.

9.4.1.2.1 Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 9.4.1.2-2.2 and 9.4.1.2-2.3.

9.4.1.2.2 Light reduction controls. Each area that is required to have a manual control shall also allow the occupant to reduce the connected lighting load in a reasonably uniform illumination pattern by at least 50 percent. Lighting reduction shall be achieved by one of the following or other *approved* method:

- a. Controlling all lamps or luminaires;
- b. Dual switching of alternate rows of luminaires, alternate luminaires or alternate lamps;
- c. Switching the middle lamp luminaires independently of the outer lamps; or
- d. Switching each luminaire or each lamp.

Exceptions:

- a. Areas that have only one luminaire.
- b. Areas that are controlled by an occupant-sensing device.
- c. Corridors, storerooms, restrooms or public lobbies.
- d. *Sleeping unit* (see Section ~~505-2.3~~ 9.4.1.2.7).
- d~~e~~. Spaces that use less than 0.6 watts per square foot (6.5 W/m²).

9.4.1.2.3 Automatic lighting shutoff. Buildings larger than 5,000 square feet (465m²) shall be equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either:

- a. A scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 25,000 ft² and are not more than one floor; or
- b. An occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or
- c. A signal from another control or alarm system that indicates the area is unoccupied.

Exception: The following shall not require an automatic control device:

- a. *Sleeping unit* (see Section ~~505.2.3~~ 9.4.1.2.7).
- b. Lighting in spaces where patient care is directly provided.
- c. Spaces where an automatic shutoff would endanger occupant safety or security.

9.4.1.2.5 Holiday scheduling. If an automatic time switch control device is installed in accordance with Section ~~505.2.2.2~~ 9.4.1.2.3, Item 1, it shall incorporate an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Exception: Retail stores and associated malls, restaurants, grocery stores, places of religious worship and theaters.

SIGN CODE

SECTION 4606--SIGN COMPANIES

(f) Electrical Sign Contractor . Each person licensed under the terms of this section whose operations include signs that in any manner include the use of electricity shall adhere to the requirements of the City of Houston Electrical Code ~~and shall pass such examinations and tests and hold such licenses and permits as are required thereunder.~~

ELECTRICAL CODE

SECTION 416—LICENSE AND RENEWAL FEES

To obtain a contractor license or renew an existing city license the applicant shall pay the applicable city license fee as follows:

LICENSE TYPE	LICENSE FEE	RENEWAL FEE
Contractor	\$160.20	\$160.20
Master Electrician of Record	N/A	\$160.20
Sign Master Electrician of Record	N/A	\$160.20
Line Master Electrician of Record	N/A	\$160.20
<u>Residential Appliance Installer</u>	<u>N/A</u>	<u>\$160.20</u>
Master Electrician	N/A	\$80.10
Sign Master Electrician	N/A	\$80.10
Line Master Electrician	N/A	\$80.10
Journeyman Electrician	N/A	\$42.72
Journeyman Lineman	N/A	\$42.72
Sign Journeyman	N/A	\$42.72
Residential Wireman	N/A	\$26.70
Maintenance Electrician	N/A	\$26.70
Apprentice	N/A	\$16.02

All fees shall be prorated for each month the license is to be in effect based on a 12 month period.

An administrative fee as set forth in Section 117 of the Building Code shall be charged upon the preparation of each fee or deposit receipt issued by the building official. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit.

MECHANICAL CODE

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

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

A permit shall be valid only for the work performed by the licensed contractor or person covered under the Texas Occupations Code to whom the permit was issued. A new permit shall be obtained if the licensed contractor to which the permit was issued ceases to perform the work. The cost of the new permit shall be 50 percent of the original permit fee. In the case of the death of the original licensed contractor, the permit will be transferred to the new licensed contractor at a fee of 50 percent of the original permit fees, subject to a maximum ~~minimum~~ fee of \$74.76 per permit.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve ordinance authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series K-1 and K-2, in an aggregate principal amount not to exceed a total of \$200 million (the "Ordinance"); De-appropriate/Appropriate funds for certain Capital Improvement Projects consisting of or including drainage and non-drainage.

Category #

Page 1 of 2

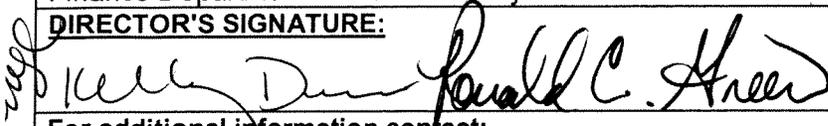
Agenda Item#

16

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

Origination Date
11/30/2011

Agenda Date
DEC 07 2011

DIRECTOR'S SIGNATURE:


Council Districts affected:
All

For additional information contact:
James Moncur Phone: 713-837-9615
Shawnell Holman Phone: 832-393-3513

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve ordinance authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series K-1 and K-2, in an aggregate principal amount not to exceed a total of \$200 million; approving and authorizing certain authorized officials and designated employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specific herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery, and security of such notes, including the approval of an issuing and paying agent agreement, one or more credit agreements, an offering memorandum and one or more commercial paper dealer agreements; and de-appropriate/appropriate funds for certain Capital Improvement Projects consisting of or including drainage and non-drainage.

Amount of Funding:

De-appropriate:
\$ 81,000,000 Street and Bridge Consolidated Construction Fund (4506)
\$ 70,000,000 Drainage Improvement Fund (4030)
\$ 3,000,000 Storm Sewer Consolidated Construction Fund (4505).
\$154,000,000 Total

Appropriate:
\$154,000,000 Dedicated Drainage and Street Renewal Fund (4042)

Finance Budget:

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

SPECIFIC EXPLANATION:

Starting in 1993, City Council began authorizing commercial paper programs to provide appropriation capacity for various capital expenditures of the City. This recommendation is for the creation of two commercial paper programs to be designated as Series K-1 and K-2. The newly created tax-exempt commercial paper programs will be used in conjunction with capital expenditures related to public improvements including street and drainage projects. The Series K-1 and K-2 commercial paper programs will be used for appropriation capacity only. These programs will support the newly established dedicated pay-as-you-go fund to help maintain and improve the city's drainage and street infrastructure. The aggregate par amount of commercial paper capacity to be added is up to \$200 million.

K-1: Banco Bilbao Vizcaya Argentaria, S.A. (BBVA) will provide liquidity for the Series K-1 program in the amount of \$100 million, plus interest. The liquidity facility will have a 3-year term, with a commitment fee of 40 basis points per annum based on the City's current long-term ratings. JP Morgan, Ramirez & Co., Inc., and Loop Capital Markets are recommended as dealers.

K-2: Citibank, N.A. will provide liquidity for the Series K-2 program in the amount of \$100 million, plus interest. The liquidity agreement will have a 1-year term, and the commitment fee will be 30 basis points per annum based on the City's current long-term ratings. JP Morgan, Ramirez & Co., Inc., and Loop Capital Markets are recommended as dealers.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Finance Director:		Other Authorization:		Other Authorization:	
Date: November 30, 2011	Subject: Approve ordinance authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series K-1 and K-2, in an aggregate principal amount not to exceed a total of \$200 million (the "Ordinance"); De-appropriate/Appropriate funds for certain Capital Improvement Projects consisting of or including drainage and non-drainage.			Originator's Initials	Page 2 of 2

U.S. Bank National Association is recommended as issuing/paying agent, along with Fulbright & Jaworski, L.L.P. and Baker Williams Matthiesen LLP as co-note counsel, with respect to both new commercial paper programs.

Summary of De-Appropriation/ Appropriation

When the Dedicated Drainage and Street Renewal Fund (DDSRF) was created on July 1, 2011, no drainage fees had yet been collected and the fund contained no assets to appropriate against or cash to make progress payments on construction projects with. Between July 1, 2011 and December 31, 2011 drainage and street projects continued to be appropriated against public improvement bond funds. As of January 1, 2012 sufficient cash will exist in the DDSRF, and at that time projects appropriated against bond funds will be de-appropriated and re-appropriated against the DDSRF commercial paper line.

The Finance Working Group (FWG) recommends that City Council de-appropriate the sum of \$154 million for certain Capital Improvement Projects consisting of or including drainage projects from the following funds; approximately \$81 million out of the Street and Bridge Consolidated Construction Fund (4506); approximately \$70 million out of the Drainage Improvement Fund (4030); and approximately \$3 million out of the Storm Sewer Consolidated Construction Fund (4505); and appropriate approximately \$154 million out of the Dedicated Drainage and Street Renewal Fund (4042).

The following table further summarizes the not to exceed amounts for de-appropriation/appropriation:

Fund Name	Amount	Fund
Street and Bridge Consolidated Construction Fund	81,000,000	4506
Drainage Improvement Fund	70,000,000	4030
Storm Sewer Consolidated Construction Fund	3,000,000	4505
Total to De-Appropriate	154,000,000	
Dedicated Drainage and Street Renewal Fund	154,000,000	4042
Total to Appropriate	154,000,000	

Recommendation

The Finance Working Group recommends approval of this transaction.

SUBJECT: Ordinance authorizing the abandonment and sale of Louisiana Street, from Chelsea Avenue south to its terminus, in exchange for the conveyance to the City of a 17.3-foot-wide sanitary sewer easement and a 25-foot-wide sanitary sewer easement, all located within the South End Villa Tract Subdivision and/or Chelsea Place Subdivision, out of the Obedience Smith Survey, Abstract 696. Parcels SY11-016, SY11-037, SY11-038, DY11-018, and DY11-019	Page <u>1</u> of <u>2</u>	Agenda Item # <div style="text-align: right; font-size: 2em;">17</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/30/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: <div style="text-align: center;"> </div> Daniel W. Krueger, P.E., Director	Council District affected: C <div style="text-align: right;"> </div> Key Map 493W
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For additional information contact: <div style="text-align: center;"> </div> Nancy P. Collins Phone: (832) 395-3130 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2011-0154 (03/02/11)
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RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Louisiana Street, from Chelsea Avenue south to its terminus, in exchange for a consideration of \$48,796.00 plus the conveyance to the City of a 17.3-foot-wide sanitary sewer easement and a 25-foot-wide sanitary sewer easement, all located within the South End Villa Tract Subdivision and/or Chelsea Place Subdivision, out of the Obedience Smith Survey, Abstract 696. **Parcels SY11-016, SY11-037, SY11-038, DY11-018, and DY11-019**

Amount and Source of Funding: Not Applicable	
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SPECIFIC EXPLANATION:
 By Motion 2011-0154, City Council authorized the abandonment and sale Louisiana Street, from Chelsea Avenue south to its terminus, in exchange for the conveyance to the City of a 17.3-foot-wide sanitary sewer easement and a 25-foot-wide sanitary sewer easement, all located within the South End Villa Tract Subdivision and/or Chelsea Place Subdivision, out of the Obedience Smith Survey, Abstract 696. The Joy Development School, the abutting property owner, plans to build a school in the location of the subject street. The other abutting property owners, Lynette Mandola and Gramercy Place No. 1 Ltd. (Rebecca Parsons, General Partner), plan to transfer by deed their portions of the street to be abandoned and sold to The Joy Development School upon passage of an ordinance effecting the abandonment and sale.

The Joy Development School, Lynette Mandola, and Gramercy Place No. 1 Ltd. have completed the transaction requirements, have accepted the City's offer, and have rendered payment in full.

The City will abandon and sell to The Joy Development School:

Parcel SY11-016	
6,745-square-foot right-of-way easement	\$286,663.00 (R)
Valued at \$42.50 per square foot	

tp\sy11-016.rc2.doc	CUIC #20TP011
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REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <div style="text-align: center;"> </div> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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Date:	Subject: Ordinance authorizing the abandonment and sale of Louisiana Street, from Chelsea Avenue south to its terminus, in exchange for the conveyance to the City of a 17.3-foot-wide sanitary sewer easement and a 25-foot-wide sanitary sewer easement, all located within the South End Villa Tract Subdivision and/or Chelsea Place Subdivision, out of the Obedience Smith Survey, Abstract 696. Parcels SY11-016, SY11-037, SY11-038, DY11-018, and DY11-019	Originator's Initials <i>Bow TP</i>	Page <u>2</u> of <u>2</u>
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The City will abandon and sell to Lynette Mandola:

Parcel SY11-037
 37-square-foot right-of-way easement \$1,573.00 (R)
 Valued at \$42.50 per square foot

The City will abandon and sell to Gramercy Place No. 1 Ltd.:

Parcel SY11-038
 81-square-foot right-of-way easement \$3,443.00 (R)
 Valued at \$42.50 per square foot

TOTAL ABANDONMENTS **\$291,679.00**

In exchange, The Joy Development School will pay the entire balance due:

Cash \$48,796.00
 Plus convey to the City out of The Joy Development School's property

Parcel DY11-018
 4,561-square-foot sanitary sewer easement \$101,767.00 (R)
 Valued at \$42.50 per square foot x 52.5%

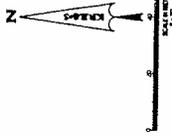
Parcel DY11-019
 4,487-square-foot sanitary sewer easement \$141,116.00 (R)
 Valued at \$42.50 per square foot x 74%

TOTAL CASH AND CONVEYANCES **\$291,679.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Louisiana Street, from Chelsea Avenue south to its terminus, in exchange for a consideration of \$48,796.00 plus the conveyance to the City of a 17.3-foot-wide sanitary sewer easement and a 25-foot-wide sanitary sewer easement, all located within the South End Villa Tract Subdivision and/or Chelsea Place Subdivision, out of the Obedience Smith Survey, Abstract 696.

DWK: NPC: tp

- c: Jun Chang, P.E., D.WRE
- Marta Crinejo
- Marlene Gafrick
- Daniel Menendez, P.E.
- Jeffrey Weatherford, P.E., PTOE



James C. ...

NOTE: SEE ATTACHED NETS AND SOURCE DESCRIPTIONS.

KREAS
 ENGINEERING & SURVEYING
 200 W. CALLE...
 HOUSTON, TEXAS 77002

CITY OF HOUSTON
 PUBLIC WORKS AND
 ENGINEERING DEPARTMENT

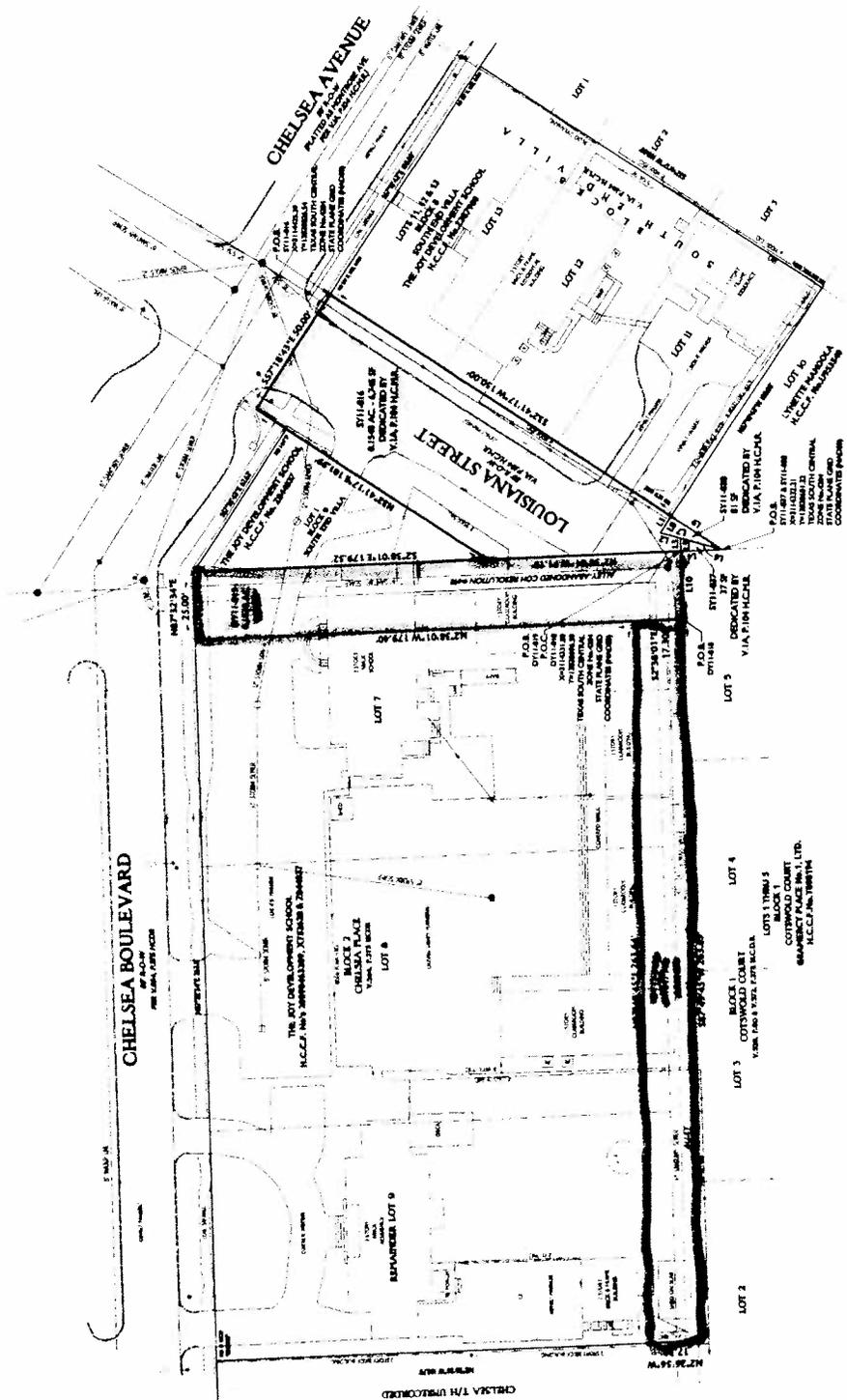
APPROVAL: *[Signature]*
 DATE: 4/26/2016
 OFF. DIRECTOR

PROJECT NO. 571-216
 SHEET: 51E-A
 DVL-04-PR-03

DATE: 4/26/2016
 SHEET: 51E-A
 DVL-04-PR-03

C.A. NO. 2011-0124

**ABANDONMENT AND SALE
 OF
 LOUISIANA STREET
 FROM CHELSEA AVENUE
 SOUTH TO ITS TERMINUS
 CITY OF HOUSTON
 OBEDIENCE SMITH SURVEY A#696
 HARRIS COUNTY, TEXAS**



LINE TABLE

#	BEARING & DISTANCE
L1	N 87° 04' 30" W 7.18'
L2	S 15° 01' 30" W 7.48'
L3	N 87° 04' 30" W 7.48'
L4	N 87° 04' 30" W 7.48'
L5	N 87° 04' 30" W 7.48'
L6	S 15° 01' 30" W 7.48'
L7	N 87° 04' 30" W 7.48'
L8	S 15° 01' 30" W 7.18'
L9	S 87° 04' 30" W 7.18'
L10	S 87° 04' 30" W 7.18'

BEARINGS & DISTANCES
 BASED ON THE STATE PLANE COORDINATE SYSTEM, NAD 83, ZONE 14N, USING THE GRS 80 ELLIPSOID AND THE GRS 80 DATUM. THE SURVEY WAS CONDUCTED BY THE ENGINEER USING THE COMMON SCALE METHOD OF SURVEYING.

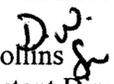
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of Swan Road, from Morales Road to North Sam Houston Parkway, located within the Heartland Acres Subdivision, out of the Washington County R.R. Company Survey, Abstract-935. Parcel SY11-041	Page <u>1</u> of <u>1</u>	Agenda Item # 18
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/30/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: B 4P Key Map: 374S
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For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2011-0237 (03/30/11)
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RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Swan Road, from Morales Road to North Sam Houston Parkway, located within the Heartland Acres Subdivision, out of the Washington County R.R. Company Survey, Abstract-935. **Parcel SY11-041**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
By Council Motion 2011-0237, City Council authorized the subject transaction. Robert Kness, Windrose Land Services, Inc., 3628 Westchase, Houston, Texas 77042, on behalf of Halliburton Energy Services, Inc. (Tommy Jamail, Vice President - Real Estate), requested the abandonment and sale of Swan Road, from Morales Road to North Sam Houston Parkway, located within the Heartland Acres Subdivision, out of the Washington County R.R. Company Survey, Abstract-935. Halliburton Energy Services, Inc., the abutting property owner, plans to convert the public right-of-way to create a unified site for possible future development.

Halliburton Energy Services, Inc. has complied with the motion requirements, has accepted the City's offer, and has rendered payment in full.

Parcel SY11-041	
59,285-square-foot street easement: Valued at \$3.50 per square foot	\$207,498.00 (R)
Depreciated value of improvements	\$6,224.00
TOTAL ABANDONMENT	<u>\$213,722.00</u>

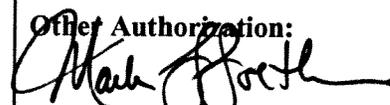
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Swan Road, from Morales Road to North Sam Houston Parkway, located within the Heartland Acres Subdivision, out of the Washington County R.R. Company Survey, Abstract-935.

DWK:NPC:tp

c: Marta Crinejo Daniel Menendez, P.E.
Marlene Gafrick Jeffrey Weatherford, P.E., PTOE

z:\tp\sy11-041.rca2.doc CUIC #20TP012

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Carrier Incentive Program for the Houston Airport System	Category #	Page 1 of 2	Agenda Item # 19
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FROM (Department or other point of origin): Houston Airport System	Origination Date November 15, 2011	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: <i>W. Lee</i>	Council District affected: I, B
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mg

Mano...

For additional information contact: Ian Wadsworth <i>INA</i> Phone: 281/233-1682 Genaro J. Peña Phone: 281/233-1808	Date and identification of prior authorizing Council action: N/A
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AMOUNT & SOURCE OF FUNDING: FY12 \$2,750,000 Out years \$9,250,000 Total \$12,000,000 HAS Revenue Fund (8001)	Prior appropriations: N/A
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing a two-year Carrier Incentive Program for the Houston Airport System.

SPECIFIC EXPLANATION: Air service incentives are offered by airports around the world to attract new routes and new carriers to their markets. A new route is a significant investment for an airline and is financially risky; incentives serve to mitigate some of the startup costs and risks. In order to remain competitive with other U.S. airports and attract new passenger and air cargo service, the Houston Airport System (HAS) has structured a new Carrier Incentive Program based on the programs offered by other major airports, including Dallas-Ft. Worth, Denver, Miami, and Tampa. The proposed program will offer greater incentives for new or expanded air service to/from Houston's airports, and will target specific key markets for Houston, such as cities in China and South East Asia, for a maximum incentive award.

Domestic passenger air service to a new market from George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) and international passenger air service, and international cargo service, to a new market from George Bush Intercontinental Airport/Houston (IAH) would be eligible. In addition, if a carrier is a new entrant, having not served Houston in the past 12 months, it would be eligible for additional marketing support and other incentives for domestic passenger air service from George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) or international passenger air service from George Bush Intercontinental Airport/Houston (IAH). The total budget for the two year program is \$12 million and the incentives will be available on a first-come first-served basis until the funds are exhausted.

The incentive package encompasses several components – abatement of Landing Fees, abatement of Federal Inspection Services Charges, Marketing Support, and for new entrant carriers, Supplemental Marketing and abatement of Turn Charges. The incentive package would vary depending on the type of air service and could range in value from roughly \$200,000 for daily narrow-body service on a new domestic route to roughly \$5.6 million for daily wide-body service to a target market, such as China, by a new entrant. Details on potential incentives by type of air service are as follows:

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Date November 15, 2011	Subject: Carrier Incentive Program for the Houston Airport System	Originator's Initials	Page 2 of 2
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1. Scheduled Domestic Passenger Service:

Eligibility: New route for IAH/HOU

- One-year abatement of landing fees
- \$50,000 for marketing support during year 1 for daily service (prorated if less than daily)

2. Scheduled International Passenger Service to Targeted Markets:

Eligibility: New route for IAH

- Two-year abatement of landing fees
- \$250,000 during year 1 and \$150,000 during year 2 for marketing support for daily service (\$400,000 total) (prorated if less than daily)
- Two-year abatement of Central Federal Inspection Services charges

3. Scheduled International Passenger Service to Other Markets:

Eligibility: New route for IAH

- One-year abatement of landing fees
- \$250,000 during year 1 for marketing support for daily service (prorated if less than daily)
- One-year abatement of Central Federal Inspection Services charges

4. Scheduled or Scheduled Charter International Cargo Service to Targeted Markets:

Eligibility: New route for IAH

- Two-year abatement of landing fees
- \$50,000 during year 1 for marketing support for daily service (prorated if less than daily)

5. Scheduled or Scheduled Charter International Cargo Service to Other Markets:

Eligibility: New route for IAH

- One-year abatement of landing fees
- \$50,000 during year 1 for marketing support for daily service (prorated if less than daily)

• **If a carrier is a new entrant, it would receive the following in addition to the benefits stated above:**

- One-time New Entrant Carrier Supplemental Benefit of \$250,000 for new entrant carrier presence marketing for daily international from IAH or domestic passenger service from IAH or HOU (prorated if less than daily)
- Abatement of Turn Charges (arrival/departure area charge per passenger) for one-year for a new entrant that operates in an international market from IAH

• **Other Program Terms:**

- No annual cap and no cap per carrier
- No minimum requirements for air service in terms of aircraft size/capacity, continuous service or number of flights
- The carrier must be current on all accounts

This program is designed to comply with the FAA's airport revenue standards, which restrict the amount, duration and terms of incentives that airports may offer to attract new air service.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for properties in Designated Historic Districts for the eleven (11) properties located at: 515 Harvard 77007, 643 Harvard 77007, 1120 Winston 77009, 816 Arlington 77007, 523 Columbia 77007, 301 E. 10th 77008, 4611 Oak Ridge 77009, 215 Westmoreland 77006, 743 Heights 77007, 1136 Fugate 77009, and 1611 South Blvd. 77006, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Category #

Page 1 of 1

Agenda Item#

20-30

FROM: (Department or other point of origin):

Andy Icken
Chief Development Officer

Marlene Gafrick, Director
Planning and Development

Origination Date

12/1/11

Agenda Date

DEC 07 2011

SIGNATURES

[Handwritten signatures of Andy Icken and Marlene Gafrick]

Council Districts affected:

C, D, and H

For additional information contact:

Keith R. Phillips
Tim Douglass

Phone: (713) 837-0610
Phone: (713) 837-9857

Date and identification of prior authorizing Council Action: Ord. 2007-658, 12/6/2007; Res. 2007-17, 4/11/2007, Res. 2009-40, Res. 2000-28, Res. 2011-15, Res. 97-47.

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for properties in Designated Historic Districts for the eleven (11) properties located at: 515 Harvard 77007, 643 Harvard 77007, 1120 Winston 77009, 816 Arlington 77007, 523 Columbia 77007, 301 E. 10th 77008, 4611 Oak Ridge 77009, 215 Westmoreland 77006, 743 Heights 77007, 1136 Fugate 77009, and 1611 South Blvd. 77006, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period but is capped each year at the exemption amount calculated for year one.**

The owners of the following contributing structures in an historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year based upon HCAD's 2011 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Contributing Structure	Historic District	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
515 Harvard	Heights South Area	\$69,208	\$129,195	\$761	\$11,414
643 Harvard	Heights South Area	\$21,232	\$262,075	\$349	\$5,240
1120 Winston	Norhill Historic Dist.	\$115,947	\$81,830	\$519	\$7,792
816 Arlington	Heights South Area	\$222,533	\$334,310	\$1,822	\$27,326
523 Columbia	Heights South Area	\$104,593	\$271,553	\$2,197	\$32,960
301 E. 10 th	Heights South Area	\$96,485	\$188,999	\$1,330	\$19,943
4611 Oak Ridge	Norhill Historic Dist.	\$147,244	\$90,482	\$578	\$8,669
215 Westmoreland	Westmoreland Area	\$220,913	\$284,092	\$905	\$13,581
743 Heights Blvd.	Houston Heights	\$18,500	\$211,981	\$1,217	\$18,252
1136 Fugate	Norhill Historic Dist.	\$36,768	\$36,983	\$887	\$13,305
1611 South Blvd.	Boulevard Oaks	\$627,442	\$1,016,200	\$11,490	\$172,348

Since the properties have been designated as contributing structures in an historic district, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
David Feldman, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Handwritten signature]

515 Harvard Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration, Expenditures	2011 Values	
Land	Structure		Land	Structure
\$205,875	\$69,208	\$129,195	\$205,875	\$119,125

Expenditures as % of Base Value 187%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,315	\$761
2	2013	\$1,368	\$761
3	2014	\$1,422	\$761
4	2015	\$1,479	\$761
5	2016	\$1,538	\$761
6	2017	\$1,600	\$761
7	2018	\$1,664	\$761
8	2019	\$1,730	\$761
9	2020	\$1,800	\$761
10	2021	\$1,872	\$761
11	2022	\$1,947	\$761
12	2023	\$2,024	\$761
13	2024	\$2,105	\$761
14	2025	\$2,190	\$761
15	2026	\$2,277	\$761
Total		\$26,332	\$11,414

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

643 Harvard Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2009 Values (base year)		R&P Expenditures	2011 Values	
Land	Structure		Land	Structure
\$198,001	\$21,232	\$262,075	\$198,000	\$54,691

Expenditures as % of Base Value 1234%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,265	\$349
2	2013	\$1,315	\$349
3	2014	\$1,368	\$349
4	2015	\$1,423	\$349
5	2016	\$1,480	\$349
6	2017	\$1,539	\$349
7	2018	\$1,600	\$349
8	2019	\$1,664	\$349
9	2020	\$1,731	\$349
10	2021	\$1,800	\$349
11	2022	\$1,872	\$349
12	2023	\$1,947	\$349
13	2024	\$2,025	\$349
14	2025	\$2,106	\$349
15	2026	\$2,190	\$349
Total		\$25,324	\$5,240

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

1120 Winston Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$125,000	\$115,947	\$81,330	\$125,000	\$160,252

Expenditures as % of Base Value 70%

Maximum Exemption on Structure/Improvement will be equal to the actual Restoration expenditures*

Projected Annual Tax Revenue (Based upon actual Restoration expenditures)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$798	\$519
2	2013	\$830	\$519
3	2014	\$864	\$519
4	2015	\$898	\$519
5	2016	\$934	\$519
6	2017	\$971	\$519
7	2018	\$1,010	\$519
8	2019	\$1,051	\$519
9	2020	\$1,093	\$519
10	2021	\$1,136	\$519
11	2022	\$1,182	\$519
12	2023	\$1,229	\$519
13	2024	\$1,278	\$519
14	2025	\$1,329	\$519
15	2026	\$1,383	\$519
Total		\$15,988	\$7,792

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

816 Arlington

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2007 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$198,000	\$222,533	\$334,310	\$247,500	\$285,207

Expenditures as % of Base Value 150%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,581	\$1,822
2	2013	\$1,644	\$1,822
3	2014	\$1,710	\$1,822
4	2015	\$1,778	\$1,822
5	2016	\$1,849	\$1,822
6	2017	\$1,923	\$1,822
7	2018	\$2,000	\$1,822
8	2019	\$2,080	\$1,822
9	2020	\$2,164	\$1,822
10	2021	\$2,250	\$1,822
11	2022	\$2,340	\$1,822
12	2023	\$2,434	\$1,822
13	2024	\$2,531	\$1,822
14	2025	\$2,632	\$1,822
15	2026	\$2,738	\$1,822
Total		\$31,655	\$27,326

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

523 Columbia Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$198,000	\$104,593	\$271,553	\$198,000	\$344,000

Expenditures as % of Base Value 260%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,265	\$2,197
2	2013	\$1,315	\$2,197
3	2014	\$1,368	\$2,197
4	2015	\$1,423	\$2,197
5	2016	\$1,480	\$2,197
6	2017	\$1,539	\$2,197
7	2018	\$1,600	\$2,197
8	2019	\$1,664	\$2,197
9	2020	\$1,731	\$2,197
10	2021	\$1,800	\$2,197
11	2022	\$1,872	\$2,197
12	2023	\$1,947	\$2,197
13	2024	\$2,025	\$2,197
14	2025	\$2,106	\$2,197
15	2026	\$2,190	\$2,197
Total		\$25,324	\$32,960

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

301 E. 10th Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$222,000	\$96,485	\$188,999	\$222,000	\$208,141

Expenditures as % of Base Value 196%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,418	\$1,330
2	2013	\$1,475	\$1,330
3	2014	\$1,534	\$1,330
4	2015	\$1,595	\$1,330
5	2016	\$1,659	\$1,330
6	2017	\$1,725	\$1,330
7	2018	\$1,794	\$1,330
8	2019	\$1,866	\$1,330
9	2020	\$1,941	\$1,330
10	2021	\$2,018	\$1,330
11	2022	\$2,099	\$1,330
12	2023	\$2,183	\$1,330
13	2024	\$2,270	\$1,330
14	2025	\$2,361	\$1,330
15	2026	\$2,456	\$1,330
Total		\$28,394	\$19,943

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

4611 Oak Ridge

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2011 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$125,000	\$147,244	\$90,482	\$125,000	\$147,244

Expenditures as % of Base Value

61%

Maximum Exemption on Structure/Improvement will be equal to the actual Restoration expenditures*

Projected Annual Tax Revenue			
(Based upon actual Restoration expenditures)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$798	\$578
2	2013	\$830	\$578
3	2014	\$864	\$578
4	2015	\$898	\$578
5	2016	\$934	\$578
6	2017	\$971	\$578
7	2018	\$1,010	\$578
8	2019	\$1,051	\$578
9	2020	\$1,093	\$578
10	2021	\$1,136	\$578
11	2022	\$1,182	\$578
12	2023	\$1,229	\$578
13	2024	\$1,278	\$578
14	2025	\$1,329	\$578
15	2026	\$1,383	\$578
Total		\$15,988	\$8,669

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

215 Westmoreland

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2008 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$328,125	\$220,913	\$284,092	\$656,250	\$141,750

Expenditures as % of Base Value 129%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$4,192	\$905
2	2013	\$4,359	\$905
3	2014	\$4,534	\$905
4	2015	\$4,715	\$905
5	2016	\$4,904	\$905
6	2017	\$5,100	\$905
7	2018	\$5,304	\$905
8	2019	\$5,516	\$905
9	2020	\$5,737	\$905
10	2021	\$5,966	\$905
11	2022	\$6,205	\$905
12	2023	\$6,453	\$905
13	2024	\$6,711	\$905
14	2025	\$6,980	\$905
15	2026	\$7,259	\$905
Total		\$83,935	\$13,581

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

743 Heights Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$211,500	\$18,500	\$211,981	\$211,500	\$190,500

Expenditures as % of Base Value 1146%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,351	\$1,217
2	2013	\$1,405	\$1,217
3	2014	\$1,461	\$1,217
4	2015	\$1,520	\$1,217
5	2016	\$1,580	\$1,217
6	2017	\$1,644	\$1,217
7	2018	\$1,709	\$1,217
8	2019	\$1,778	\$1,217
9	2020	\$1,849	\$1,217
10	2021	\$1,923	\$1,217
11	2022	\$2,000	\$1,217
12	2023	\$2,080	\$1,217
13	2024	\$2,163	\$1,217
14	2025	\$2,249	\$1,217
15	2026	\$2,339	\$1,217
Total		\$27,051	\$18,252

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

1136 Fugate Street

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2008 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$125,000	\$36,768	\$36,983	\$125,000	\$138,865

Expenditures as % of Base Value 101%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$798	\$887
2	2013	\$830	\$887
3	2014	\$864	\$887
4	2015	\$898	\$887
5	2016	\$934	\$887
6	2017	\$971	\$887
7	2018	\$1,010	\$887
8	2019	\$1,051	\$887
9	2020	\$1,093	\$887
10	2021	\$1,136	\$887
11	2022	\$1,182	\$887
12	2023	\$1,229	\$887
13	2024	\$1,278	\$887
14	2025	\$1,329	\$887
15	2026	\$1,383	\$887
Total		\$15,988	\$13,305

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

1611 South Blvd.

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$770,000	\$627,442	\$1,016,800	\$1,201,200	\$1,798,800

Expenditures as % of Base Value 162%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue <i>to be received</i> (Land)	Revenue <i>exempt</i> (Structure)
1	2012	\$7,673	\$11,490
2	2013	\$7,980	\$11,490
3	2014	\$8,299	\$11,490
4	2015	\$8,631	\$11,490
5	2016	\$8,976	\$11,490
6	2017	\$9,335	\$11,490
7	2018	\$9,708	\$11,490
8	2019	\$10,097	\$11,490
9	2020	\$10,501	\$11,490
10	2021	\$10,921	\$11,490
11	2022	\$11,357	\$11,490
12	2023	\$11,812	\$11,490
13	2024	\$12,284	\$11,490
14	2025	\$12,776	\$11,490
15	2026	\$13,287	\$11,490
Total		\$153,635	\$172,348

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the ten (10) properties located at: 2211 Brentwood 77019, 308 Avondale 77006, 14 Remington 77005, 3640 Piping Rock 77027, 2440 Inwood 77019, 67 Tiel Way 77019, 4216 - 4218 Washington 77007, 3260 Chevy Chase 77019, 2027 Sunset 77005, and 2232 Looscan 77019.

Category #

Page 1 of 1

Agenda Item#

31-40

FROM: (Department or other point of origin):

Andy Icken
Chief Development Officer

Marlene Gafrick, Director
Planning and Development

Origination Date

12/1/11

Agenda Date

DEC 07 2011

SIGNATURE

[Handwritten Signature]

Marlene Gafrick

Council Districts affected:

C, D, G and H

For additional information contact:

Keith R. Phillips
Tim Douglass

Phone: (713) 837-7828
Phone: (713) 837-9857

Date and identification of prior authorizing Council Action:

Ord. 2007-658, 12/6/2007;
Res. 2007-11, 3/26/07; Res. 2008-26, Res. 2011-19, Res. 2011-20, Res. 2011-27, Res. 2011-10, and Res. 2010-55.

RECOMMENDATION: (Summary)

That City Council adopt ordinances approving Historic Site Tax Exemptions for Historic Landmarks for the ten (10) properties located at: 2211 Brentwood 77019, 308 Avondale 77006, 14 Remington 77005, 3640 Piping Rock 77027, 2440 Inwood 77019, 67 Tiel Way 77019, 4216 - 4218 Washington 77007, 3260 Chevy Chase 77019, 2027 Sunset 77005, and 2232 Looscan 77019, which meet the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for Historic Landmarks. Prior City Council designation of the property as an Historic Landmark is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owners of the following Historic Landmarks submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2011 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

Historic Landmarks	Building	Base Value of Improvement	Restoration Investment	Estimated Year 1 Exemption	Maximum Exemption over 15 years
2211 Brentwood Dr	George M. Dowe House	\$750,400	\$794,548	\$3,522	\$52,834
308 Avondale St.	Edward Weil House	\$20,800	\$33,037	\$1,042	\$15,636
14 Remington Lane	Henry W. Stude House	\$415,187	\$341,742	\$2,183	\$32,743
3640 Piping Rock	Raymond & Daisy Powell	\$257,500	\$196,566	\$1,256	\$18,834
2440 Inwood St.	Egbert & Fay Spencer House	\$98,375	\$325,103	\$1,408	\$21,115
67 Tiel Way	Eugene Rolfs House	\$224,367	\$267,014	\$4,493	\$67,391
4216 - 4218 Washington	Loggins-Hughes Building	\$50,845	\$80,752	\$1,271	\$19,067
3260 Chevy Chase	Early Republic House	\$563,237	\$593,583	\$3,585	\$53,774
2027 Sunset Blvd.	Caravella-Bazile House	\$361,251	\$593,735	\$2,893	\$43,396
2232 Looscan Lane	C.B & Roberta Delhomme	\$116,664	\$170,397	\$1,327	\$19,901

Since the properties have been designated as Historic Landmarks, and meet all other criteria, it is recommended that City Council grant each of the properties the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
David Feldman, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

[Handwritten Signature]

Other Authorization:

2211 Brentwood

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2008 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$1,050,000	\$750,400	\$794,548	\$1,050,000	\$551,428

Expenditures as % of Base Value 106%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$6,707	\$3,522
2	2013	\$6,975	\$3,522
3	2014	\$7,254	\$3,522
4	2015	\$7,544	\$3,522
5	2016	\$7,846	\$3,522
6	2017	\$8,160	\$3,522
7	2018	\$8,486	\$3,522
8	2019	\$8,826	\$3,522
9	2020	\$9,179	\$3,522
10	2021	\$9,546	\$3,522
11	2022	\$9,928	\$3,522
12	2023	\$10,325	\$3,522
13	2024	\$10,738	\$3,522
14	2025	\$11,167	\$3,522
15	2026	\$11,614	\$3,522
Total		\$134,296	\$52,834

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

308 Avondale

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$261,200	\$20,800	\$33,037	\$261,200	\$163,195

Expenditures as % of Base Value 159%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$1,668	\$1,042
2	2013	\$1,735	\$1,042
3	2014	\$1,805	\$1,042
4	2015	\$1,877	\$1,042
5	2016	\$1,952	\$1,042
6	2017	\$2,030	\$1,042
7	2018	\$2,111	\$1,042
8	2019	\$2,196	\$1,042
9	2020	\$2,283	\$1,042
10	2021	\$2,375	\$1,042
11	2022	\$2,470	\$1,042
12	2023	\$2,568	\$1,042
13	2024	\$2,671	\$1,042
14	2025	\$2,778	\$1,042
15	2026	\$2,889	\$1,042
Total		\$33,408	\$15,636

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

14 Remington Lane

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$2,880,000	\$415,187	\$341,742	\$2,880,000	\$415,187

Expenditures as % of Base Value 82%

Maximum Exemption on Structure/Improvement will be equal to the actual Restoration expenditures*

Projected Annual Tax Revenue			
(Based upon actual Restoration expenditures)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$18,396	\$2,183
2	2013	\$19,132	\$2,183
3	2014	\$19,897	\$2,183
4	2015	\$20,693	\$2,183
5	2016	\$21,521	\$2,183
6	2017	\$22,382	\$2,183
7	2018	\$23,277	\$2,183
8	2019	\$24,208	\$2,183
9	2020	\$25,176	\$2,183
10	2021	\$26,183	\$2,183
11	2022	\$27,231	\$2,183
12	2023	\$28,320	\$2,183
13	2024	\$29,453	\$2,183
14	2025	\$30,631	\$2,183
15	2026	\$31,856	\$2,183
Total		\$368,354	\$32,743

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

3640 Piping Rock

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$1,092,500	\$257,500	\$196,566	\$1,092,500	\$303,600

Expenditures as % of Base Value

76%

Maximum Exemption on Structure/Improvement will be equal to the actual Restoration expenditures*

Projected Annual Tax Revenue			
(Based upon actual Restoration expenditures)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$6,978	\$1,256
2	2013	\$7,257	\$1,256
3	2014	\$7,548	\$1,256
4	2015	\$7,850	\$1,256
5	2016	\$8,164	\$1,256
6	2017	\$8,490	\$1,256
7	2018	\$8,830	\$1,256
8	2019	\$9,183	\$1,256
9	2020	\$9,550	\$1,256
10	2021	\$9,932	\$1,256
11	2022	\$10,330	\$1,256
12	2023	\$10,743	\$1,256
13	2024	\$11,173	\$1,256
14	2025	\$11,619	\$1,256
15	2026	\$12,084	\$1,256
Total		\$139,732	\$18,834

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

2440 Inwood Drive

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$851,625	\$98,375	\$325,103	\$851,625	\$220,375

Expenditures as % of Base Value 330%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$5,440	\$1,408
2	2013	\$5,657	\$1,408
3	2014	\$5,884	\$1,408
4	2015	\$6,119	\$1,408
5	2016	\$6,364	\$1,408
6	2017	\$6,618	\$1,408
7	2018	\$6,883	\$1,408
8	2019	\$7,158	\$1,408
9	2020	\$7,445	\$1,408
10	2021	\$7,742	\$1,408
11	2022	\$8,052	\$1,408
12	2023	\$8,374	\$1,408
13	2024	\$8,709	\$1,408
14	2025	\$9,058	\$1,408
15	2026	\$9,420	\$1,408
Total		\$108,923	\$21,115

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

67 Tiel Way

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$1,135,633	\$224,367	\$267,014	\$1,135,633	\$703,367

Expenditures as % of Base Value 119%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$7,254	\$4,493
2	2013	\$7,544	\$4,493
3	2014	\$7,846	\$4,493
4	2015	\$8,160	\$4,493
5	2016	\$8,486	\$4,493
6	2017	\$8,825	\$4,493
7	2018	\$9,178	\$4,493
8	2019	\$9,546	\$4,493
9	2020	\$9,927	\$4,493
10	2021	\$10,324	\$4,493
11	2022	\$10,737	\$4,493
12	2023	\$11,167	\$4,493
13	2024	\$11,614	\$4,493
14	2025	\$12,078	\$4,493
15	2026	\$12,561	\$4,493
Total		\$145,248	\$67,391

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

4216 - 4218 Washington Ave.

**HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS**

Initial Exemption Criteria				
2009 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$123,900	\$50,845	\$80,752	\$566,400	\$199,000

Expenditures as % of Base Value 159%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$3,618	\$1,271
2	2013	\$3,763	\$1,271
3	2014	\$3,913	\$1,271
4	2015	\$4,070	\$1,271
5	2016	\$4,232	\$1,271
6	2017	\$4,402	\$1,271
7	2018	\$4,578	\$1,271
8	2019	\$4,761	\$1,271
9	2020	\$4,951	\$1,271
10	2021	\$5,149	\$1,271
11	2022	\$5,355	\$1,271
12	2023	\$5,570	\$1,271
13	2024	\$5,792	\$1,271
14	2025	\$6,024	\$1,271
15	2026	\$6,265	\$1,271
Total		\$72,443	\$19,067

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.
The tax revenue may change relative to the tax rate.

3260 Chevy Chase
HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS

Initial Exemption Criteria				
2010 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$2,486,763	\$563,237	\$593,583	\$2,486,763	\$561,237

Expenditures as % of Base Value 105%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$15,884	\$3,585
2	2013	\$16,520	\$3,585
3	2014	\$17,180	\$3,585
4	2015	\$17,868	\$3,585
5	2016	\$18,582	\$3,585
6	2017	\$19,326	\$3,585
7	2018	\$20,099	\$3,585
8	2019	\$20,903	\$3,585
9	2020	\$21,739	\$3,585
10	2021	\$22,608	\$3,585
11	2022	\$23,512	\$3,585
12	2023	\$24,453	\$3,585
13	2024	\$25,431	\$3,585
14	2025	\$26,448	\$3,585
15	2026	\$27,506	\$3,585
Total		\$318,059	\$53,774

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

2027 Sunset Blvd.

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2006 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$622,660	\$361,251	\$593,735	\$830,214	\$452,925

Expenditures as % of Base Value 164%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$5,303	\$2,893
2	2013	\$5,515	\$2,893
3	2014	\$5,736	\$2,893
4	2015	\$5,965	\$2,893
5	2016	\$6,204	\$2,893
6	2017	\$6,452	\$2,893
7	2018	\$6,710	\$2,893
8	2019	\$6,978	\$2,893
9	2020	\$7,258	\$2,893
10	2021	\$7,548	\$2,893
11	2022	\$7,850	\$2,893
12	2023	\$8,164	\$2,893
13	2024	\$8,490	\$2,893
14	2025	\$8,830	\$2,893
15	2026	\$9,183	\$2,893
Total		\$106,185	\$43,396

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

2232 Looscan Lane

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2009 Values (base year)		Restoration Expenditures	2011 Values	
Land	Structure		Land	Structure
\$897,356	\$116,644	\$170,397	\$897,356	\$207,709

Expenditures as % of Base Value 146%

Maximum Exemption on Structure/Improvement will be equal to the TY2012 value (not yet available).*

Projected Annual Tax Revenue			
(Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2012	\$5,732	\$1,327
2	2013	\$5,961	\$1,327
3	2014	\$6,200	\$1,327
4	2015	\$6,448	\$1,327
5	2016	\$6,705	\$1,327
6	2017	\$6,974	\$1,327
7	2018	\$7,253	\$1,327
8	2019	\$7,543	\$1,327
9	2020	\$7,844	\$1,327
10	2021	\$8,158	\$1,327
11	2022	\$8,485	\$1,327
12	2023	\$8,824	\$1,327
13	2024	\$9,177	\$1,327
14	2025	\$9,544	\$1,327
15	2026	\$9,926	\$1,327
Total		\$114,772	\$19,901

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

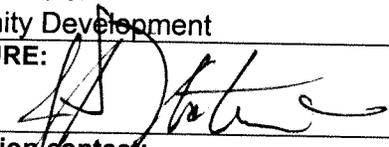
Assumes a 4% increase in land value each year.

* The tax exemption for the Structure (Improvement) remains the same.

The tax revenue may change relative to the tax rate.

SUBJECT: An ordinance authorizing a grant of Community Development Block Grant funds to Pro Vision, Inc., a charter school, to expand the educational facility located at 4590 Wilmington, Houston, Texas 77051.	Category #	Page 1 of 1	Agenda Item # 41

FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development	Origination Date 02/01/2011	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: District D
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For additional information contact: David Godwin Phone: 713-868-8351	Date and identification of prior authorizing Council action: None
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RECOMMENDATION: (Summary)
 Approval of an ordinance authorizing a contract between the City of Houston and Pro Vision, Inc. a charter school which serves low to moderate-income families to expand their facility.

Amount of Funding: \$950,000.00	Finance Budget:
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SOURCE OF FUNDING <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> General Fund	<input checked="" type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
Community Development Block Grant (CDBG) Fund 5000			

SPECIFIC EXPLANATION:

The Housing and Community Development Department wishes to enter into a grant agreement with Pro Vision Inc. to provide construction funds for the expansion of the educational facility located at 4590 Wilmington, Houston, Texas 77051.

Pro Vision was founded in 1990 to provide high quality education to one of Houston's most underserved neighborhoods. Pro Vision has touched the lives of over 3,000 young men. Pro Vision funded and built its new 16 acre campus in Sunnyside for a cost of over \$5.4 million funded totally by private sources. In grades 5 through 9, the organization now serves over 300 young men and their families at this new facility. Success is in the performance. Over 90% of Pro Vision students graduate from high school.

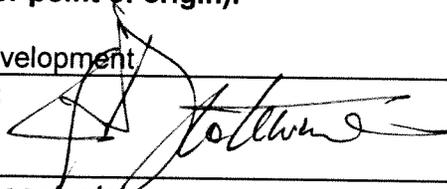
Pro Vision would like to add additional classroom space to the school and significantly expand their library. The additional two classrooms will total 2800 sq/ft, and the library and computer lab will total 1820 sq/ft. This \$950,000 expansion will be a welcome addition to this modern educational facility, and allow the expansion of the 9th grade and addition of a 10th.

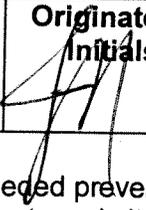
The Housing and Community Development Committee considered this item on February 17, 2011, and recommended it for Council approval.

xc: City Attorney
 Mayor's Office
 City Secretary
 Finance Department

REQUIRED AUTHORIZATION		
Finance Department Director:	Other Authorization:	Other Authorization:

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

SUBJECT: An Ordinance authorizing a Contract between the City of Houston and Fort Bend County to approve funding for the Construction of a Seniors Community Center neighboring 5525 Hobby, Houston Texas 77053		Category #	Page 1 of 2	Agenda Item # 42
FROM (Department or other point of origin): James Noteware, Director Housing and Community Development		Origination Date 11/08/2011	Agenda Date DEC 07 2011	
DIRECTOR'S SIGNATURE: 		Council District affected: Council member Wanda Adams "D"		
For additional information contact: Gayve F. Anklesaria Phone: 713-868-8466		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) City Council Ordinance authorizing a Contract between the City of Houston and Fort Bend County to approve funding request in the amount of \$500,000 for the Construction of a new Seniors Community Center in Southwest Houston.				
Amount of Funding: \$500,000			F&A Budget:	
SOURCE OF FUNDING [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify) Community Development Block Grant (CDBG) Fund 5000				
SPECIFIC EXPLANATION: The Housing and Community Development Department requests approval of a Contract between the City of Houston and Fort Bend County. This contract will allow utilization of CDBG funding for the development of a new Seniors Community Center facility geared towards serving low and moderate income residents in an underserved area of District D in Houston. This project will be funded in joint collaboration with the City of Houston and Fort Bend County. The total project budget is \$2,290,200. The City of Houston will allocate \$500,000 in CDBG funds while Fort Bend will contribute the remainder of \$1,790,200. Additionally, Fort Bend County will assume the recurring annual operating and maintenance costs as well as coordination with other groups and agencies to provide programming activities Construction of a new 10,000+ sq foot one story free standing building will primarily be hardy board and masonry, concrete parking lot, walking and jogging trails. Building is designed to be environmentally responsible and economical to operate. Facility will also house a 400 sq foot Police Sub-Station to provide additional security in the area and around the facility. It will also house an 1800 sq ft auditorium (120 person occupancy) with movable stage and storage area, warming kitchen with a multi-purpose dining area, administrative offices and a 900 sq ft conference room for meetings, training, arts and crafts and computer classes. This facility will also accommodate to serve meals on wheels in the dining area. The facility will also have provision to house a make-shift clinic to provide the basic immunization and other medical related services.				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

Date 11/08/2011	Subject: An Ordinance authorizing a Contract between the City of Houston and Fort Bend County to approve funding for the Construction of a Seniors Community Center neighboring 5525 Hobby, Houston Texas 77053	Originator's Initials 	Page 2 of 2
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The Center will serve as the hub for seniors in this community to receive much needed prevention, physical, recreational, social and rehabilitation services that is lacking in this area of the county and city. The mission is to promote and improve the health of seniors in the community by providing integrated primary care medical services on one hand while providing social and educational services on the other to enhance the quality of life for the aging population in the area.

The Housing and Community Development Committee considered this item and recommended it for full Council approval on Thursday February 17, 2011.

Approval of this Ordinance is recommended

JN:ga

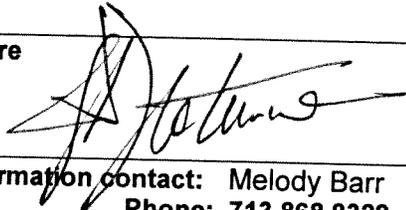
City Secretary
Mayor's Office
Legal Department
Finance Department

To: Mayor via City Secretary

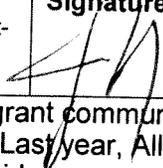
REQUEST FOR COUNCIL ACTION

HCD11-81

11-Alliance

Subject: An Ordinance authorizing the execution of a contract between the City of Houston and the Alliance for Multicultural Community Services for the administration and operation of a Short-Term Rent, Mortgage and Utilities Assistance Program through a HOPWA Grant.	Category	Page 1 of 2	Agenda Item # 43
From (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department	Origination Date 11/9/2011	Agenda Date DEC 07 2011	
Director's Signature 	Council District affected: District F, CM Ai Hoang		
For additional information contact: Melody Barr Phone: 713.868.8329	Date and Identification of prior authorizing Council action:		
Recommendation: (Summary) Approval of an ordinance authorizing the execution of a contract between the City of Houston and the Alliance for Multicultural Community Services ("Alliance") for the operation and administration of a Short-Term Rent, Mortgage and Utilities Assistance Program under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.			
Amount of Funding \$291,000.00	Finance Budget:		
Source of Funding <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund			
<input type="checkbox"/> Other (Specify) HOPWA Grant Fund 5000			
Specific Explanation The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and Alliance for Multicultural Community Services ("Alliance") for the administration and operation of a Housing Opportunities for Persons with AIDS ("HOPWA") project. The Alliance's HOPWA project will provide Short -Term Rent, Mortgage and Utilities Assistance for HIV positive persons and their families. The Alliance's target population will be refugee and immigrant residents of Harris County, many of whom are female heads of households and victims of domestic violence. The Administrative Offices for the Alliance are located at 6440 Hillcroft, Houston, Texas 77081. The Alliance was founded in 1985 by the Association of Cambodian, Ethiopian, Laotian and Vietnamese Refugee Community Organization. The Alliance was incorporated as a 501(c)(3) non-profit corporation in January 1986, and changed its name to the Alliance for Multicultural Community Services in April 1999. The Alliance has served over 90,000 refugees, immigrants and low-income individuals in the Houston area and ranks as one of the largest refugee employment and resettlement service providers in the state of Texas. Services currently offered by the Alliance include reception and placement into housing, transportation, and healthcare referral and interpreter services. Interpreter services have been offered through the Ryan White Planning Council to assist non-English speaking citizens to obtain proper HIV healthcare. The extension of a housing and utility assistance program allows an additional 200 persons to maintain safe and affordable housing.			
Required Authorization			
Finance Director	Other Authorization	Other Authorization	

MA

Date 11/9/11	Subject: An Ordinance authorizing the execution of a contract between the City of Houston and The Alliance for Multicultural Community Services for the administration and operation of a Short-Term Rent, Mortgage and Utility Assistance Program through a HOPWA Grant.	Originator's Signature 	Page 2 of 2
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HIV/AIDS is a disease that does not discriminate and Houston's immigrant community suffers both the effects of the disease as well as the difficulty of language and service barriers. Last year, Alliance for Multicultural Community Services received \$290,150.00 in HOPWA funding to provide emergency rental assistance to low-income persons living with HIV/AIDS. Through this effort 82 families received housing assistance. The Alliance desires to continue its current HOPWA project, which extends its range of services to the immigrant community.

This agreement will provide up to \$291,000.00 in HOPWA funds for one (1) year of funding, which is inclusive of \$48,500.00 in pre-contract services. The contract's performance period will begin on December 1, 2011 and end on June 30, 2012, with pre-contract services from July 1, 2011 – November 30, 2011. Through this agreement, Alliance for Multicultural Community Services will provide short-term rent, mortgage and utilities assistance to a minimum of eighty (80) low-income unduplicated HIV positive persons and one-hundred and twenty (120) family members, annually, who meet the eligibility standards under the HOPWA Program.

Total Funds and Sources:	\$291,000.00
Number of Persons to be Served:	80 individuals and 120 family members (annually)
Category of Persons:	HIV/AIDS/Low-income persons and their families

The Contract will provide funding for the following HOPWA activities during the 12-month period:

Category	Total Contract Amount	Percentage (%)
Administrative	\$15,968.50	5.49%
Short-Term Rent, Mortgage and Utilities and Assistance	\$275,031.50	94.51%
Total	\$291,000.00	100.00%

The Housing and Community Development Committee reviewed this item on July 21, 2011. Though there was no quorum, it was recommended for Council action by the members present. Therefore, HCDD is requesting approval of a contract providing up to \$291,000.00 in HOPWA funds for the administration and operation of a Short-Term Rent, Mortgage and Utilities Assistance Program for HIV+, low-income persons and their families.

JN:ab

City Attorney
City Secretary
Mayor's Office
Legal Department
Finance Department

R

HCD 11-97

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

11 Catholic Charities HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a First Amendment for a Contract Between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston for a HOPWA Tenant-based Rental Assistance, Short-Term Rent Mortgage and Utilities Assistance with Supportive Services Program.	Category	Page	Agenda Item #
	1 & 2	1 of 2	94

FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department	Origination Date 11/10/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: Districts D and H
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For additional information contact: Melody Barr Phone: 713-868-8329	Date and identification of prior authorizing Council action: 12/22/10; Ordinance No. 2010 - 1047
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing the execution of a First Amendment to the contract between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston providing up to **\$141,000.00** in additional funding for the administration of a "Tenant-Based Rental Assistance, Short-term Rent Mortgage and Utilities Assistance with Supportive Services" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding: \$141,000.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department ("HCDD") recommends approval of a First Amendment to the Contract between the City of Houston ("City") and Catholic Charities of the Archdiocese of Galveston-Houston ("Catholic Charities") to finance additional administrative, emergency housing assistance and supportive services costs associated with the agency's housing and supportive services programs for persons living with HIV/AIDS. Through its AIDS Ministry Program, Catholic Charities provides rental subsidies to help participants obtain and keep permanent housing and emergency housing assistance for persons at risk of becoming homeless, due to lost employment or similar circumstances. The Administrative Offices for Catholic Charities are located on 2900 Louisiana, Houston, Texas 77006.

By passage of Ordinance No. 2010-1047, on December 22, 2010, City Council authorized and approved a contract between the City and Catholic Charities, which provided tenant-based rental assistance, short-term rent, mortgage and utilities assistance, and supportive services to low-income individuals who are living with HIV/AIDS and their families. The agency's HOPWA project is a cost-effective one, which helps to prevent homelessness by providing payments of rent, mortgage and utility bills directly to the client's landlord, mortgage lender and utility companies. Catholic Charities is a Texas, nonprofit corporation founded in 1943. The agency's AIDS Ministry serves as a holistic program providing case management, housing and financial assistance, and other services for persons infected and affected by HIV/AIDS.

Catholic Charities has received HOPWA funding through the City of Houston for various contracts since 2003. The initial funding for the current contract provided for program costs in the amount of \$600,000.00. Catholic Charities now desires to amend the contract with the City by increasing the amount by \$141,000.00. The new contract total would be \$741,000.00.

REQUIRED AUTHORIZATION		
F&A Director:	Other Authorization:	Other Authorization:
		

Date
11/10/11

Subject: An ordinance authorizing the execution of a First Amendment for a contract between the City of Houston and Catholic Charities of the Archdiocese of Galveston-Houston for a HOPWA Tenant-based Rental Assistance, Short-Term Rent Mortgage and Utilities Assistance with Supportive Services Program.

Originator's
Initials

Page
2 of 2

HCDD is currently conducting a Request for Proposals ("RFP") for new HOPWA contracts, for the fiscal year period, July 1, 2011 – June 30, 2012. The RFP process (submission of the proposals, review of the proposals, and the awarding of the contracts) is expected to be completed by December 1, 2011. While completing this process, HCDD is extending existing HOPWA contracts, whose term is scheduled to expire prior to December 1, 2011. This enables the agencies to continue their projects without a gap in service.

Catholic Charities contract was extended by HCDD's Director through November 30, 2011. The extension allowed Catholic Charities an opportunity to complete its existing project goals, serve its existing clients and expend the remaining funds, while awaiting the outcome of the RFP process for the new HOPWA contracts. The additional funds are needed to cover the projected program costs, during the extended period.

However, the agency continues to provide services for the clients. This amendment will continue the provision of HOPWA funding for low-income, HIV/AIDS infected individuals and their families to provide the following HOPWA activities: (1) tenant-based rental assistance with supportive services, (2) short-term rent, mortgage, and utility assistance with supportive services, and (3) case management and permanent housing placement services under its supportive services activity. The funding will provide housing assistance and supportive services to approximately one-hundred and sixteen (116) households.

Total Funds and Sources: **\$600,000.00 (original allocation) + \$141,000.00 (contract amendment)**
Number of Persons to be Served: 116 individuals with HIV/AIDS and 130 family members
Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for the 12-month period + 3-month extension, as follows.

Category	Original Allocation	First Amendment	Total Contract Amount	Percent
Administrative	\$41,732.62	(\$5,560.06)	\$36,172.56	4.88%
Supportive Services	\$32,625.40	\$3,484.95	\$36,110.35	4.87%
Tenant-Based Rental Assistance	\$183,535.55	\$184,190.67	\$367,726.22	49.63%
Short-term Rent, Mortgage and Utilities Assistance	\$342,106.43	(\$41,115.56)	\$300,990.87	40.62%
Total	\$600,000.00	\$141,000.00	\$741,000.00	100.00%

The Housing and Community Development Committee reviewed this item on September 29, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this amendment, which will provide up to \$141,000.00 in additional HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

JN:ab

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 11-99

11- Houston SRO HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a First Amendment for a Contract Between the City of Houston and Houston SRO Housing Corporation for the Administration and Operation of a HOPWA Community Residence.

Category	Page	Agenda Item #
1 & 2	1 of 2	45

FROM (Department or other point of origin):

James D. Noteware, Director
Housing and Community Development Department

Origination Date	Agenda Date
11/10/2011	DEC 07 2011

DIRECTOR'S SIGNATURE:

Council District affected:	Date and identification of prior authorizing Council action:
Districts C & I	03/02/2011; Ordinance No. 2011 - 0164

For additional information contact: Melody Barr
Phone: 713-868-8329

RECOMMENDATION: (Summary)

Approval of an ordinance authorizing the execution of a First Amendment to the contract between the City of Houston and the Houston SRO Housing Corporation to provide funding for the administration and operation of a "SRO Community Residence" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

Amount of Funding:

\$9,040.38

Finance Budget:

SOURCE OF FUNDING

General Fund Grant Fund Enterprise Fund

Other (Specify)

HOPWA Grant (Fund 5000)

SPECIFIC EXPLANATION:

The Housing and Community Development Department ("HCDD") recommends approval of a First Amendment to the Contract between the City of Houston ("City") and Houston SRO Housing Corporation ("Houston SRO") to finance Houston SRO's operating and administrative costs associated with its HIV/AIDS program. This project provides permanent housing under the Housing Opportunities for Persons with AIDS Program. The Administrative Offices for Houston SRO are located on 2211 Norfolk, Houston, Texas 77098.

By passage of Ordinance No. 2011-0164, on March 2, 2011, City Council authorized and approved a contract between the City and Houston SRO, which provided housing assistance and supportive services to low-income individuals living with HIV/AIDS. Houston SRO currently manages the community residence. Funds from the HOPWA program rehabilitated this project in 1998 for homeless veterans with HIV/AIDS. Located in Midtown, this facility provides permanent housing in efficiency apartments to 33 individuals and couples with HIV/AIDS.

Houston SRO's mission is to provide access to housing and supportive services for low-income individuals and families in the Greater Houston Area. Houston SRO is a subsidiary of The Housing Corporation of Greater Houston, Inc. The Housing Corporation of Greater Houston has managed more than 1,400 apartment units and provided oversight of services at eight facilities housing low-income individuals. In 1998, Houston SRO Housing Corporation was created to meet the multiple, diverse needs of persons who are low-income or homeless.

The community residence has received HOPWA funding through the City of Houston for its operating costs, since its completion in February 2000. The initial funding for the current contract provided for program costs in the amount of \$94,500.00. Houston SRO now desires to amend the contract with the City by increasing the amount by \$9,040.38. The new contract total would be \$103,540.38.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MOX

Date
11/10/2011

Subject: An ordinance authorizing the execution of a First Amendment for a contract between the City of Houston and Houston SRO Housing Corporation for the Administration and Operation of a HOPWA Community Residence.

Originator's
Initials

Page
2 of 2

HCDD is currently conducting a Request for Proposals ("RFP") for new HOPWA contracts, for the fiscal year period, July 1, 2011 – June 30, 2012. The RFP process (submission of the proposals, review of the proposals, and the awarding of the contracts) is expected to be completed by December 1, 2011. While completing this process, HCDD is extending existing HOPWA contracts, whose term is scheduled to expire prior to December 1, 2011. This enables the agencies to continue their projects without a gap in service.

Houston SRO Housing Corporation's contract was extended by HCDD's Director through November 30, 2011. The extension allowed Houston SRO an opportunity to complete its existing project goals, serve its existing clients and expend the remaining funds, while awaiting the outcome of the RFP process for the new HOPWA contracts. The additional funds are needed to cover the projected program costs, during the extended period.

However, the agency continues to provide services for the clients. This amendment will continue the provision of HOPWA funding for low-income, HIV/AIDS infected individuals and provide for the following HOPWA activities: (1) administrative costs, (2) supportive services, and (3) operating costs. The funding will provide housing assistance and supportive services to approximately thirty-three (33) households.

Total Funds and Sources: **\$94,500.00 (original allocation) + \$9,040.38 (contract amendment)**
Number of Persons to be Served: 33 participants
Number of Units Provided: 33 units
Category of Persons: HIV/AIDS/Low-income

This contract will provide funding for the 12-month period + 1-month extension, as follows.

Category	Original Allocation	First Amendment	Total Contract Amount	Percent
Administrative	\$ 624.00	\$ 0.00	\$ 624.00	0.60%
Supportive Services	\$21,242.25	\$1,770.19	\$23,012.44	22.23%
Operating Costs	\$72,633.75	\$7,270.19	\$79,903.94	77.17%
Total	\$94,500.00	\$9,040.38	\$103,540.38	100.00%

The Housing and Community Development Committee reviewed this item on September 29, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this amendment, which will provide up to \$9,040.38 in additional HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

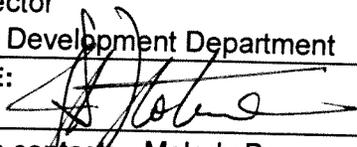
c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

JN:ab

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

HCD 11-98

11 -Bering HOPWA

SUBJECT: An Ordinance Authorizing the Execution of a First Amendment for a Contract Between the City of Houston and Bering Omega Community Services for a HOPWA Tenant-based Rental Assistance, Short-Term Rent Mortgage and Utility Assistance with Supportive Services Program.		Category 1 & 2	Page 1 of 2	Agenda Item # 46
FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department		Origination Date 11/4/11	Agenda Date DEC 07 2011	
DIRECTOR'S SIGNATURE: 		Council District affected: District D		
For additional information contact: Melody Barr Phone: 713-868-8329		Date and identification of prior authorizing Council action: 12/1/2010; Ordinance No. 2010 - 0913		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing the execution of a First Amendment to the contract between the City of Houston and Bering Omega Community Services providing up to \$154,923.00 in additional funding for the administration of a "Tenant-Based Rental Assistance, Short-term Rent Mortgage and Utility Assistance with Supportive Services" project under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.				
Amount of Funding: \$154,923.00			Finance Budget:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify) HOPWA Grant (Fund 5000)				
SPECIFIC EXPLANATION: The Housing and Community Development Department ("HCDD") recommends approval of a First Amendment to the Contract between the City of Houston ("City") and Bering Omega Community Services ("Bering") to finance additional administrative, emergency housing assistance and supportive services costs associated with the agency's housing and supportive services programs for persons living with HIV/AIDS. Through its rental assistance program, Bering provides rental subsidies to help participants obtain and keep permanent housing and emergency housing assistance for persons at risk of becoming homeless, in a transitional stage due to lost employment or similar circumstances. By passage of Ordinance No. 2010-0913, on December 1, 2010, City Council authorized and approved a contract between the City and Bering, which provided tenant-based rental assistance, short-term rent, mortgage and utilities assistance, and supportive services to low-income individuals who are living with HIV/AIDS and their families. The agency's HOPWA project is a cost-effective one, which helps to prevent homelessness by providing payments of rent, mortgage and utility bills directly to the client's landlord, mortgage lender and utility companies. Bering Memorial United Methodist Church established the non-profit agency in 1987 to provide assistance for people living with HIV/AIDS. Bering initiated the tenant-based rental assistance component two years ago. Bering has received HOPWA funding through the City of Houston for various contracts since 1994. The initial funding for the current contract provided for program costs in the amount of \$1,136,500.00. Bering now desires to amend the contract with the City by increasing the amount by \$154,923.00. The new contract total would be \$1,291,423.00.				
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization:		Other Authorization:	

NOT

HCDD is currently conducting a Request for Proposals ("RFP") for new HOPWA contracts, for the fiscal year period, July 1, 2011 – June 30, 2012. The RFP process (submission of the proposals, review of the proposals, and the awarding of the contracts) is expected to be completed by December 1, 2011. While completing this process, HCDD is extending existing HOPWA contracts, whose term is scheduled to expire prior to December 1, 2011. This enables the agencies to continue their projects without a gap in service.

Bering's contract was extended by HCDD's Director through November 30, 2011. The extension allowed Bering an opportunity to complete its existing project goals, serve its existing clients and expend the remaining funds, while awaiting the outcome of the RFP process for the new HOPWA contracts. The additional funds are needed to cover the projected program costs, during the extended period.

However, the agency continues to provide services for the clients. This amendment will continue the provision of HOPWA funding for low-income, HIV/AIDS infected individuals and their families to provide the following HOPWA activities: (1) tenant-based rental assistance with supportive services, (2) short-term rent, mortgage, and utility assistance with supportive services, and (3) adult day care and permanent housing placement services under its supportive services activity. The funding will provide housing assistance and supportive services to approximately five hundred and fifteen (515) households.

Total Funds and Sources: **\$1,136,500.00 (original allocation) + \$154,923.00 (contract amendment)**

Number of Persons to be Served: 515 households

Category of Persons: HIV/AIDS/Low-income persons and their families

This contract will provide funding for the 12-month period + 2-month extension, as follows.

Category	Original Allocation	First Amendment	Total Contract Amount	Percent
Administrative	\$79,548.00	\$10,063.00	\$89,611.00	6.94%
Supportive Services	\$86,300.00	\$ 0.00	\$86,300.00	6.68%
Tenant-Based Rental Assistance	\$424,760.00	\$50,200.00	\$474,960.00	36.78%
Short-term Rent, Mortgage and Utilities Assistance	\$545,892.00	\$94,660.00	\$640,552.00	49.60%
Total	\$1,136,500.00	\$154,923.00	\$1,291,423.00	100.00%

The Housing and Community Development Committee reviewed this item on September 29, 2011 and recommended it for Council action. Therefore, HCDD is requesting approval of this amendment, which will provide up to \$154,923.00 in additional HOPWA funds for a supportive services project for low-income persons living with HIV/AIDS and their families.

c: City Attorney
Mayor's Office
City Secretary
Finance and Administration

JN:ab

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9246

Subject: Approve an Amending Ordinance Authorizing a First Amendment to Contract No. 4600010747 for the CRM Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department/S37-T23484-A2

Category #
4

Page 1 of 1

Agenda Item

47

FROM (Department or other point of origin):

Alfred Moran
Director
Administration & Regulatory Affairs Department

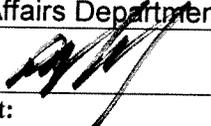
Origination Date

December 01, 2011

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE



Council District(s) affected

All

For additional information contact:

Frank Carmody Phone: (713) 837-9521
Tom Sorley Phone: (832) 393-0300

Date and Identification of prior authorizing Council Action:

Ord. No. 2010-1007; 12-08-10; 2011-0955; 11-09-2011

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a first amendment to Contract No. 4600010747 between the City of Houston and Lagan Technologies, Inc. for a subscription services software license to enable social networking and smart phone applications to integrate with the constituent relationship management solution upgrade for the Houston 3-1-1 Helpline for the Information Technology Department.

No Additional Funding Required

Finance Budget

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an amending ordinance authorizing a first amendment to Contract No. 4600010747 between the City of Houston and Lagan Technologies, Inc. for a subscription services software license to enable social networking and smart phone applications to integrate with the constituent relationship management (CRM) solution upgrade for the Houston 3-1-1 Helpline for the Information Technology Department (ITD).

This contract was awarded on December 8, 2010 by Ordinance No. 2010-1007 for a three-year term, with two one-year options in the amount of \$2,858,430.00. Ordinance No. 2011-0955, passed on November 9, 2011, increased the maximum contract amount by \$714,607.00. The total expenditures as of November 21, 2011 are \$1,928,466.00. The subscription services software license will provide the City a platform to join any third-party smart applications and social media (e.g. Facebook, Twitter, or any additional social media the City elects to join in the future) to the Lagan CRM solution. It is projected that the social media and smart applications integration shall be completed by the end of June 2012.

The original scope of work required the contractor to provide all supervision, resources, tools, software and supplies to enhance and upgrade the 3-1-1 Helpline. Additionally, the contractor is required to develop a new system that will integrate with the GIS system to include a powerful knowledge base and workflow/case management system. Furthermore, the system will be able to input and track calls effectively, upload any or all file formats including pictures and videos, produce comprehensive reports, and include advanced web self-service for 24/7 access and online status updates. Finally, the CRM upgrade will establish the basis for future objectives such as enterprise-wide access, Interactive Voice Response functionality, and the addition of a social networking component and smart phone applications.

This contract was issued as a goal-oriented contract with a 7.11% M/WBE participation level. The contractor has achieved a participation level of 7.215% of the total contact amount to date, and is on track to meet its goal commitment. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

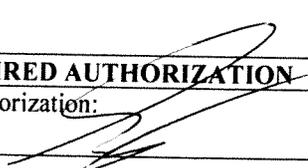
Buyer: Joyce Hays

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



MA

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance to approve and authorize a First Amendment to a Contingency Agreement between the City of Houston and Marketing on Hold, Inc., D/B/A Southwestern Tariff Analyst (STA)	Category #	Page 1 of <u>1</u>	Agenda Item# 48
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FROM (Department or other point of origin): Office of the City Controller (Project Administrator) Information Technology Department	Origination Date: November 7, 2011	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: <i>David C. Schroeder</i> CTR David C. Schroeder ITD	Council District Affected: ALL
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For additional information contact: David Schroeder, City Auditor Phone: (832) 393-3510	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
An ordinance approving and authorizing a First Amendment to a Contingency Agreement between the City of Houston and Marketing on Hold, Inc. d/b/a Southwestern Tariff Analyst (STA) to specifically exclude rights to any claims derived for recoveries related to City Ordinance No. 91-1169 "Franchise Agreement" between the City of Houston and Southwestern Bell Telephone Company.

Amount of Funding: There is no change to the funding amount outlined in ordinance no. 2011-0282 (\$750,000 Intra-fund transfer for Estimated Contingency) is still applied.	Finance Budget:
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Source of Funding:
 General Fund Grant Fund Other (Specify) Enterprise Fund

SPECIFIC EXPLANATION:
"Section VIII. Exclusions" from the original agreement (City Ordinance 2011-0282) is being substituted by including the following language:

"2) Customer services charges billed to customers through the franchise agreement between the City and Southwestern Bell Telephone Company approved by City Ordinance No. 91-1169 ("Franchise Agreement") shall be excluded from the audit by STA, including billing adjustments for undercollection or overcollection by Southwestern Bell Telephone Company, it's successors or assigns, as provided under the Franchise Agreement."

REQUIRED AUTHORIZATION		
Finance Director: <i>David C. Schroeder</i>	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving and authorizing a Compromise and Settlement Agreement Between the City of Houston, Christopher Fisher and His Attorneys William H. Stout and Graham E. Sutliff of Sutliff & Stout, PLLC; and the Harris County Hospital District to settle a lawsuit.

Category # 1

Page 1 of 1

Agenda Item # 49

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

Origination Date
12/1/11

Agenda Date
DEC 07 2011

DIRECTOR'S SIGNATURE:

Council District affected:

For additional information contact: Patricia A. Harris
Phone: 832.393.6475

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

That Council adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between the City of Houston, Christopher Fisher and His Attorneys William H. Stout and Graham E. Sutliff of Sutliff & Stout, PLLC, and the Harris County Hospital District to settle a lawsuit.

AMOUNT AND SOURCE OF FUNDING:

\$115,000.00 from the Property and Casualty Fund (1004)

Budget:

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES ONLY

On or about December 19, 2009, Christopher Fisher ("Fisher") was involved in a motor vehicle accident (the "Accident") with Officer Cedric Anderson, an employee of Houston Police Department ("Houston"). Fisher claims to have suffered injuries and other damages as a result of the Accident and that the Accident was Houston's fault. Houston disputes Fisher's claim.

As a result of the Accident, Fisher brought suit against Houston in Cause No. 2010-32533; *Christopher Fisher v. City of Houston*; in the 11th Judicial District Court of Harris County, Texas (the "Lawsuit"). Fisher has retained the services of William H. Stout and Graham E. Sutliff and their Firm, Sutliff & Stout, PLLC, (the "Firm") to represent his legal interests in the Lawsuit. Fisher has offered to settle the Lawsuit for the total sum of \$115,000.00.

After a thorough review, the Legal Department recommends that Council approve the Compromise and Settlement Agreement with checks in the amounts of \$26,648.52 to be made payable to the Harris County Hospital District with tax identification number 74-1536936 and \$88,351.48 to be made payable jointly to Christopher Fisher and William H. Stout and Graham E. Sutliff of Sutliff & Stout, PLLC; with tax identification number 77-0715579 to settle the Lawsuit.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

SUBJECT: An ordinance authorizing an agreement with Beck Redden & Secret, LLP relating to the pursuit of damages associated with failure of the adjustable rate bond market in or about 2008.

Category #

Page
1 of 1

Agenda Item #

50

FROM: (Department or other point of origin):

Legal Department

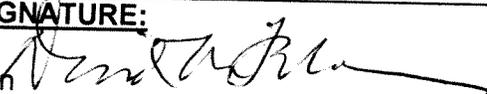
Origination Date

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE:

David M. Feldman



Council Districts affected:

All

For additional information contact:

Lynette Fons-Legal

832-393-6282

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance approving: an agreement for legal services between the City of Houston and Beck Redden & Secret, LLP, for representation of the City in an action to be initiated against J.P. Morgan Securities LLC, UBS Financial Services Inc., Goldman Sachs & Co. and/or any other person(s) or entity (ies) who may be liable to City in connection with the failure of the adjustable rate bond market in or about 2008.

AMOUNT AND SOURCE OF FUNDING:

Payment to Beck Redden & Secret, LLP is contingent upon recovery of funds from J.P. Morgan Securities LLC, UBS Financial Services Inc., Goldman Sachs & Co. or other Defendants

Budget:

SPECIFIC EXPLANATION: City seeks to retain Beck Redden & Secret, LLP ("Firm") to pursue, through suit, arbitration or settlement, the City's claims against J.P. Morgan Securities LLC, UBS Financial Services Inc., Goldman Sachs & Co., and/or other person(s) or entity(ies) who may be liable to City in connection with the failure of the adjustable rate bond market in or about 2008 ("Defendants"), such work to be performed by Firm on a contingency fee basis. Firm will pay all expenses associated with their pursuit of a recovery on the City's behalf and be reimbursed for same in accordance with the City Attorney's policy on reimbursement of expenses and only in the event of a recovery favoring the City. Expenses and costs shall be reimbursed before amounts received by reason of settlement or judgment are divided between City and Firm or calculated for purposes of division between City and Firm. After reimbursement for expenses and costs, Firm to be compensated at the rate of twenty percent (20%) of any settlement or judgment up to or equaling fifteen million dollars, twenty-five percent (25%) of that portion of any settlement or judgment amounting to more than fifteen million dollars but less than twenty-five million dollars and one cent, and thirty percent (30%) of that portion of any settlement or judgment amounting to more than twenty-five million dollars. City allocates no other funds for the purpose of discharging City's duty to pay the Firm's fees and expenses or costs under this Agreement and any payment of expenses or costs shall be made only from the recovery obtained from Defendants, if any. The City has the ability to terminate for convenience or cause, provided however, the City may not terminate for convenience, unless the City Council allocates sufficient funds to reimburse Firm for expenses incurred by Firm in filing and prosecuting the Litigation.

Beck Redden & Secret, LLP enjoys an excellent reputation as a highly qualified and highly competent trial firm capable of handling complex commercial litigation. The Firm has previously performed work for the City and is on its list of panel counsel. The Firm's prior work has been performed on a pro bono basis or at a reduced rate. The contingency fee agreed to by the Firm represents a discounted fee arrangement.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

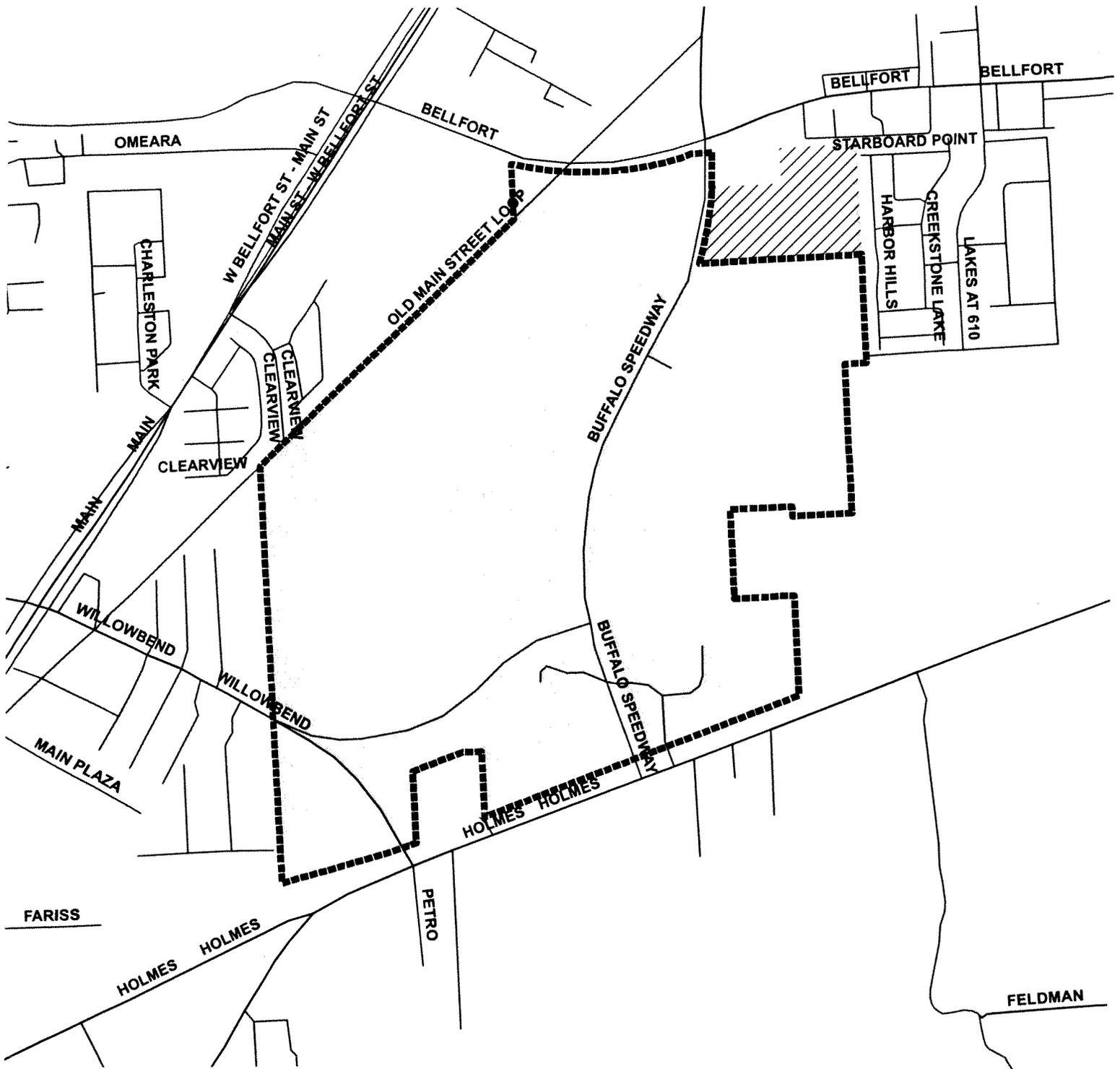
Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance consenting to the creation of Harris County Improvement District No. 12 (Buffalo Lakes) and to the exclusion of certain land from the district		Category #	Page 1 of 1	Agenda Item # 51
FROM (Department or other point of origin): Planning and Development <i>Carol Malena K. Stepiet</i>		Origination Date November 2, 2011		Agenda Date DEC 07 2011
DIRECTOR'S SIGNATURE:		Council District affected: District C		
For additional information contact: Nicole B. Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance consenting to the creation of Harris County Improvement District No. 12 and the exclusion of certain land from the district.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: <p>Management/Improvement districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. Further, districts may levy a tax only after holding an election within the district.</p> <p>A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Harris County or the City of Houston from its obligations to provide services to the areas; nor does it require additional services from the City. The City assumes no liability for the debts, obligations or liabilities of the district.</p> <p>The Planning and Development Department recommends City Council consent to the creation of the following district:</p> <p>Harris County Improvement District No. 12: Authorized by the 81st Legislature in 2009, Harris County Improvement District No. 12 is located entirely in Council District C. The District's Board of Directors has submitted a request for consent to the creation of the District, as authorized by the Texas Legislature. Following city consent to the creation of the district, the District's Board of Directors will pursue an improvement plan that will include projects such as water sewer and drainage improvements, road improvements to support development, transit improvements, landscaping and median improvements and parks and recreational facilities.</p> <p>On May 16, 2011, the Board of Directors for Harris County Improvement District No. 12 approved an order excluding a 12 acre tract of land from the district on which an apartment complex is situated. They now seek City of Houston consent for this exclusion.</p> <p>For this district, the Planning Department recommends the City provide its consent to the creation of the district and to the exclusion of land from the district under the following conditions which are attached to the Ordinance as "Exhibit B"</p> <p>CC: Marta Crinejo, Agenda Director David Feldman, City Attorney Deborah McAbee, Sr. Assistant City Attorney Anna Russell, City Secretary</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

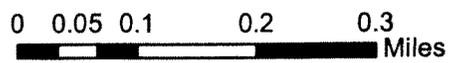
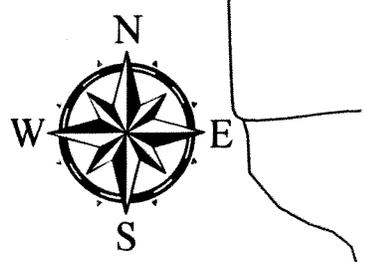
AK

HCID No. 12



Legend

-  Roads
-  HC ID No. 12 (As Created by the Legislature)
-  HCID No. 12 (Area Removed from District)
-  HCID No. 12 (After Council Action)



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds
Brave/Architecture Inc.
Task Order Contract for Various City Departments.
WBS Nos. E-000TOC-0001-3; E-000186-0001-3; G-00ARCH-0001-3;
L-000TOC-0002-3; G-000133-0001-3

Page
1 of 2

Agenda Item

52

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

Origination Date

Agenda Date

DEC 07 2011

DIRECTOR'S SIGNATURE:

Scott Minnix

Scott Minnix 11/2/11

Council District(s) affected:
All

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing Council action:

Ordinance No. 2008-0374; Dated April 30, 2008
Ordinance No. 2009-0416; Dated May 13, 2009
Ordinance No. 2009-1132; Dated November 18, 2009
Ordinance No. 2011-0111; Dated February 16, 2011

RECOMMENDATION: Appropriate additional funds to the citywide task order contract with Brave/Architecture Inc.

Amount and Source of Funding:

Maximum contract amount: \$2,500,000.00 – 5 years

- \$ 70,000.00 –Public Library Consolidated Construction Fund (4507)
- \$ 50,000.00 –Solid Waste Consolidated Construction Fund (4503)
- \$ 195,000.00 –Police Consolidated Construction Fund (4504)
- \$ 315,000.00 Total Appropriation

Finance Budget:

Previous Funding:

- \$ 600,000.00 –General Improvement Consolidated Construction Fund (4509)
- \$ 100,000.00 –Public Health Consolidated Construction Fund (4508)
- \$ 225,000.00 –Public Library Consolidated Construction Fund (4507)
- \$ 241,000.00 –Solid Waste Consolidated Construction Fund (4503)
- \$ 305,000.00 –Police Consolidated Construction Fund (4504)
- \$ 1,471,000.00 Total Appropriation

REQUIRED AUTHORIZATION

CUIC #25DSGN71

General Services Department:

Solid Waste Management Department:

Houston Public Library:

Humberto Bautista

Humberto Bautista, P.E.
Assistant Director

Harry J. Hayes

Harry J. Hayes
Director

11/15/11

Rhea Brown Lawson

Rhea Brown Lawson, Ph.D.,
Director

Houston Police Department:

Charles A. McClelland, Jr.

Charles A. McClelland, Jr.
Chief

MDT

DATE	SUBJECT: Appropriate Additional Funds Brave/Architecture Inc. Task Order Contract for Various City Departments. WBS Nos. E-000TOC-0001-3; E-000186-0001-3; G-00ARCH-0001-3; L-000TOC-0001-3; G-000133-0001-3	Originator's Initials EA	Page 2 of 2
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional sum of \$315,000.00 to the contract with Brave/Architecture Inc. (Brave) for citywide task order architectural and engineering services for various City departments. The requested funding will allow Brave to provide architectural and engineering design services for Library, Solid Waste and Police facilities on an as needed basis and seal documents to comply with the City Building Code. Fees for each project will be negotiated based upon the size and complexity of the tasks involved. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets and appropriations from various bond funds up to the maximum contract amount of \$2,500,000.00.

PROJECT LOCATION: Citywide

PREVIOUS HISTORY AND PROJECT SCOPE: On April 30, 2008, Council approved a three-year architectural services task order contract with Brave and delegated authority to the director to approve supplemental allocations up to the maximum contract amount of \$800,000.00. On May 13, 2009, Council increased the maximum contract amount to \$1,900,000.00, and appropriated an additional \$291,000.00. On November 18, 2009, Council appropriated an additional sum of \$400,000.00 to allow Brave to continue to provide architectural and engineering design services for various facilities as requested by City departments. On February 16, 2011, Council approved a First Amendment to the contract to extend the contract term from three to five years; amended Ordinance No. 2008-0374 to increase the maximum contract amount from \$1,900,000.00 to \$2,500,000.00; and appropriated an additional sum of \$280,000.00 to allow Brave to continue to provide architectural and engineering design services for various facilities as requested by City departments.

M/WBE PARTICIPATION: The original Task Order Contract and this additional appropriation have a 24% M/WBE goal. Through September 2011, Brave has achieved 34.08% M/WBE participation.

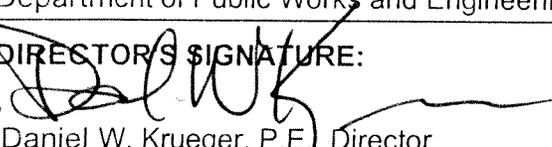
SM:HB:JLN:EA:ea



c: Jacquelyn L. Nisby, Robert Gallegos, Chris Gonzales, Kirk Munden, Wendy Heger, Gary Readore, Calvin Curtis, Morris Scott, Yvette Burton, Project File 813

SUBJECT: Amendment One to the Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Central Business District Communication System; WBS No. N-000650-0047-4.	Page 1 of <u>2</u>	Agenda Item # 53
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: ALL >cc
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For additional information contact: Ravi Kaleyatodi 10/13/11 Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: Ordinance No. 2008-0916, October 15, 2008
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RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing an Amendment One to the Advance Funding Agreement for the Central Business District Communication System and appropriate funds.

Amount and Source of Funding: \$49,415.00 from Metro Projects Construction Fund No. 4040. Original (previous) appropriation of \$315,019.00 from Metro Project Commercial Paper Series E Fund No. 4027. *M.P. 10/18/2011*

PROJECT NOTICE/JUSTIFICATION: The City of Houston Regional Computerized Traffic Signal System (RCTSS)/Congestion Mitigation Air Quality (CMAQ) Project has increased traffic mobility and improved air quality by modernizing and upgrading traffic signals and their operations on 13 high volume corridors throughout the city and in the Central Business District. The project is to complete the improvements to the Central Business District Communications System to improve mobility and allow enhanced interconnectivity and traffic control by allowing all the signals to communicate with each other and Transtar.

DESCRIPTION/SCOPE: This project consists of installing optical fiber and integrating into the existing hard wire interconnect, deploying Ethernet equipment at Houston Transtar, deploying new interconnect in some areas, upgrading / replacing signals controllers to make them Ethernet compatible, deploying Ethernet over copper cable switches, and any other incidentals necessary. These switches will be tied together and will communicate with Houston Transtar via existing METRO fiber cable. Other necessary elements including design and integration are to be completed by the City of Houston.

LOCATION: This project is located in the Central Business District.

SCOPE OF CONTRACT AND FEE: The Texas Transportation Commission passed Minute Order 107561, awarding funding for projects in the Surface Transportation Program, including the Central Business District Communication System. The City of Houston has offered to participate in the development and construction of the project by providing funding, preparing or having prepared by a consultant the preliminary engineering, which includes, but not limited to environmental mitigation, design plans, specification and estimate, accomplishing the adjustment of the utilities and acquisition of right of way.

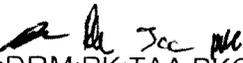
REQUIRED AUTHORIZATION CUIC ID #20TAA77

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	Subject: Amendment One to the Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Central Business District Communication System; WBS No. N-000650-0047-4.	Originator's Initials TAA	Page <u>2</u> of <u>2</u>
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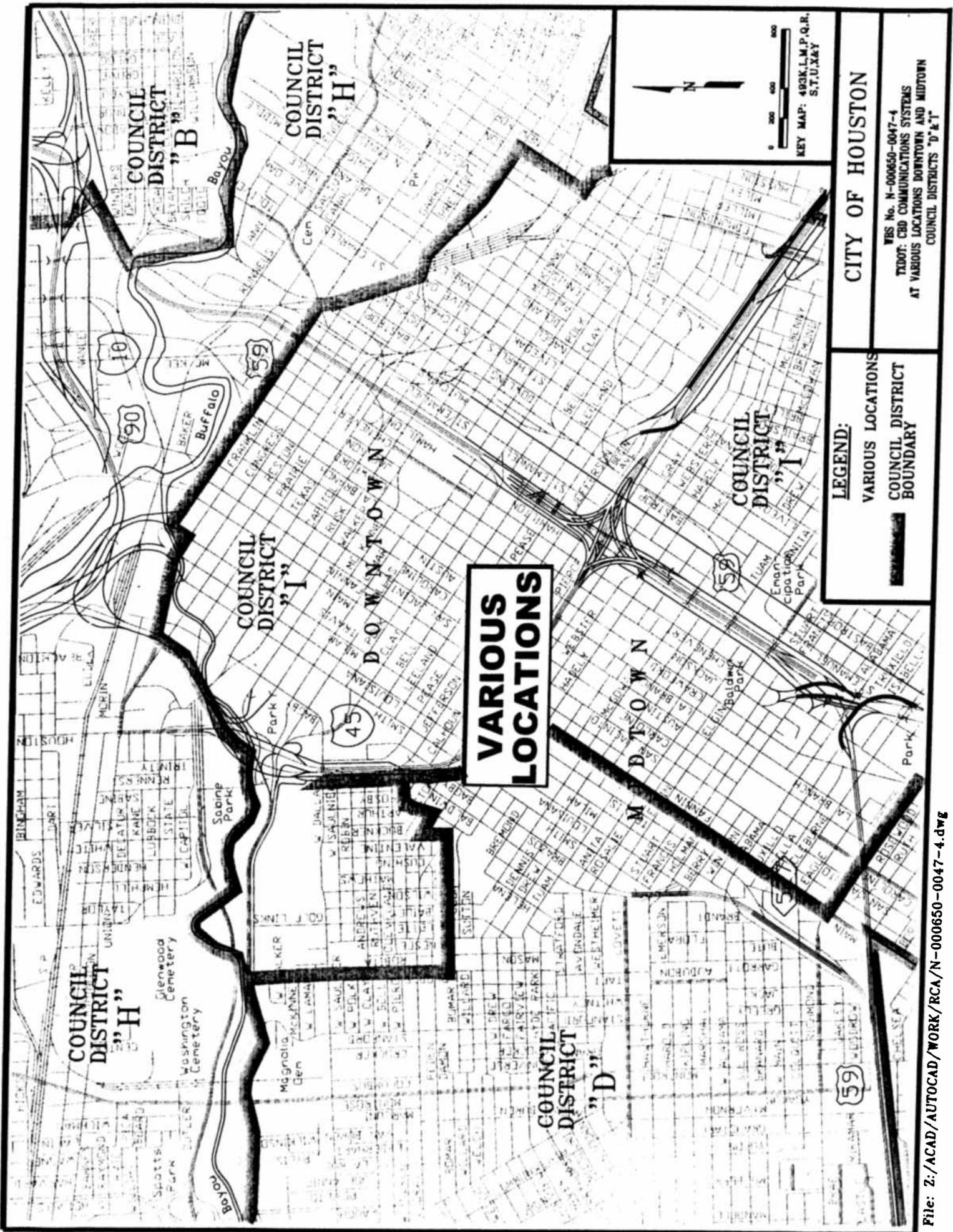
Based on funding category 5, the federal share is eighty percent (80%) of the actual cost of work up to the amount of the funds approved for the project by the Metropolitan Planning Organization, which shall not exceed \$1,260,076.00. The City will be responsible for the twenty percent (20%) match to the federal funds and for all non-federal or non-state participation costs associated with the project. The City's estimated cost participation in the project is \$315,019.00. On October 15, 2008 City Council approved an advance funding agreement and appropriated funds in the amount of \$315,019.00 under Ordinance 2008-0916. Due to an increase in the available Federal Funds it has become necessary to amend the agreement. The amended federal fund available for the project is \$1,806,004.00, which causes the City's share to increase to \$361,201.00. Therefore, it is necessary to appropriate funds in the amount of \$49,415.00 which includes \$46,182.00 to cover the increase in the City's share and \$3,233.00 for CIP cost recovery.

ACTION RECOMMENDED: It is recommended that City Council adopt an ordinance approving and authorizing an Amendment One to the Advance Funding Agreement for the Central Business District Communication System and appropriate \$49,415.00 for the City's cost participation.


 DWK:DRM:RK:TAA:PKC:ma

Z:\constr\A-SB-DIV\Interagency\TxDOT Projects\0912-72-141 CBD Communication System\Agreement-RCA\20TAA77.DOC

c: Files: TxDOT – Central Business District Communication System.



**VARIOUS
LOCATIONS**

LEGEND:
 VARIOUS LOCATIONS
 COUNCIL DISTRICT
 BOUNDARY

CITY OF HOUSTON

WBS No. N-000650-0047-4
 TCDOT: CBD COMMUNICATIONS SYSTEMS
 AT VARIOUS LOCATIONS DOWNTOWN AND MIDTOWN
 COUNCIL DISTRICTS "D" & "I"

File: Z:/ACAD/AUTOCAD/WORK/RCA/N-000650-0047-4.dwg

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

SUBJECT: Ordinance Approving a Compromise and Settlement Agreement and Authorize Payment of Repaired Submersible Pump for the Public Works and Engineering Department	Page 1 of 1	Agenda Item # 54
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From: (Department or other point of origin): Public Works and Engineering Department	Origination Date 10/6/2011	Agenda Date DEC 07 2011
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Director's Signature: Daniel W. Krueger, P.E.	Council District affected: (Council District Letter Only) All
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For additional information contact: David Guernsey Phone: (832) 395-3640	Date and identification of prior authorizing Council action: Ord. # 2003-802 passed 09/03/2003 Ord. # 2007-1321 passed 11/27/2007
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Recommendation: (Summary) Adopt an ordinance approving a Compromise and Settlement Agreement between Houma Armature Works Houston LLC and the City of Houston and authorize payment of \$63,996.07 to Houma Armature Works Houston Works LLC for repair of a submersible pump for the Public Works and Engineering Department.

Payment Amount: \$63,996.07

\$63,996.07 - Water & Sewer System Operating Fund (8300) *MS*

SPECIFIC EXPLANATION:

A routine repair of a large submersible pump was completed by Total Power Systems, Inc. (Houma Armature Works Houston LLC) for the Public Utilities Division of the Public Works and Engineering Department. While still within the contract term at the time of the repair, the contract lacked the available spending authority to make the payment for the work. Houma Armature Works Houston LLC and the City of Houston desire to settle the payment of Houma's Invoice Number 030105 by means of this Compromise and Settlement Agreement.

ACTION REQUIRED:

The Director of the Public Works and Engineering Department recommends that City Council adopt an ordinance approving a Compromise and Settlement Agreement between Houma Armature Works Houston LLC and the City of Houston and authorize the payment of an invoice in the amount of \$63,996.07 to Houma Armature Works Houston LLC for the repair of a large submersible pump.

The Legal Department has prepared the proposed Settlement Agreement.

PR 10137148

REQUIRED AUTHORIZATION		CUIC ID# 20DLN11
Finance Department	Other Authorization: 	Other Authorization:

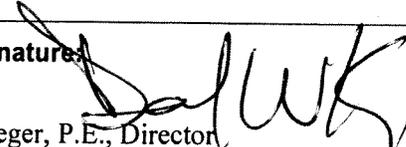
JT *MS*

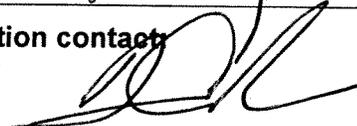
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: FY12 - Professional Construction Management and Inspection Services Contract between the City of Houston and Leggette, Brashears & Graham, Inc. d/b/a LBG-Guyton Associates for Rehabilitation of Existing Water Wells at Various Facilities. WBS No. S-000200-0019-4.

Page 1 of 1 **Agenda Item # 55**

From: Department of Public Works and Engineering **Origination Date** 12/1/11 **Agenda Date** DEC 07 2011

Director's Signature:  Daniel W. Krueger, P.E., Director **Council District affected:** All

For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director **Date and identification of prior authorizing Council action:** Phone: (832) 395-2355

Recommendation: Approve a Professional Construction Management and Inspection Services Contract with Leggette, Brashears & Graham, Inc. d/b/a LBG-Guyton Associates and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *U.P. 10/25/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Wells Facilities Rehabilitation Program. This program is required to meet the Texas Commission on Environmental Quality's (TCEQ) regulations.

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for rehabilitation of various water wells facilities projects.

LOCATION: This project is located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

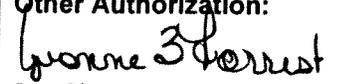
M/WBE PARTICIPATION: Leggette, Brashears & Graham, Inc. d/b/a LBG-Guyton Associates has proposed the following firms to achieve the 25% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. Ambiee Engineers, Inc.	Inspection/Administrative Services	23%
2. B & E Reprographics, Inc.	Reprographic Services	1%
3. Cova, d/b/a Central Delivery Systems	Courier Services	1%
Total		25%

DWK:DRM:JTL:SKF:mq
Z:\E&C Construction\Facilities\CMs\LBG-Guyton\S-000200-0019-4\RCA-S-000200-0019-4 - rev1.doc

c: File No. Admin - LBG-Guyton

REQUIRED AUTHORIZATION CUIC ID #20MZQ217A

Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Professional Engineering Services Contract between the City and Midtown Engineers, LLC for Citywide Intersection Safety Improvement Program. WBS No. N-000662-0043-3	Page 1 of 2	Agenda Item # <i>56</i>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date <i>11/30/11</i>	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE: <i>[Signature]</i> Daniel W. Krueger, P.E.	Council District affected: ALL <i>CJ JK</i>
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For additional information contact: <i>[Signature]</i> Ravi Kaleyatodi, P.E., CPM Senior Assistant Director <i>11/15/11</i> Phone: (832) 395-2326	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

An ordinance approving a Professional Engineering Services Contract with Midtown Engineers, LLC and appropriate funds.

Amount and Source of Funding: \$600,000.00 from Street & Bridge Consolidated Construction Fund No. 4506.
M.P. 11/18/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement Project (CIP) and is necessary to meet City of Houston design and safety standards and improve traffic mobility.

DESCRIPTION/SCOPE: This project consists of traffic studies, complete construction ready plans, specifications (if needed) and estimates for intersections. The project will improve mobility and enhance safety while improving the quality of life for those communities.

LOCATION: The project is located throughout the City.

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform a variety of services such as data collection, traffic analysis, signal warrant analysis, signal timing development, traffic signal designs, conceptual geometric designs, and construction documents for minor roadway geometric improvements. The term of this contract is two years with three one-year options.

PROJECT COST: The total cost of this project is \$600,000.00 to be appropriated as follows: \$521,739.00 for Contract services and \$78,261.00 for CIP Cost Recovery.

REQUIRED AUTHORIZATION CUIC ID #20CJZ05 *NA*

Finance Department:	Other Authorization:	Other Authorization: <i>[Signature]</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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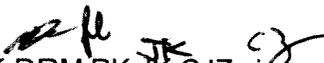
Date	SUBJECT: Professional Engineering Services Contract between the City and Midtown Engineers, Inc. for Citywide Intersection Safety Improvement Program. WBS No. N-000662-0043-3.	Originator's Initials	Page 2 of 2
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PAY OR PLAY PROGRAM:

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

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>%of Total Contract</u>
1. EPIC Transportation Group, LP	Engineering Services	\$52,173.90	10.0%
2. Gunda Corporation, LLC	Engineering Services	\$52,173.90	10.0%
3. SP Engineering, Inc.	Engineering Services	\$52,173.90	10.0%
4. CJ Hensch & Associates, Inc.	Traffic Counting	\$ 5,217.39	1.0%
5. Geotech Engineering & Testing	Geotechnical Testing	\$ 5,217.39	1.0%
6. Crouch Environmental Services, Inc.	Environmental Services	\$ 5,217.39	1.0%
TOTAL		\$172,173.87	33.0%


DWK:DRM:RK:JK:CJZ:cjz

c: File No. N-000662-0043-3

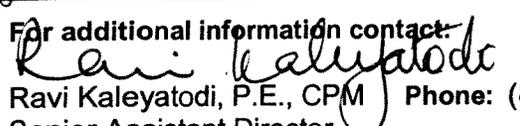
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and FCM Engineers, P.C. for West Little York Paving from Wheatley to T.C. Jester. WBS No. N-000687-0002-3	Page 1 of 2	Agenda Item # 57
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11/30/11	Agenda Date DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, R.E., Director	Council District affected: JK A, B 
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance No.1998-1185: Dated 12/16/1998 Ordinance No. 2006-0726: Dated 06/28/2006
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RECOMMENDATION: (Summary)
Approve an Ordinance appropriating additional funds for Professional Engineering Services Contract with FCM Engineers P.C.

Amount and Source of Funding: *W.P. 11/14/2011*
\$157,700.00 from the Street & Bridge Consolidated Construction Fund No. 4506. Original (previous) appropriation of \$817,000.00 from the Street & Bridge Consolidated Construction Fund No. 437 and subsequent additional appropriation of \$200,000.00 from the Street & Bridge Consolidated Construction Fund No. 437.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement Plan (CIP) and is necessary to meet City of Houston design and safety standards and improve traffic mobility.

DESCRIPTION/SCOPE: This project consists of the design of approximately 9,600 linear feet of reconstructed four (4)-lane roadways on West Little York from Wheatley to T.C. Jester with related waterlines, storm sewer, sidewalks, street lighting, tree saturation, and necessary underground utilities.

LOCATION: The project area is generally bounded by Victory Drive on the north, Tidwell on the south, Wheatley on the east and T.C. Jester on the west. The project is located in Key Map Grids 411Z; 412 W, X.

PREVIOUS HISTORY AND SCOPE: City council approved the original contract with PTI, Inc. by Ordinance No.1998-1185 on December 16, 1998. The scope of services under the original contract consisted of Phase I – Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services and Additional Services. The project was put on hold in August 1999 and was later re-activated when the City Council approved an additional appropriation on June 28, 2006 by Ordinance No. 2006-0726. The contract was then properly assigned to FCM Engineers, P.C. when PTI, Inc. announced it's eventual dissolution. Under this contract, the consultant has completed 100% of Phase I – Preliminary Design, 95% of Phase II – Final Design and 100% of Additional Services.

SCOPE OF THIS SUPPLEMENT AND FEE: This additional appropriation is necessary to facilitate and finalize the design of W. Little York paving project. It would update the project to current design standards and improve the drainage system by incorporating the services of associated regional off-site detention pond facilities. Certain Additional Services are proposed to be paid on a reimbursable basis. These include design plan revisions, topographic survey update to meet current standards, and tree protection & saturation tasks. The negotiated total fee for these Additional Services is \$137,112.30

REQUIRED AUTHORIZATION		CUIC ID #20SAB42
Finance Department:	Other Authorization: 	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

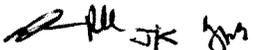
Date	SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and FCM Engineers, P.C. for West Little York Paving from Wheatley to T.C. Jester. WBS No. N-000687-0002-3	Originator's Initials	Page <u>2</u> of <u>2</u>
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The total requested appropriation is \$157,700.00 to be appropriated as follows: \$137,112.30 for Contract services and \$20,587.70 for CIP Cost Recovery.

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

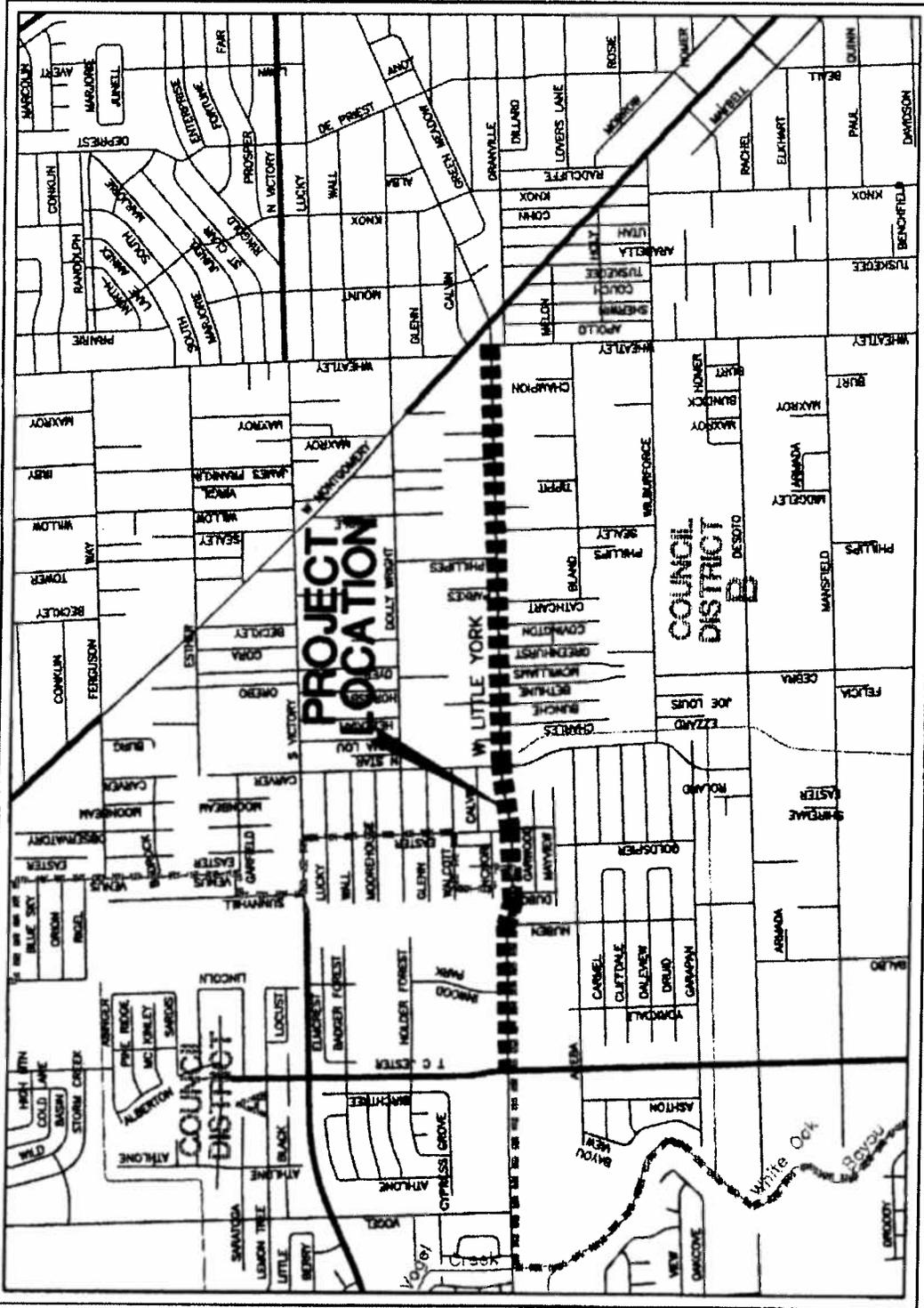
M/WBE INFORMATION: The M/WBE goal established for the overall project is set at 24%. The original contract appropriations total \$924,183.00. The consultant has been paid \$813,155.00 (87.99%) to date. Of this amount, \$223,760.18 (27.52%) has been paid to M/WBE sub consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$1,061,295.30. The consultant has proposed the following firms to achieve this goal:

	<u>Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1.	Prior M/WBE commitment	Various Services	\$298,649.25	28.14%
2.	United Engineers, Inc.	Topographic Survey	\$23,735.00	2.24%
		TOTAL	\$322,384.25	30.38%


 DWK:DRM:RK:JHK:SAB

Z:\constr\A-SB-DIV\KS\Engineers\Sam\RCAW. Little York Paving_ T C Jester to Wheatley_N-000687-0002-3.doc

c: WBS No. N-000687-0002-3 (1.2_DSGN_RCA_CONTRACT)



KEY MAP: 411-2
412-WX

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
CAPITAL PROJECTS DIVISION

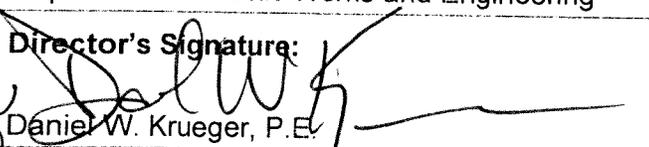
WBS No. N-000687-0002-4
PAVING OF WEST LITTLE YORK ROAD
FROM WHEATLEY TO T.C. JESTER
AND COUNCIL DISTRICT BOUNDARIES

LEGEND:

- ▬ PROJECT LOCATION
- ▬ COUNCIL DISTRICT BOUNDARY
- ▬ CITY LIMITS

SUBJECT: Second Amendment and an Additional Appropriation to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc., for Services Associated with the Design of Groundwater Treatment Plants Improvements. WBS No. S-001000-0031-3	Page 1 of 2	Agenda Item # 58
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From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/1/11	Agenda Date DEC 07 2011
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: (Council District Letter Only) A, G <i>rw</i>
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For additional information contact: <i>Ravi Kaleyatodi 10/18/11</i> Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance Number 2009-0333 April 22, 2009 Ordinance Number 2011-0518 June 22, 2011
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Recommendation: (Summary)
Approve Second Amendment with Lockwood, Andrews & Newnam, Inc., and appropriate funds.

Amount and Source of Funding:
\$554,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500 *U.P. 10/18/2011*
Original contract appropriation of \$565,700.00 and First amendment appropriation of \$122,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's improvements of various groundwater treatment plants and is required to meet the Texas Commission on Environmental Quality regulations. Also, this project will improve the operability, maintainability and reliability of the plants.

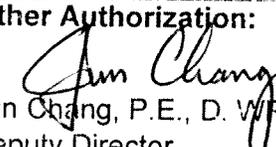
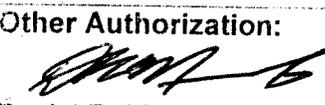
DESCRIPTION/SCOPE: The project consists of providing professional engineering services associated with the design of Groundwater Treatment Plants Improvements.

LOCATION:
The project sites for Package-II are as follows:

	Council District
1. Katy Addicks Repump Station at 1456 Brittmooore, Key Map Grid 449 Y	A
2. Spring Branch Pump Station at 9400 Kempwood, Key Map grid 450 K	A
3. Katy-Addicks Pump Station at 11500 Old Katy Rd, Key Map Grid 489 B	A
4. Park 10 Central Pump Station at 1300 Langham Creek, Key Map Grids 487 C & 447 Y	A
5. West Houston No. 3 Pump Station at 14925 S. Richmond, Key Map Grid 487 Z	G

PREVIOUS HISTORY AND SCOPE: City Council approved the original contract on April 22, 2009 by Ordinance Number 2009-0333, which provided for design services for improvements to ten groundwater treatment plants. Under this contract, Phase I design of the above referenced project was completed for all ten plants. This project was later divided into two packages due to availability of funds, package-I and package-II. Work on package-I continued while work on package-II was delayed pending the availability of funds. The First Amendment to the contract was approved on June 22, 2011 by Ordinance Number 2011-0518 to provide additional funds for package-I. The design of Package-I is underway and anticipated to be completed under the original appropriations. The Director of Public Works & Engineering Department has determined the need to reinstate the design services for Package-II at this time.

REQUIRED AUTHORIZATION CUIC ID #20RS102 *Not*

Finance Department:	Other Authorization:  Jun Chang, P.E., D. WRE Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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SUBJECT: Second Amendment and an Additional Appropriation to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc., for Services Associated with the Design of Groundwater Treatment Plants Improvements. WBS No. S-001000-0031-3

**Originator's
Initials**

**Page
2 of 2**

SCOPE OF THIS AMENDMENT AND FEE: Under the scope of the Second Amendment, the Engineer will perform Basic Services for Phase II-Final Design, Phase III-Construction Phase and some Additional Services for package-II. The negotiated fee for Basic Services is \$446,600.00. The Second Amendment also includes certain Additional Services to be paid as either lump sum or on a reimbursable basis. The Additional Services include surveying, geotechnical investigations, storm water pollution prevention plans and drainage analysis. The Additional Services appropriation is \$35,000.00.

The total requested appropriation is \$554,000.00 to be appropriated as follows: \$481,600.00 for contract services and \$72,400.00 for CIP cost recovery.

PAY OR PLAY:

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

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract and first amendment amount total is \$620,375.00. The engineer has been paid \$503,788.50 (81.20%) to date. Of this amount, \$80,653.13 (16.0%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested second amendment appropriation, the contract amount will increase to \$1,101,975.00. The engineer proposes the following plan to meet the outstanding M/WBE goal participation:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Prior work		\$80,653.13	7.32%
1. Mbroh Engineering, Inc.	Engineering Consulting	\$4,000.00	0.36%
2. Nathelyne A. Kennedy & Associates, LP	Engineering Services	\$100,000.00	9.08%
3. KIT Professionals, Inc.	Engineering Consulting	\$17,901.00	1.62%
4. Kuo & Associates, Inc.	Surveying Services	\$56,819.87	5.16%
5. Aviles Engineering Corporation	Geotechnical Services	\$4,000.00	0.36%
6. B & E Reprographics, Inc.	Reprographics	\$1,100.00	0.10%
	TOTAL	\$264,474.00	24.00%

DWK:DRM:RK:HH:SD:RS:jl

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File S-001000-0034-3 (1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in University of St. Thomas Area. WBS No. S-000035-00W9-4.	Page 1 of 2	Agenda Item # 59
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 12/1/11	Agenda Date: DEC 07 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: D
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For additional information contact: <i>Ravi Kaleyatodi 10/20/11</i> Ravi Kaleyatodi, P.E., CPM Phone: (832) 895-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
\$2,208,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.
M.P. 10/27/2011

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 18,798 linear feet of water lines comprising of 147 linear feet of 2-inch, 33 linear feet of 4-inch, 108 linear feet of 6-inch and 18,510 linear feet of 8-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 180 calendar days. This project was designed by Omega Engineers, Inc.

LOCATION: The project area is as follows:

<u>Bounded By</u>	<u>Key Map Grid</u>	<u>Council District</u>
Cherryhurst and Westheimer on the north, Richmond on the south, Montrose and Audubon on the east and Dunlavy on the west.	492V,493S,W	D

REQUIRED AUTHORIZATION CUIC ID# 20RS103

Finance Department	Other Authorization:  Jun Chang, P.E., DWRE Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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Date	Subject: Contract Award for Water Line Replacement in University of St. Thomas Area. WBS No. S-000035-00W9-4.	Originator's Initials	Page 2 of 2
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BIDS: Bids were received on August 25, 2011. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Resicom, Inc.	\$1,917,774.50
2. TRCU Ltd.	\$2,358,569.79
3. SER Construction Partners, LLC	\$2,570,332.00
4. D. L. Elliott Enterprises, Inc.	\$3,494,256.00

AWARD: It is recommended that this construction contract be awarded to Resicom, Inc. with a low bid of \$1,917,774.50 and that addendum No.1 be made a part of this contract.

PROJECT COST: The total cost of this project is \$2,208,000.00 to be appropriated as follows:

• Bid Amount	\$1,917,774.50
• Contingencies	\$95,888.73
• Engineering and Testing Services	\$60,000.00
• CIP Cost Recovery	\$134,336.77

Engineering and Testing Services will be provided by Tolunay-Wong 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.

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>
MMG Contractors	Asphalt and Concrete Paving	<u>\$210,955.00</u>	<u>11.0%</u>
		Total \$210,955.00	11.0%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Posey's Tractor Service	Underground Utility Services	<u>\$172,600.00</u>	<u>9.0%</u>
		Total \$172,600.00	9.0%

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

DWK:DRM:RK:HH:SD:RS:jlv
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 File No. S-000035-00W9-4 (3.7)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Liberty North Area. WBS No. S-000035-0113-4	Page 1 of 2	Agenda Item # 60
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 11/30/11	Agenda Date: DEC 07 2011
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DIRECTOR'S SIGNATURE: <i>D.W. Krueger</i> Daniel W. Krueger, P.E., Director	Council District affected: B <i>CH</i>
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For additional information contact: <i>Ravi Kaleyatodi</i> 11/2/11 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$2,975,800.00 from Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 11/8/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program and 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 approximately 36,775 linear feet of 4-inch, 6-inch and 8-inch diameter water lines, valves and appurtenances. The contract duration for this project is 310 calendar days. This project was designed by Kuo & Associates, Inc., and Lockwood, Andrews & Newnam, Inc.

LOCATION: The project area is generally bound by Collingsworth on the north, Union Pacific Railroad on the south, Cushing on the east and Linn on the west. The project is located in Key Map Grids 454 W, X & Y, 494 B & C.

BIDS: Bids were received on September 1, 2011. The four (4) bids are as follows:

Bidder	Bid Amount
1. Collins Construction, LLC	\$2,491,396.60
2. D. L. Elliott Enterprises, Inc.	\$2,698,355.00
3. TRCU, Ltd.	\$3,382,296.00
4. Resicom, Inc.	\$3,505,870.00

AWARD: It is recommended that this construction contract be awarded to Collins Construction, LLC. with a low bid of \$2,491,396.60 and that no Addendum be made a part of this contract.

REQUIRED AUTHORIZATION CUJC ID # 20MHC09 *WA*

Finance Department	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	Other Authorization: <i>Daniel R. Menendez</i> Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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PROJECT COST: The total cost of this project is \$2,975,800.00 to be appropriated as follows:

• Bid Amount	\$2,491,396.60
• Contingencies	\$124,570.00
• Engineering and Testing Services	\$75,000.00
• CIP Cost Recovery	\$74,833.40
• Construction Management	\$210,000.00

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

Construction Management will be provided by Cobb, Fendley and Associates, 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.

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

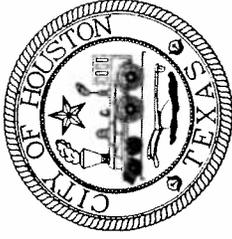
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. MMG Contractors	Underground Utilities Construction	\$149,490.00	6.00%
2. Fredith's Trucking	Hauling by Dumptruck	\$74,742.00	3.00%
3. J. Ralph Watkins & Associates, Inc.	General Insurance Sales/Services	\$49,828.00	2.00%
	MBE Subtotal	\$274,060.00	11.00%
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Briones Construction & Supply, LTD.	Supplier of Construction Materials	\$112,115.00	4.50%
2. Mickie Service Company, Inc.	Installation of Water Meters, Fire Hydrants and Hot Taps	\$112,115.00	4.50%
	SBE Subtotal	\$224,230.00	9.00%
	TOTAL	\$498,290.00	20.00%

[Handwritten signatures]
 DWK:DRM:RK:HH:MHC:SS:SSW

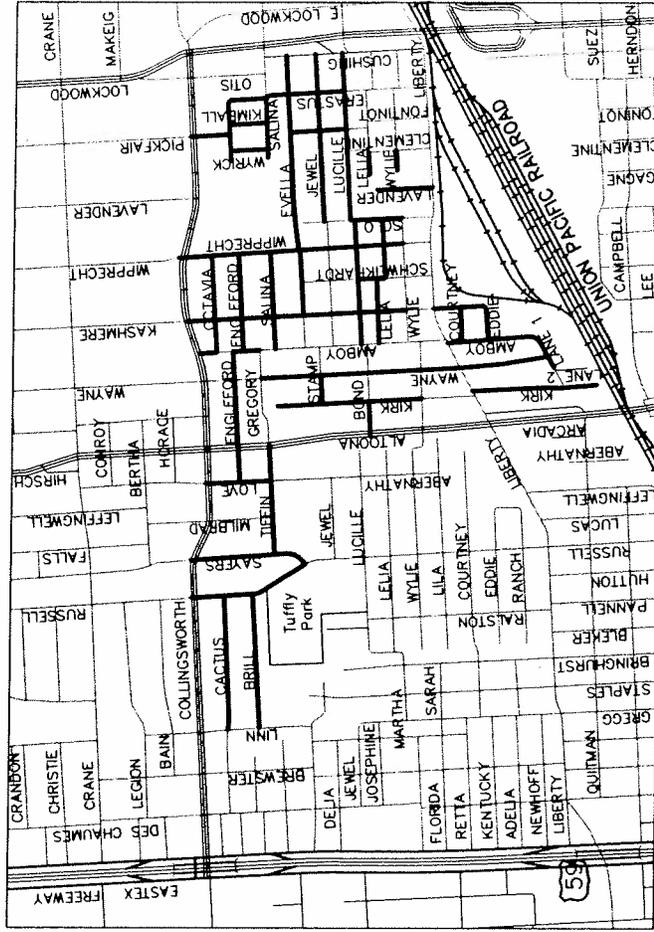
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c: File No. S-000035-0113-3 (3.7)

**PUBLIC WORKS & ENGINEERING DEPARTMENT
ENGINEERING AND CONSTRUCTION DIVISION
WATER LINE REPLACEMENT IN LIBERTY NORTH AREA
WBS NO. S-000035-0113-4**



STREET NAME	FROM	TO	SIZE (inch)	LENGTH (feet)
ENGLEFORD	LOVE	WPPRECHT	8	2,149
OCTAVIA	AMBOY	WPPRECHT	8	890
WPPRECHT	COLLINGSWORTH	WYLE	8	2,049
SALINA	AMBOY	WPPRECHT	8	901
STAMP	KIRK	WAYNE	8	278
BOND	ALTOONA	KIRK	8	282
LELIA	AMBOY	SOLO	8	1,132
KIRK	WYLE	END (NORTH)	4 & 8	1,328
WAYNE	LANE 1 (QUITMAN)	GREGORY	8	2,677
AMBOY	OCTAVIA	COLLINGSWORTH	8	187
AMBOY	LANE 1 (QUITMAN)	LIBERTY	8	858
KIRK	RAILROAD R.O.W.	LIBERTY	8	1,248
LANE 1 (QUITMAN)	LANE 2	AMBOY	4 & 8	356
EDDIE	AMBOY	KASHMERE	6	320
KASHMERE	EDDIE	LIBERTY	6	478
COURTNEY	AMBOY	KASHMERE	6	328
PICKFAIR	ENGLEFORD	COLLINGSWORTH	8	308
SALINA	ERASTUS	WYRICK	8	519
ENGLEFORD	ERASTUS	WYRICK	8	515
WYRICK	SALINA	ENGLEFORD	6	350
KIMBALL	SALINA	ENGLEFORD	6	403
ERASTUS	LUCILLE	ENGLEFORD	8	1,133
JEWEL	SOLO	CUSHING	8	1,557
LUCILLE	AMBOY	CUSHING	8	2,656
LAVENDER	LIBERTY	END NORTH	4 & 8	597
SOLO	LUCILLE	WYLE	8	537
LELIA	CLEMENTINE	END (WEST)	4	215
WYLE	CLEMENTINE	END (WEST)	4	200
LOVE	TIFFIN	COLLINGSWORTH	8	628
SAYERS	RUSSELL	COLLINGSWORTH	8	1,143
TIFFIN	SAYERS	ALTOONA	8	1,019
CACTUS	LINN	RUSSELL	8	1,216
BRILL	LINN	RUSSELL	8	1,218
RUSSELL	SAYERS	COLLINGSWORTH	8	1,144
AMBOY	GREGORY	ENGLEFORD	8	206
KASHMERE	COLLINGSWORTH	WYLE	6 & 8	2,137
SCHWEKHARDT	LELIA	LUCILLE	8	255
EVELLA	KASHMERE	CUSHING	6 & 8	2,564
FORTINOT	LUCILLE	EVELLA	8	544



KEY MAP NO. 494 B & C, 454 W, X & Y.
CIM MAP # 5458 B, 5459 D, 5558 A & 5559 C
COUNCIL DISTRICT 'B'

SALINA	WYRICK	END (WEST)	8	129
ENGLEFORD	WYRICK	END (WEST)	8	141
TOTAL			16	36,775

LEGEND:
 EXISTING ROAD
 ROAD DESIGNATED FOR PROPOSED WATER LINE

KUO
 & ASSOCIATES, Inc.
 Consulting Engineers
 & Surveyors

10700 Richmond Ave., Suite 113
 Houston, TX 77042
 Tel: (713) 975-9746
 Fax: (713) 975-9520
 www.kuoassociates.com

VICINITY MAP
CITY OF HOUSTON
 PUBLIC WORKS AND ENGINEERING DEPARTMENT
 WATER LINE REPLACEMENT IN LIBERTY NORTH AREA
 WBS NO. S-000035-0113-4

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

61

~~26~~

FROM: (Department or other point of origin):
Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
10/12/2011

Agenda Date
~~NOV 30 2011~~

DIRECTOR'S SIGNATURE: 

Council Districts affected:
ALL

DEC - 7 2011

For additional information contact:
Juan Olguin *JFO* Phone: (713) 837- 9623
Kelly Schwarz Phone: (713) 837- 9636

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. CELESTINE HOLCOMB D/B/A HOLCOMB ENVIRONMENTAL WASTE OIL SERVICE

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

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

REQUIRED AUTHORIZATION

Finance Director:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes		Category #	Page 1 of 1	Agenda Item # 62-88A																												
FROM (Department or other point of origin): Planning and Development Department		Origination Date November 21, 2011		Agenda Date December 7, 2011																												
DIRECTOR'S SIGNATURE: <i>Margaret Wallace</i>		Council District affected: A, B, E, F & G																														
For additional information contact: Margaret Wallace Phone: 713-837-7826		Date and identification of prior authorizing Council action: Public Hearings: Nov 9 and Nov 16, 2011																														
RECOMMENDATION: (Summary) That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts.																																
Amount and Source of Funding: N/A			Finance Budget:																													
SPECIFIC EXPLANATION: The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the utility districts as listed below. In each of these Districts, except HC MUD 412, the city is annexing only commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. HC MUD 412 includes residential territory with population. In addition, the city will levy a 1 percent sales tax and all taxes collected in the areas will be divided evenly between the City and the District with the exception of HC MUD 412. The City will keep 100% of the sales tax in HC MUD No. 412. For each of the Districts that include the annexation of territory outside of the District's boundary, the city will extend section 6-3 of the Code of Ordinances regarding the running at large of domestic animals. In areas where there is no out of District territory being annexed, the city is not required to provide a service. All agreements require public notice and two public hearings which were held on Nov. 9 th and Nov. 16 th , 2011. Amendments to existing Agreements: <table border="0"> <tr> <td>Bridgestone MUD (3rd Amendment)</td> <td>Harris County MUD No. 412 (1st Amendment)</td> </tr> <tr> <td>Fallbrook UD (1st Amendment)</td> <td>Harris County WCID No. 109 (2nd Amendment)</td> </tr> <tr> <td>Harris County MUD No. 36 (1st Amendment)</td> <td>Harris Ft. Bend Counties MUD No.3 (1st Amendment)</td> </tr> <tr> <td>Harris County MUD No. 166 (1st Amendment)</td> <td>Northwest Harris County MUD No. 21(1st Amendment)</td> </tr> <tr> <td>Harris County MUD No. 230 (1st Amendment)</td> <td>Reid Road MUD No. 1 (1st Amendment)</td> </tr> </table> New Agreements with : <table border="0"> <tr> <td>Barker Cypress MUD</td> <td>Harris County MUD No. 183</td> <td>Harris-Ft. Bend Counties MUD No. 1</td> </tr> <tr> <td>Fort Bend County MUD No. 23</td> <td>Harris County MUD No. 205</td> <td>Southern Montgomery County MUD</td> </tr> <tr> <td>Fort Bend County MUD No. 30</td> <td>Harris County MUD No. 215</td> <td>Reid Road MUD No. 2</td> </tr> <tr> <td>Fort Bend County MUD No. 143</td> <td>Harris County MUD No. 238</td> <td>Spring Creek UD</td> </tr> <tr> <td>Fort Bend County MUD No. 194</td> <td>Harris County MUD No. 280</td> <td>Montgomery County MUD No. 19</td> </tr> <tr> <td>Harris County MUD No. 96</td> <td>Harris County MUD No. 364</td> <td></td> </tr> </table> Council District assignments of the newly annexed areas are detailed on the accompanying memorandum. Copy: Marta Crinejo, Agenda Director David Feldman, City Attorney Anna Russell, City Secretary Sameera Mahendru, Assistant City Attorney					Bridgestone MUD (3 rd Amendment)	Harris County MUD No. 412 (1 st Amendment)	Fallbrook UD (1 st Amendment)	Harris County WCID No. 109 (2 nd Amendment)	Harris County MUD No. 36 (1 st Amendment)	Harris Ft. Bend Counties MUD No.3 (1 st Amendment)	Harris County MUD No. 166 (1 st Amendment)	Northwest Harris County MUD No. 21(1 st Amendment)	Harris County MUD No. 230 (1 st Amendment)	Reid Road MUD No. 1 (1 st Amendment)	Barker Cypress MUD	Harris County MUD No. 183	Harris-Ft. Bend Counties MUD No. 1	Fort Bend County MUD No. 23	Harris County MUD No. 205	Southern Montgomery County MUD	Fort Bend County MUD No. 30	Harris County MUD No. 215	Reid Road MUD No. 2	Fort Bend County MUD No. 143	Harris County MUD No. 238	Spring Creek UD	Fort Bend County MUD No. 194	Harris County MUD No. 280	Montgomery County MUD No. 19	Harris County MUD No. 96	Harris County MUD No. 364	
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Harris County MUD No. 96	Harris County MUD No. 364																															
REQUIRED AUTHORIZATION																																
Finance Director:	Other Authorization:	Other Authorization:																														

12-89



Strategic Partnership Agreement : December 2011



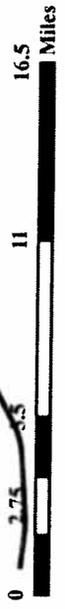
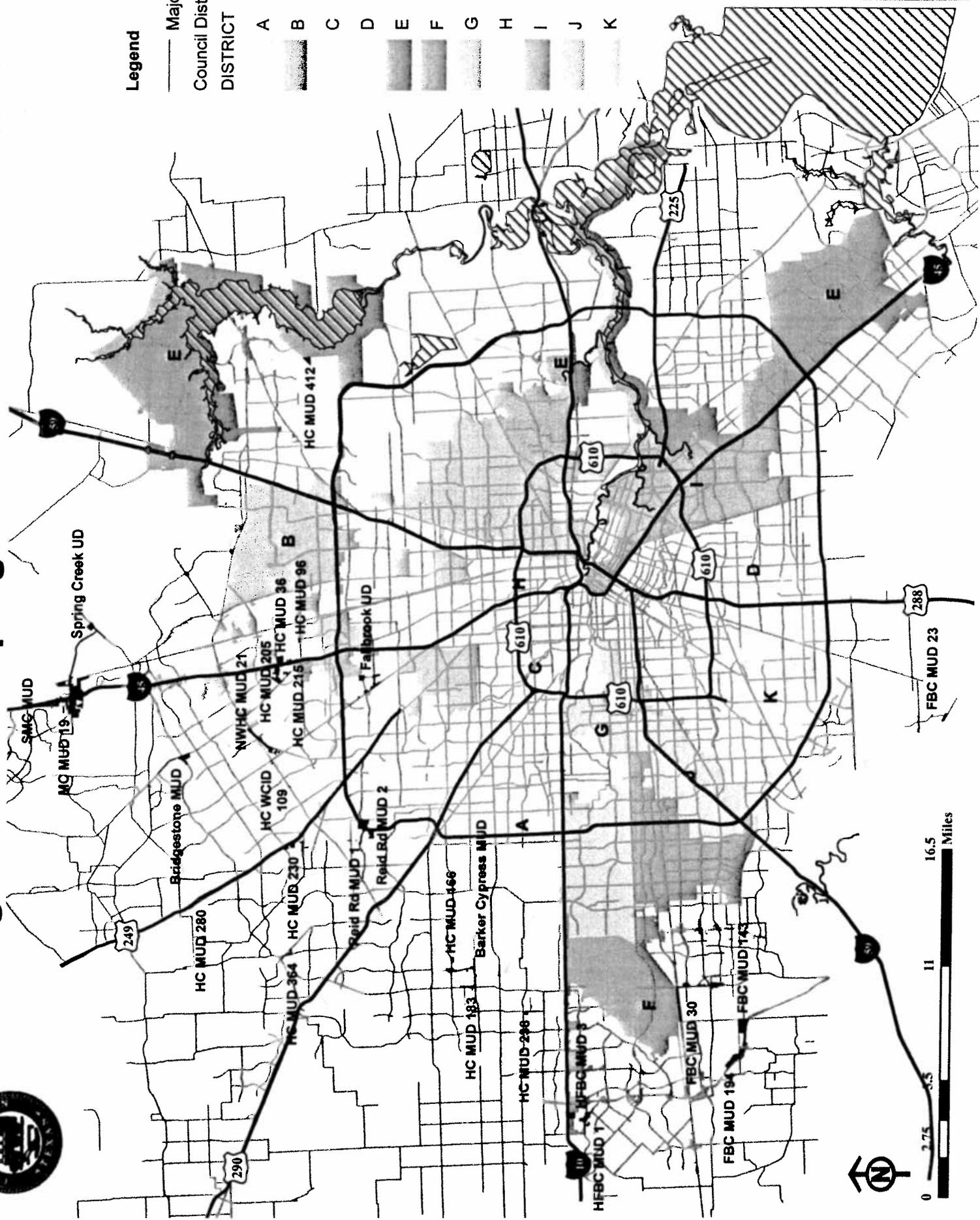
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Major Streets

Council Districts

DISTRICT

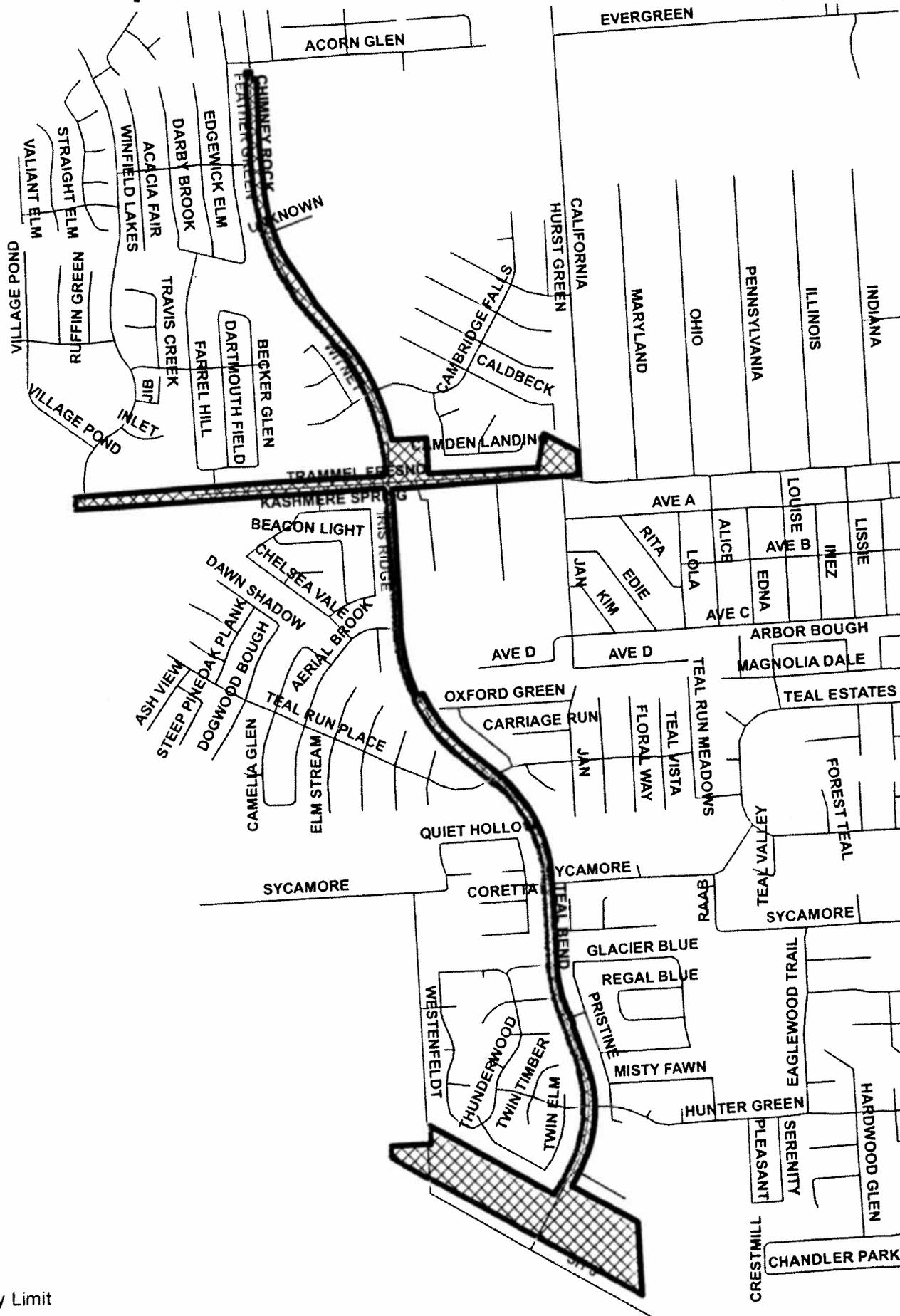
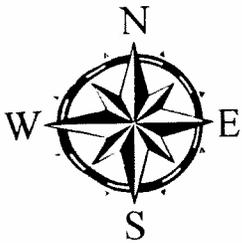
- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K



Limited Purpose Annexation: Fallbrook UD



Limited Purpose Annexation: FBC MUD # 23

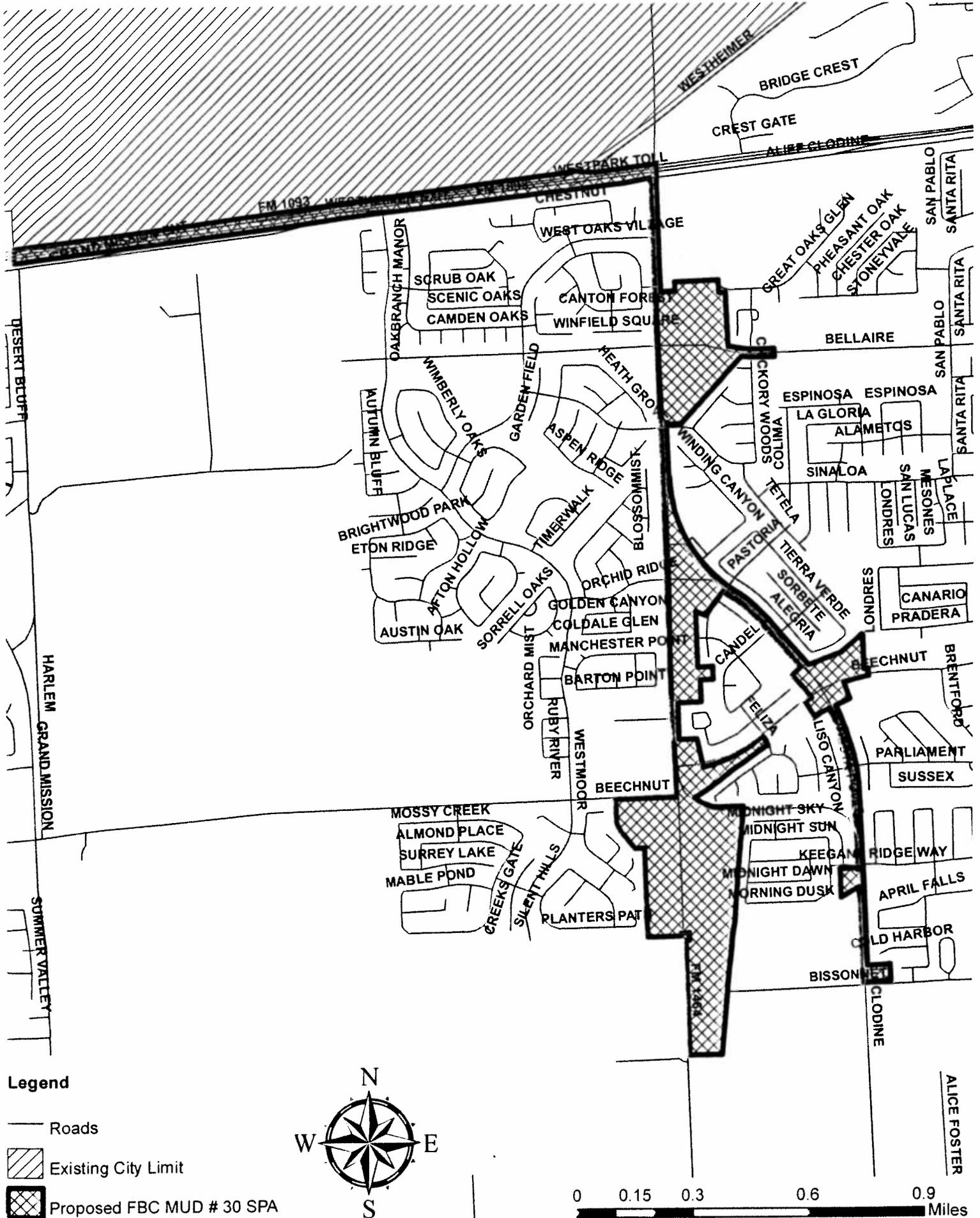


Legend

-  Roads
-  Existing City Limit
-  Proposed FBC MUD # 23 SPA

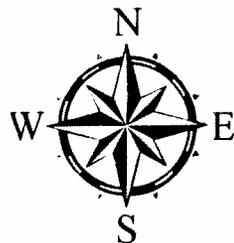


Limited Purpose Annexation: FBC MUD # 30



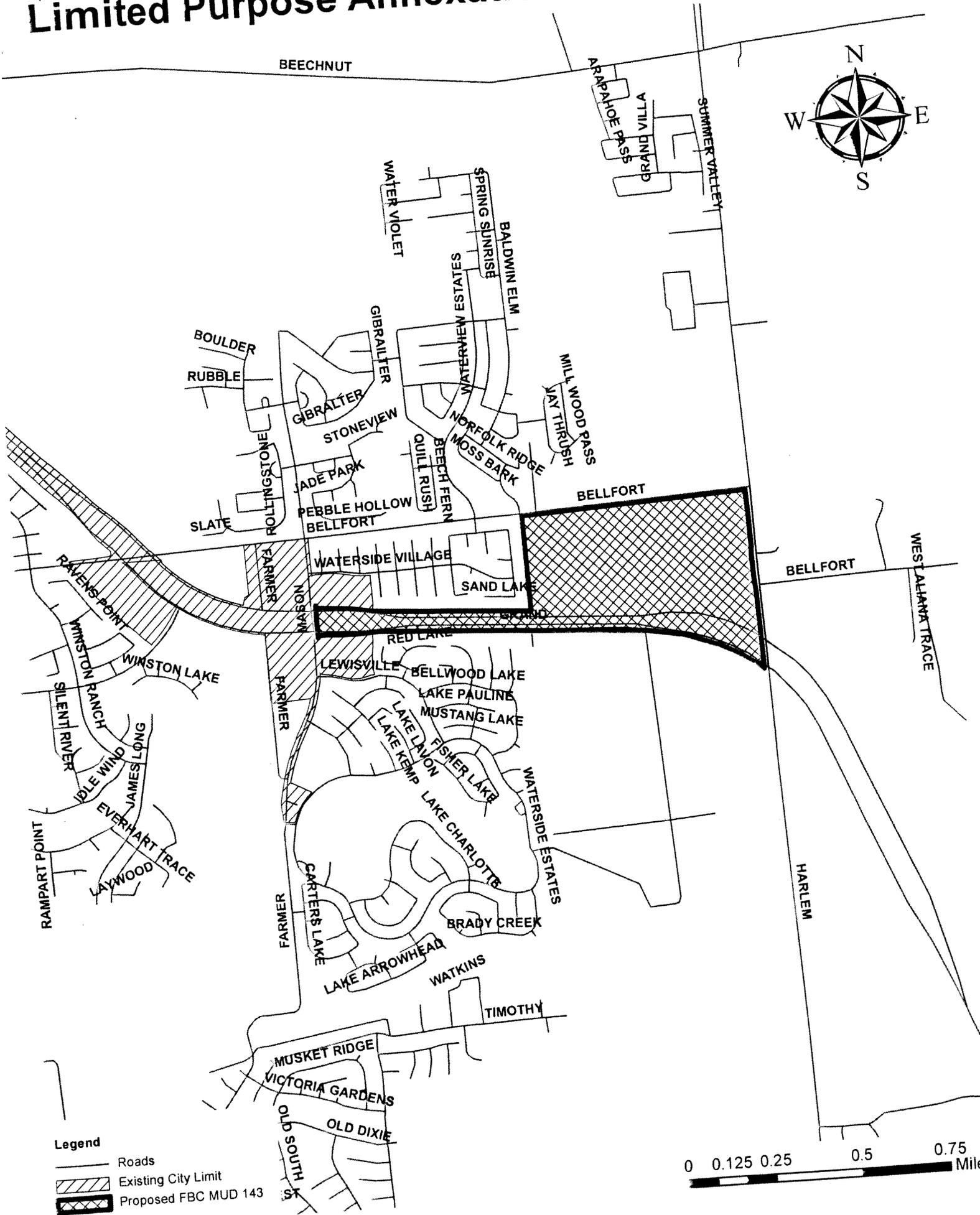
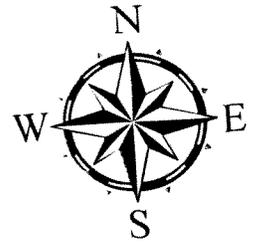
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- Roads
- ▨ Existing City Limit
- ▩ Proposed FBC MUD # 30 SPA

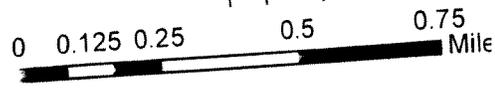


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Limited Purpose Annexation: FBC MUD # 143

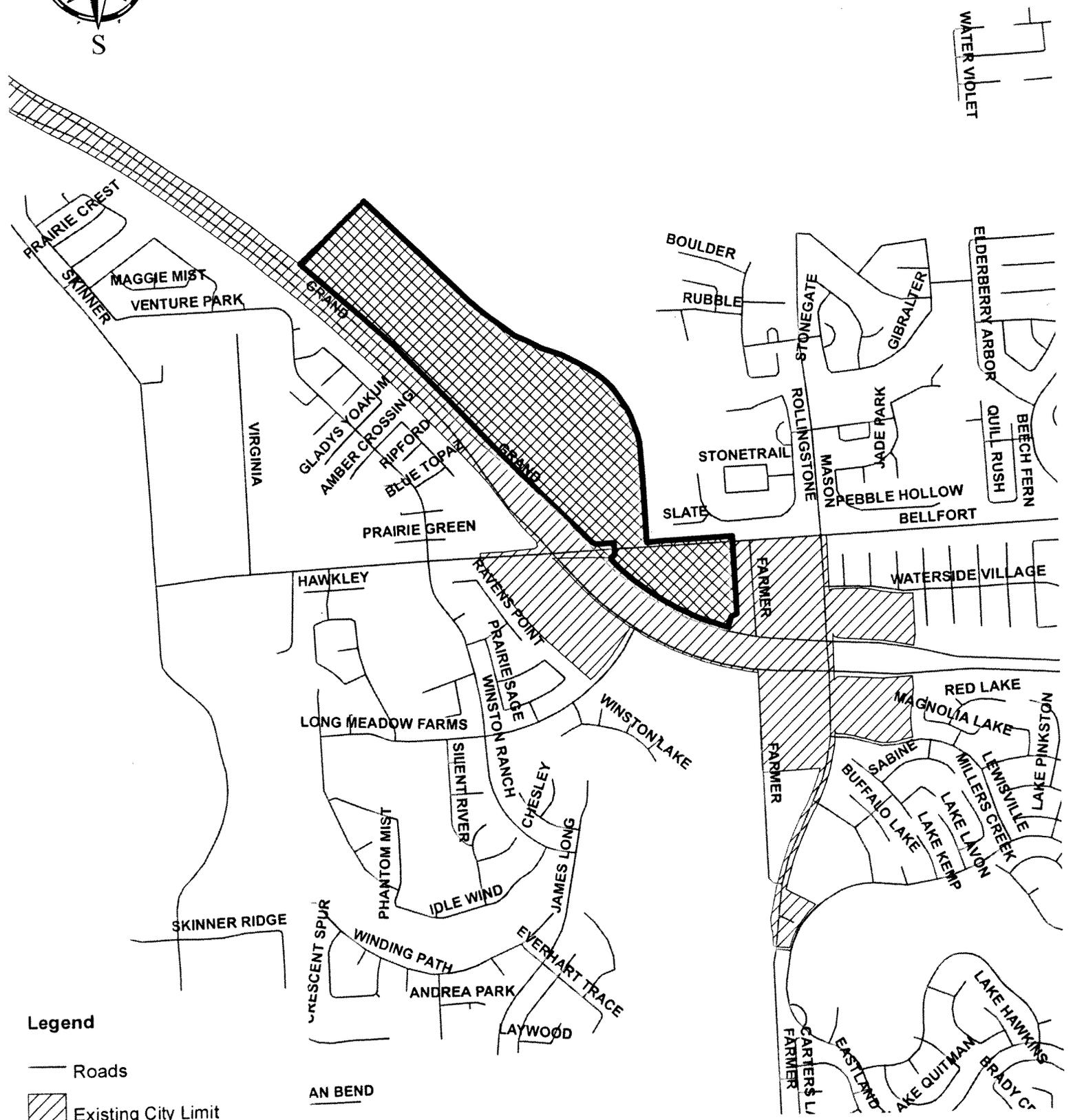


- Legend**
- Roads
 - ▨ Existing City Limit
 - ▩ Proposed FBC MUD 143



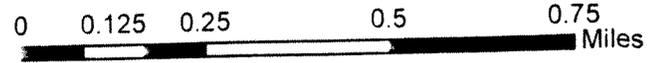
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BEECHNUT

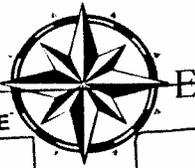
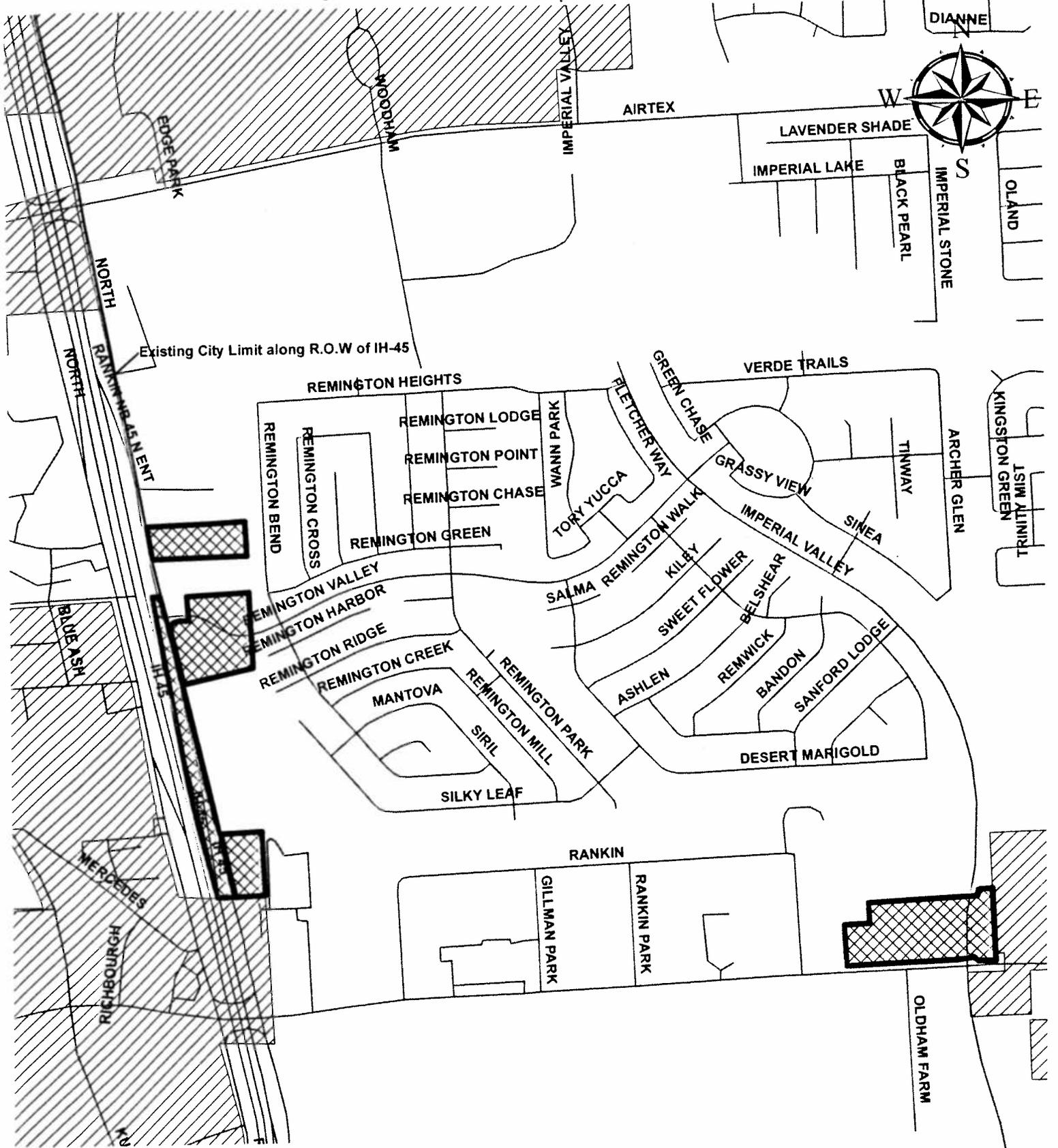


Legend

- Roads
- ▨ Existing City Limit
- ▩ Proposed FBC MUD # 194

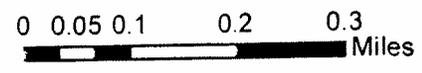


Limited Purpose Annexation: HC MUD # 96

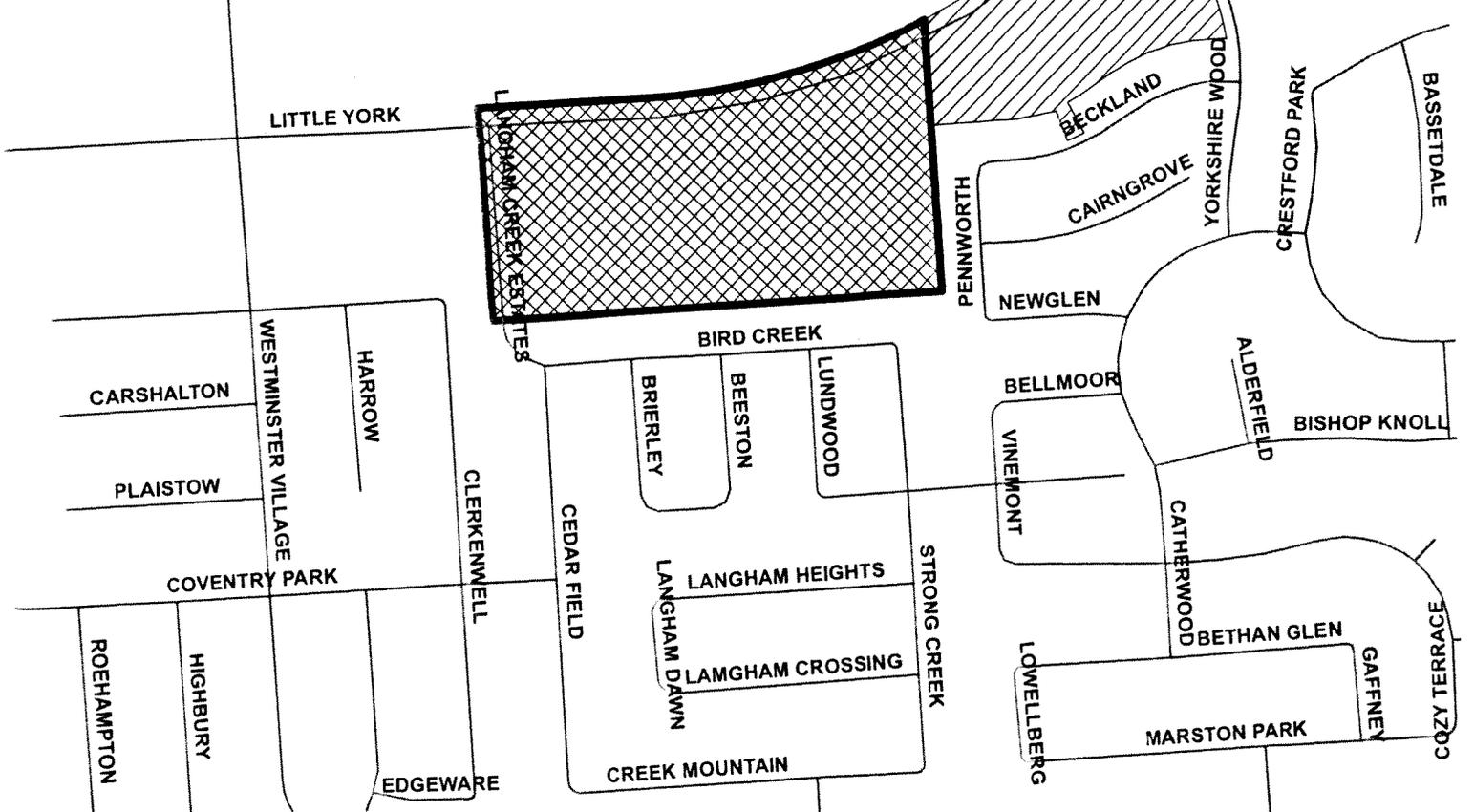
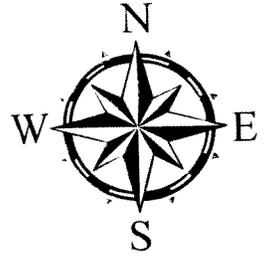
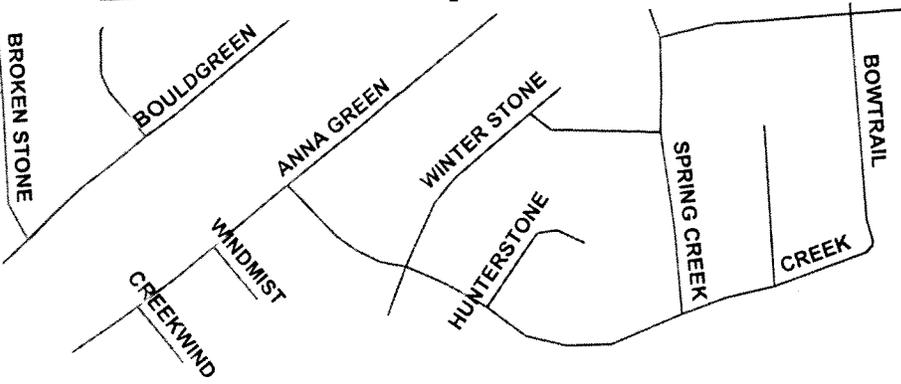


Legend

-  Roads
-  Existing City Limit
-  Proposed HC MUD 96 # SPA

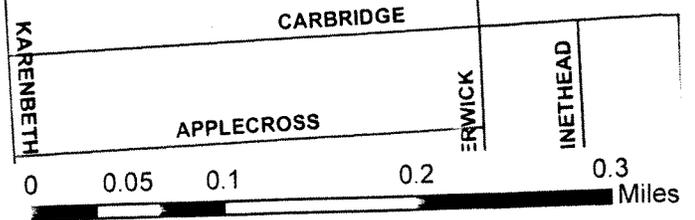
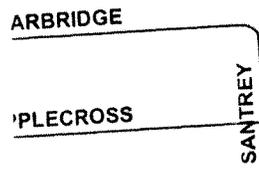


Limited Purpose Annexation: HC MUD # 166

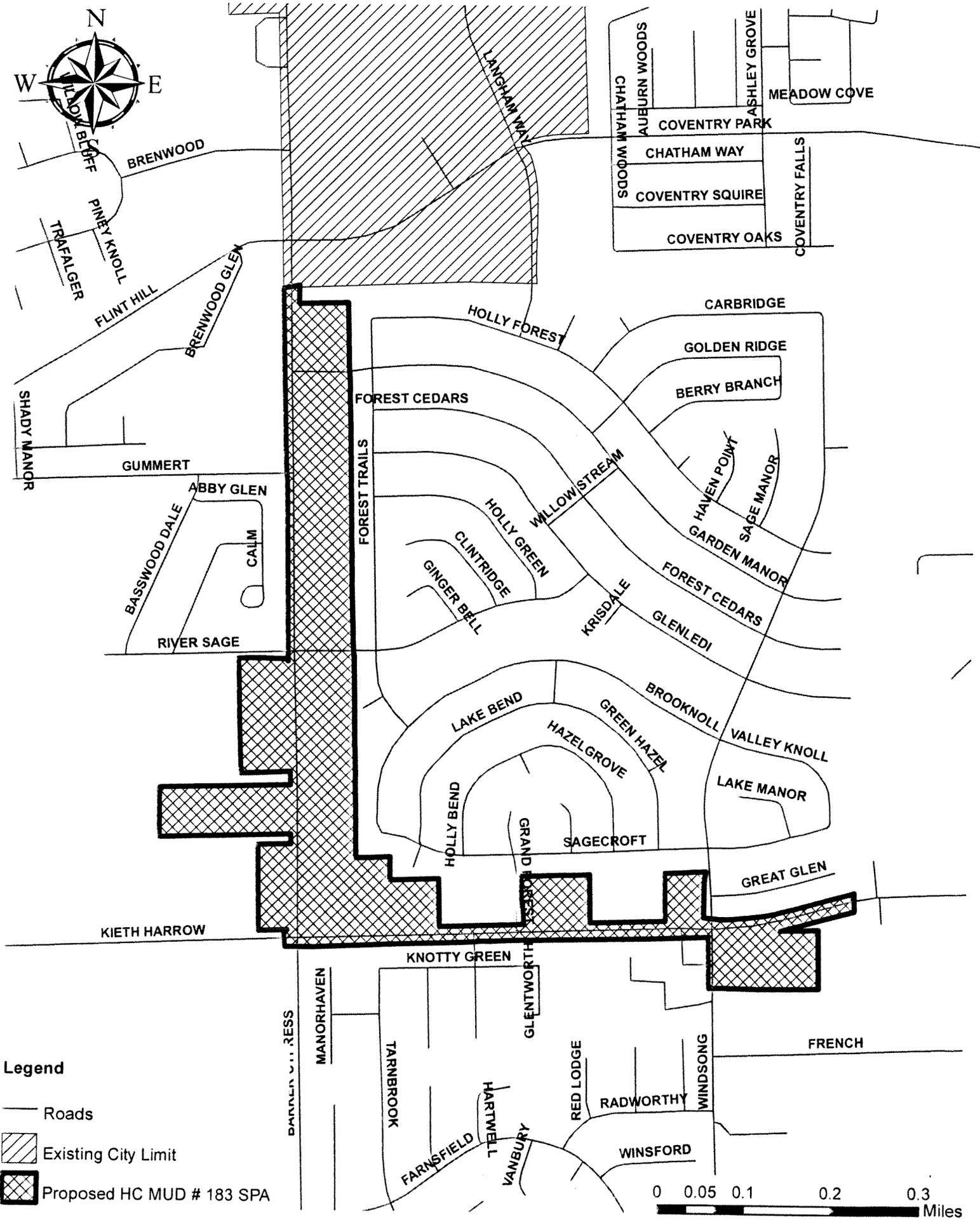


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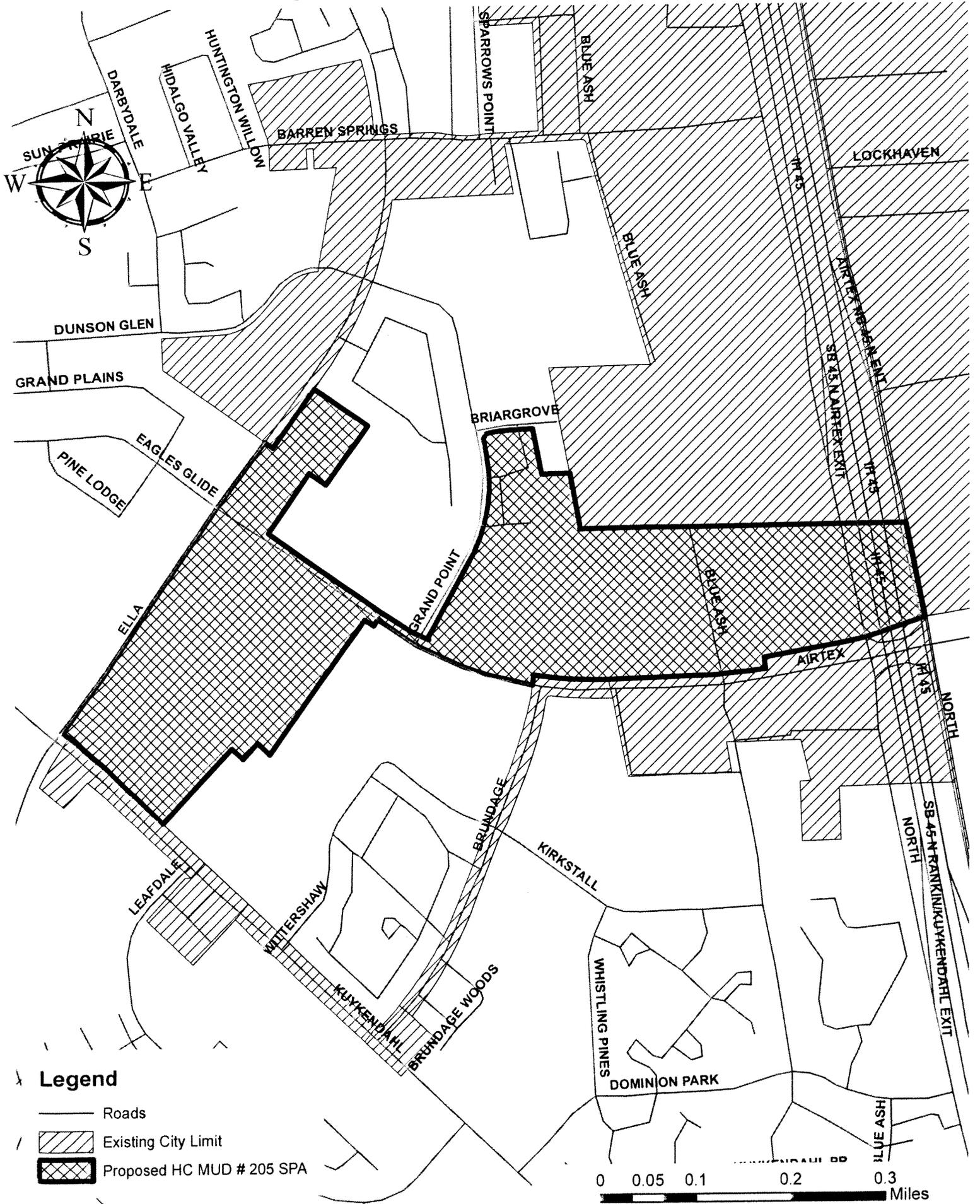
- Roads
- Existing City Limit
- Proposed HC MUD # 166 SPA



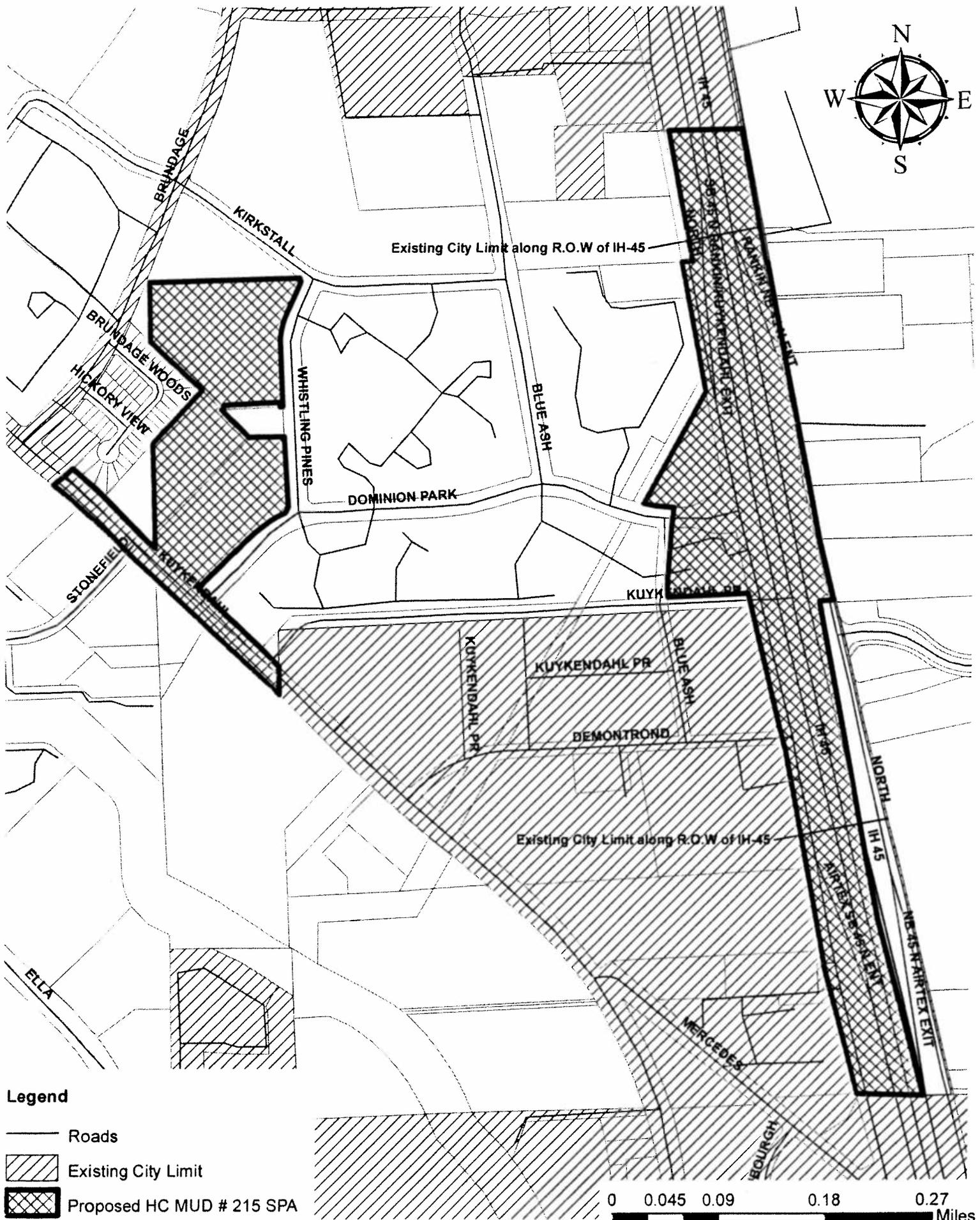
Limited Purpose Annexation: HC MUD # 183



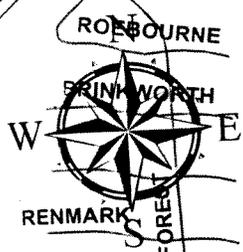
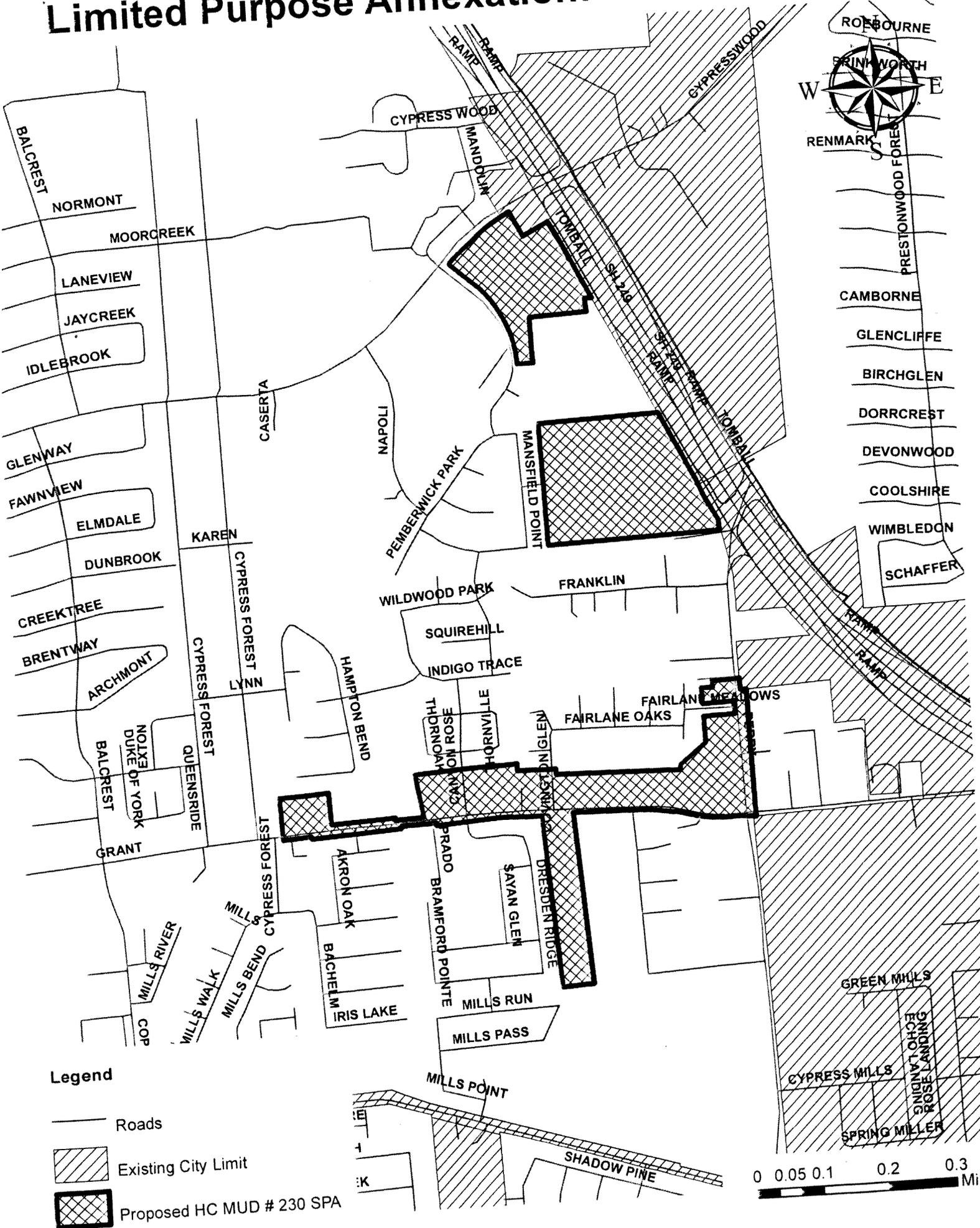
Limited Purpose Annexation: HC MUD # 205



Limited Purpose Annexation: HC MUD # 215

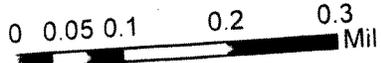


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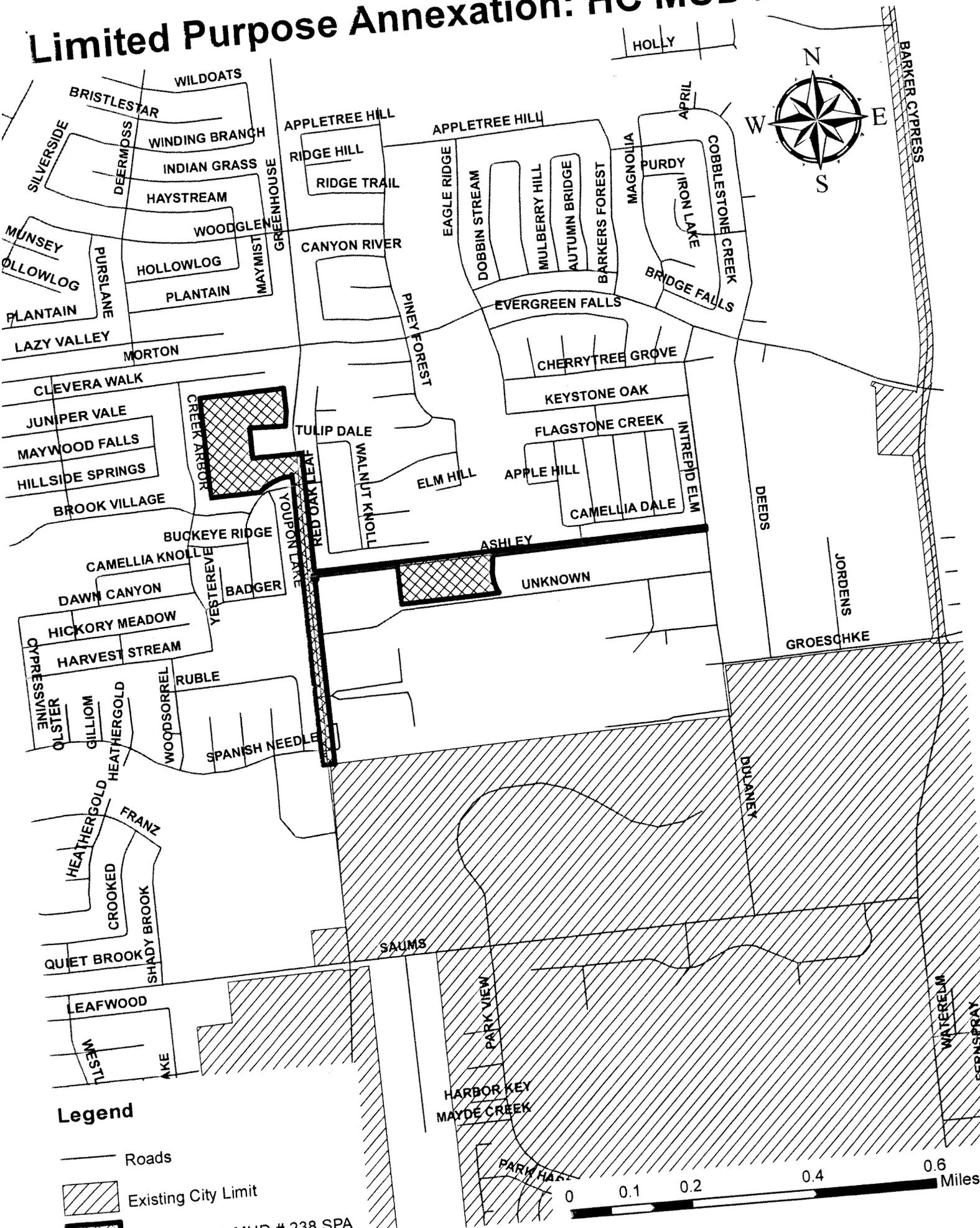
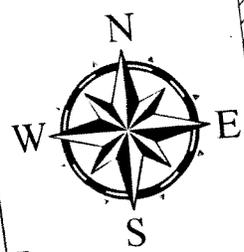


Legend

-  Roads
-  Existing City Limit
-  Proposed HC MUD # 230 SPA

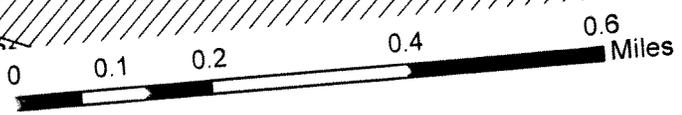


Limited Purpose Annexation: HC MUD # 238

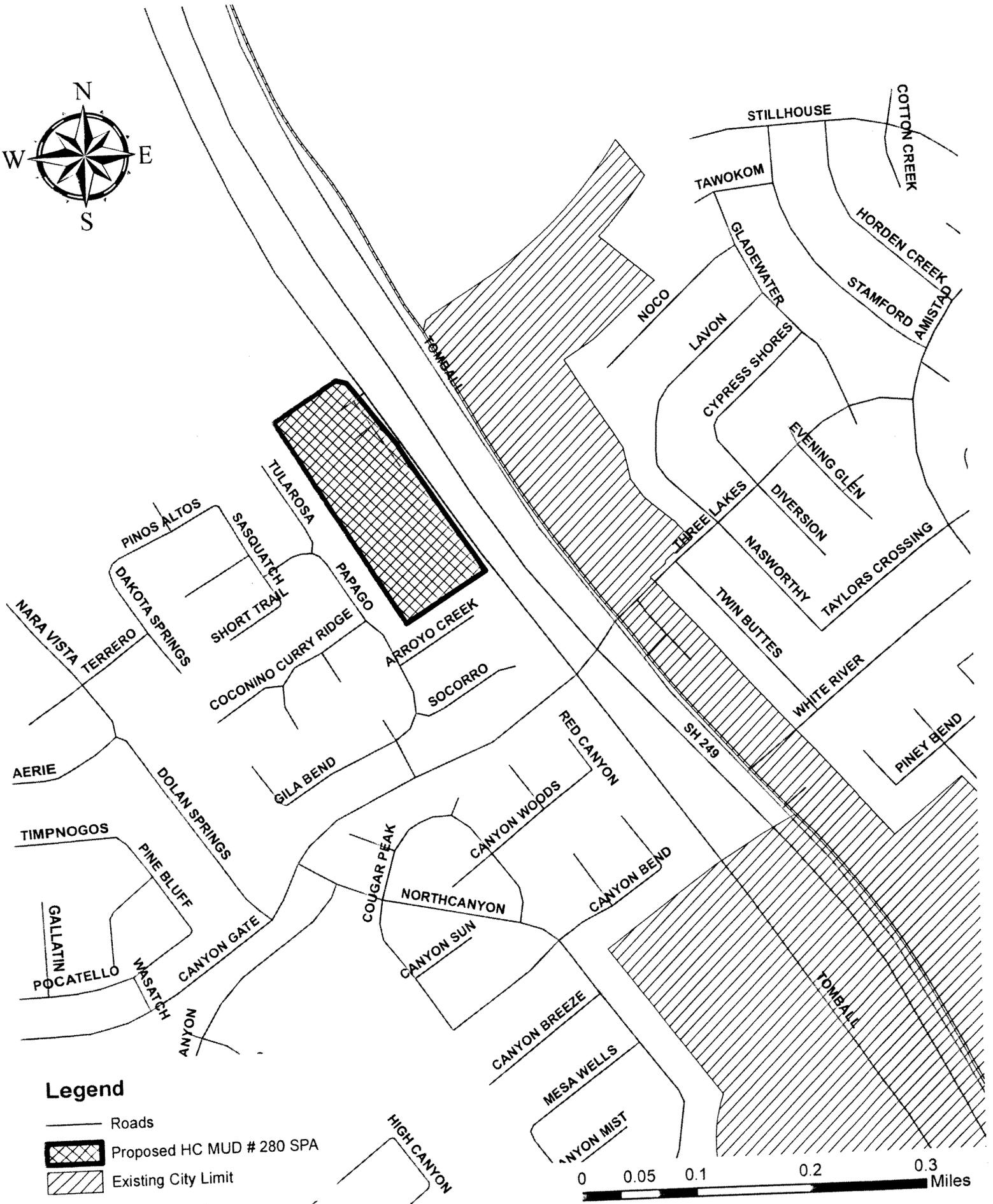
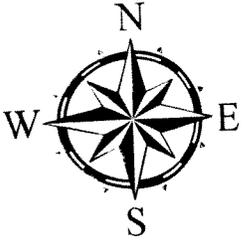


Legend

-  Roads
-  Existing City Limit
-  Proposed HC MUD # 238 SPA

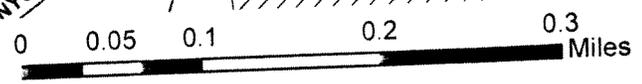


Limited Purpose Annexation: HC MUD # 280

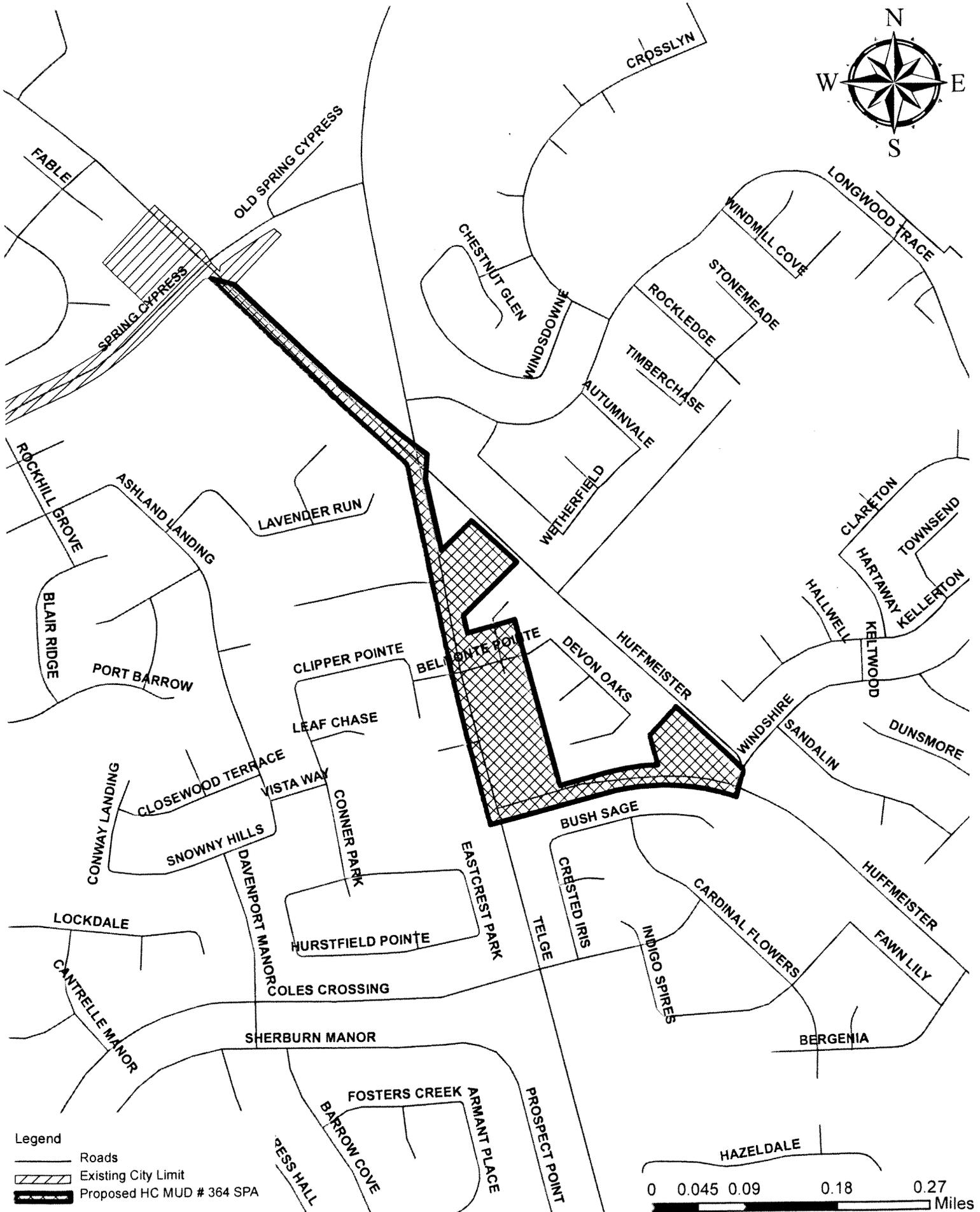
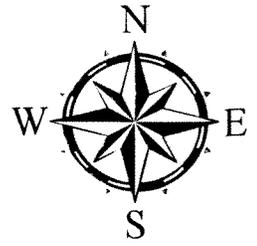


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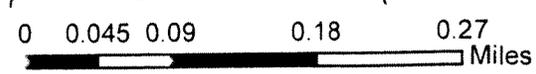
-  Roads
-  Proposed HC MUD # 280 SPA
-  Existing City Limit



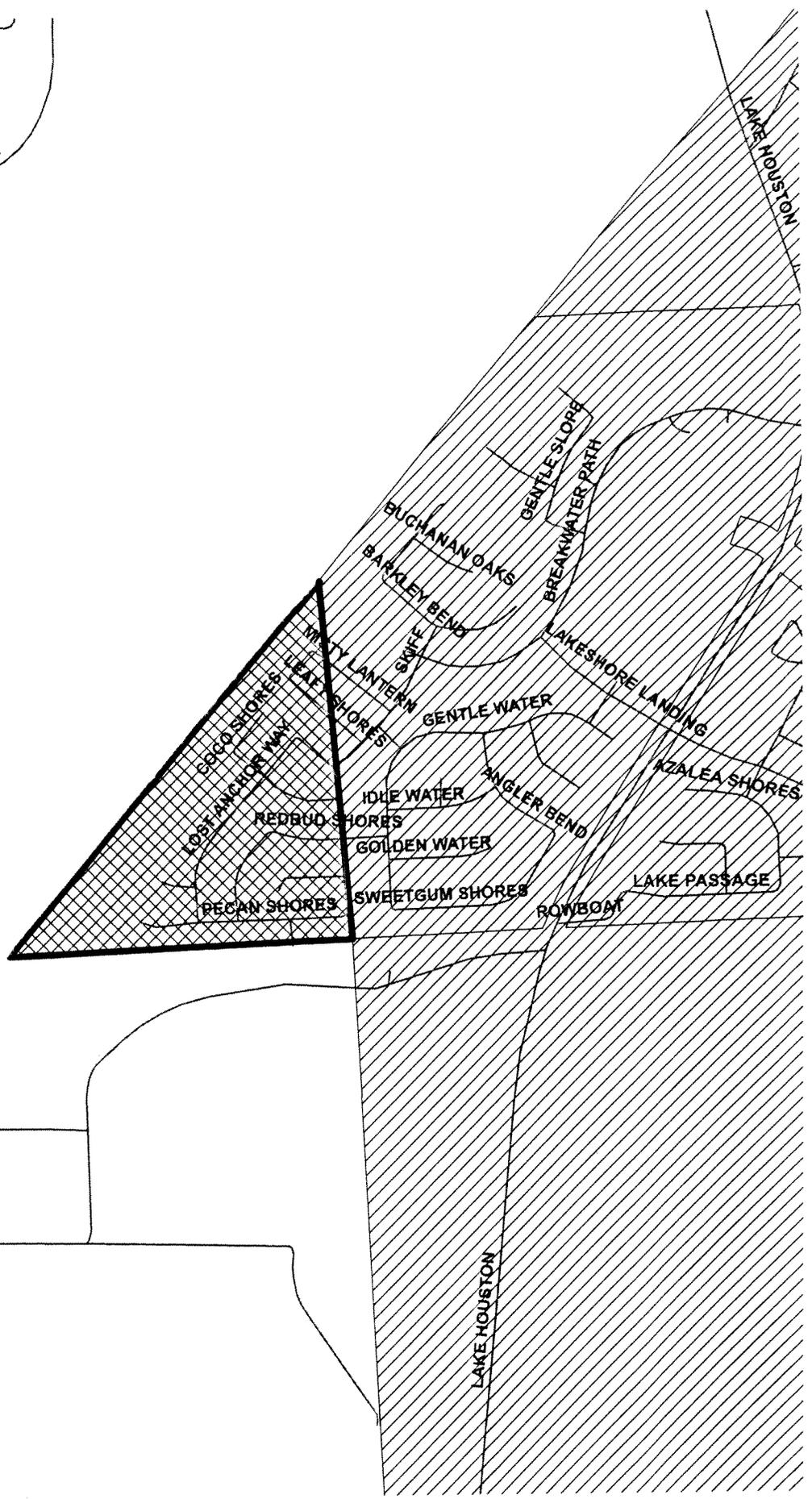
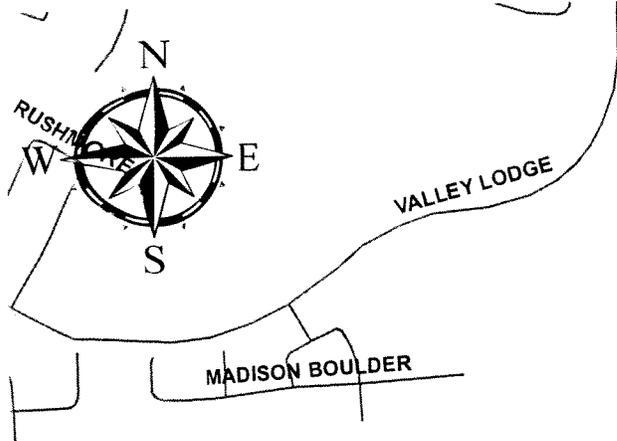
Limited Purpose Annexation: HC MUD # 364



- Legend
- Roads
 - Existing City Limit
 - Proposed HC MUD # 364 SPA

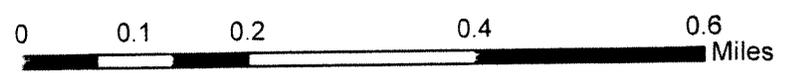


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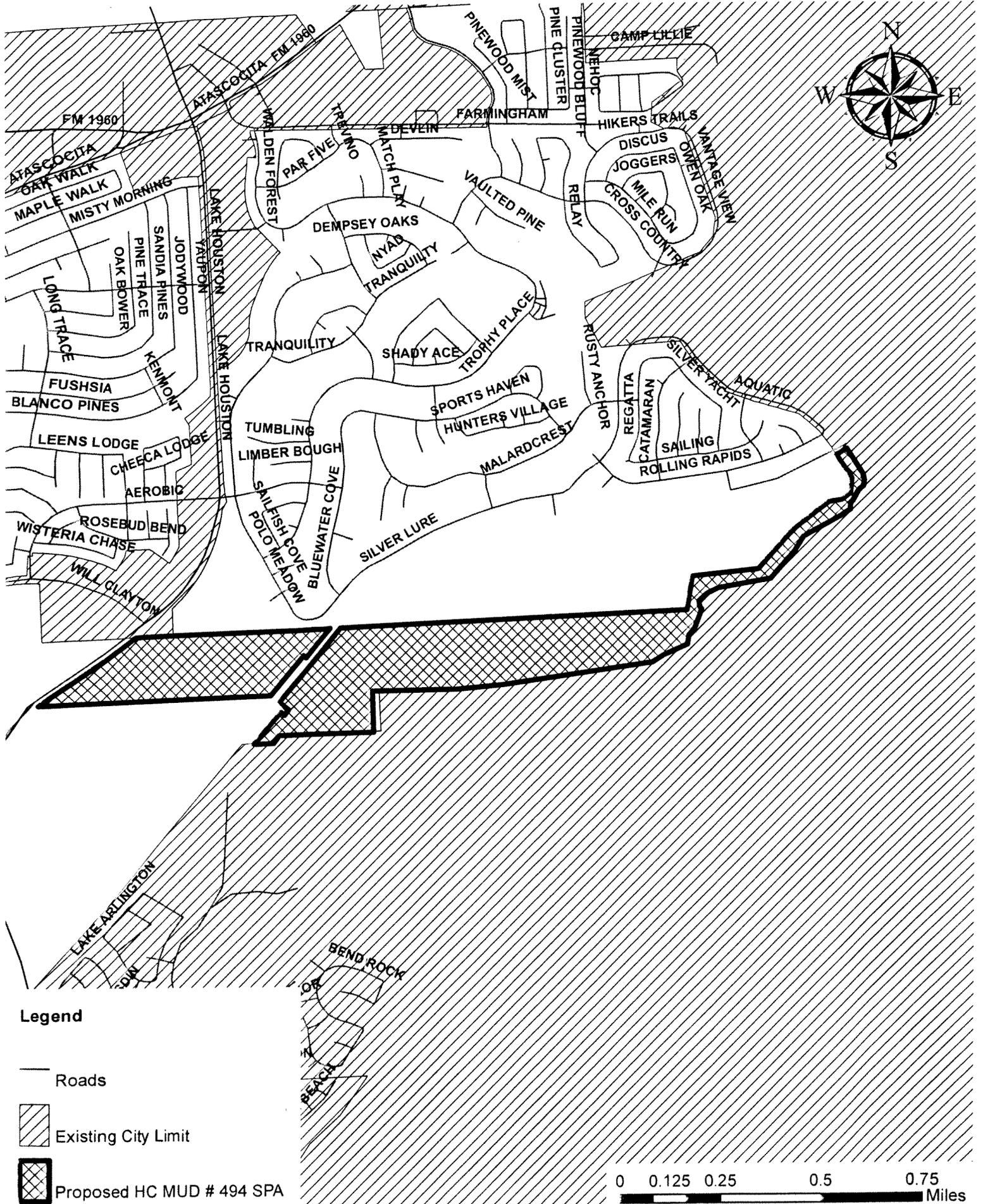


Legend

- Roads
- ▨ Existing City Limit
- ▩ Proposed HC MUD # 412 SPA



Limited Purpose Annexation : HC MUD # 494



Legend

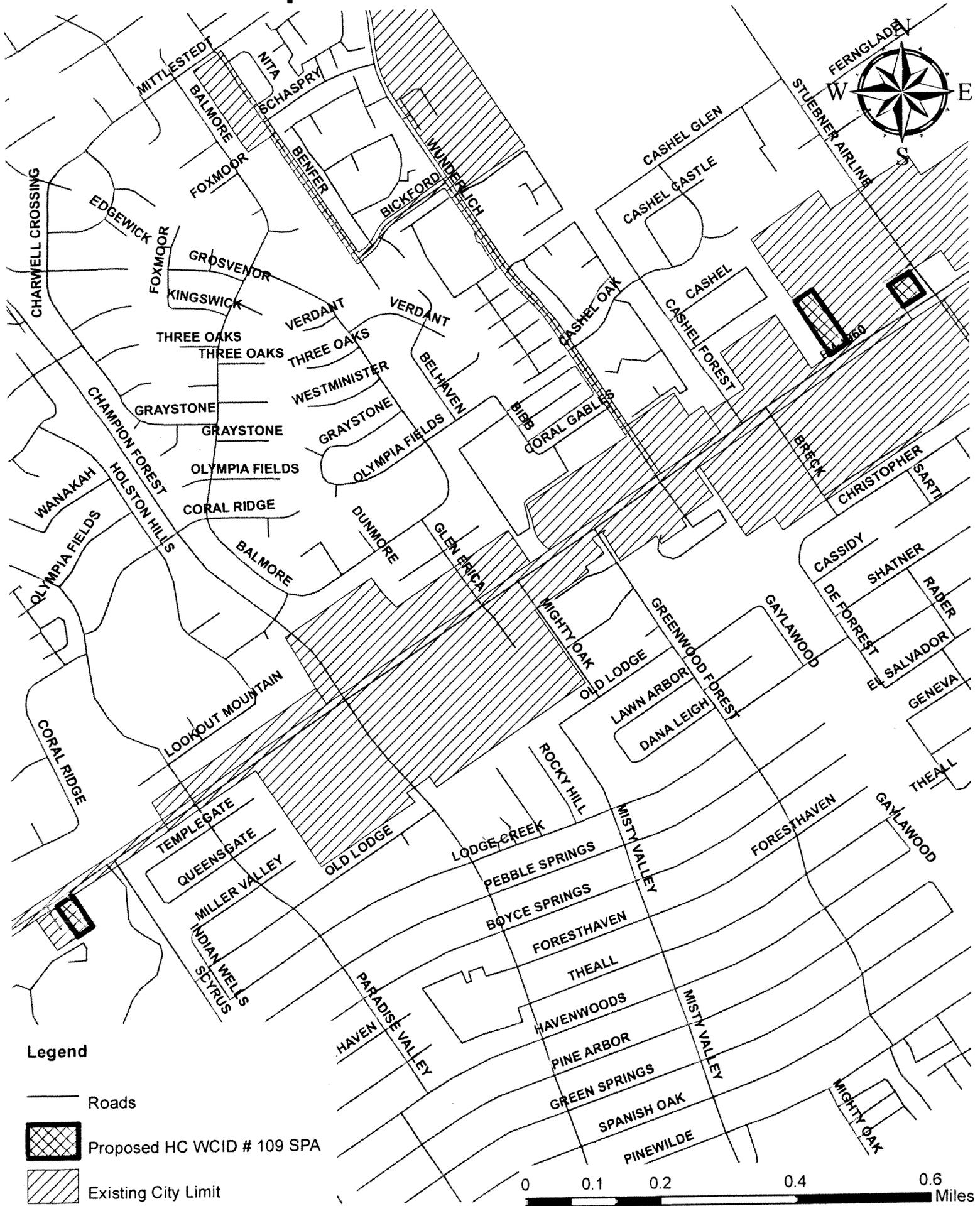
— Roads

Existing City Limit

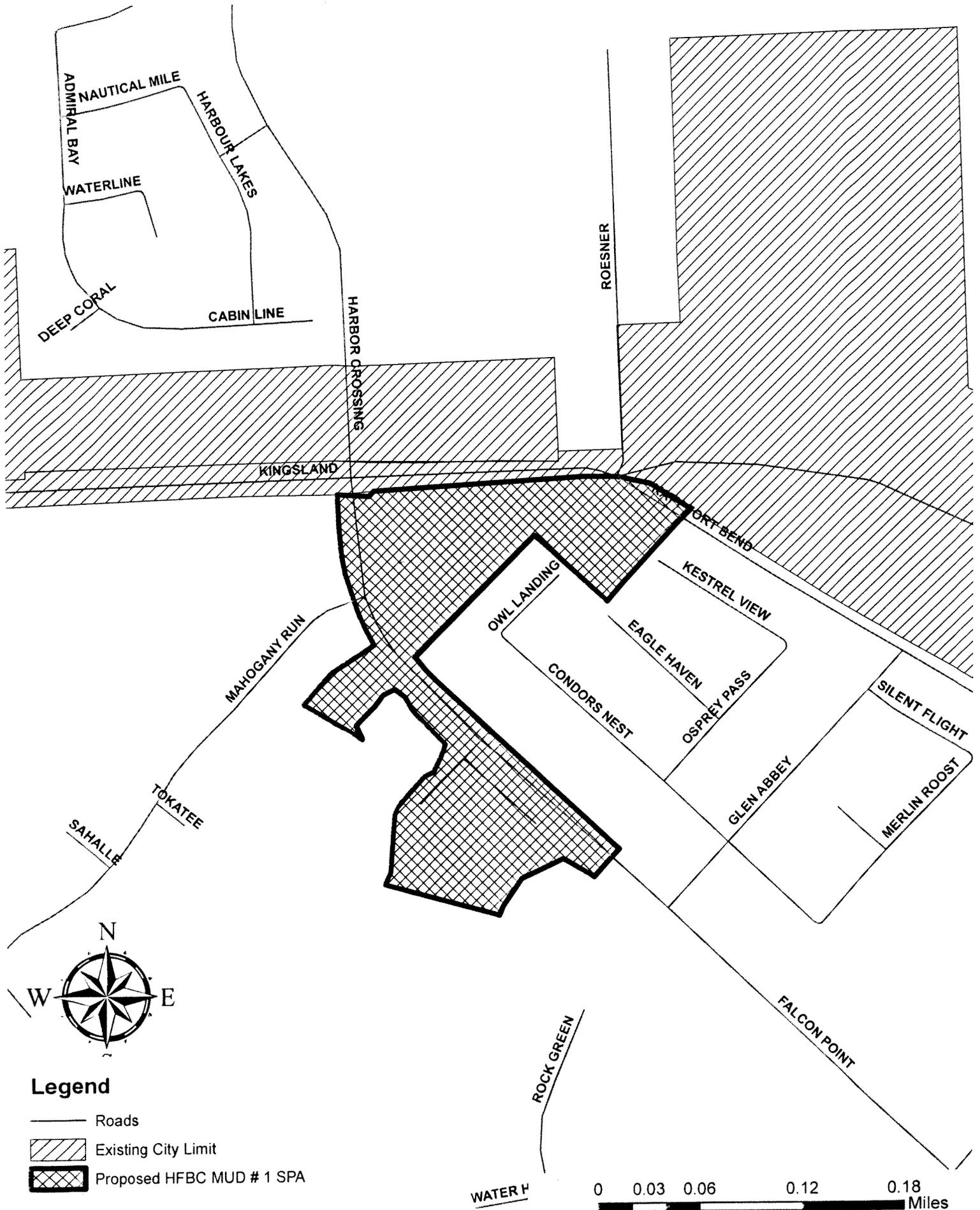
Proposed HC MUD # 494 SPA

0 0.125 0.25 0.5 0.75 Miles

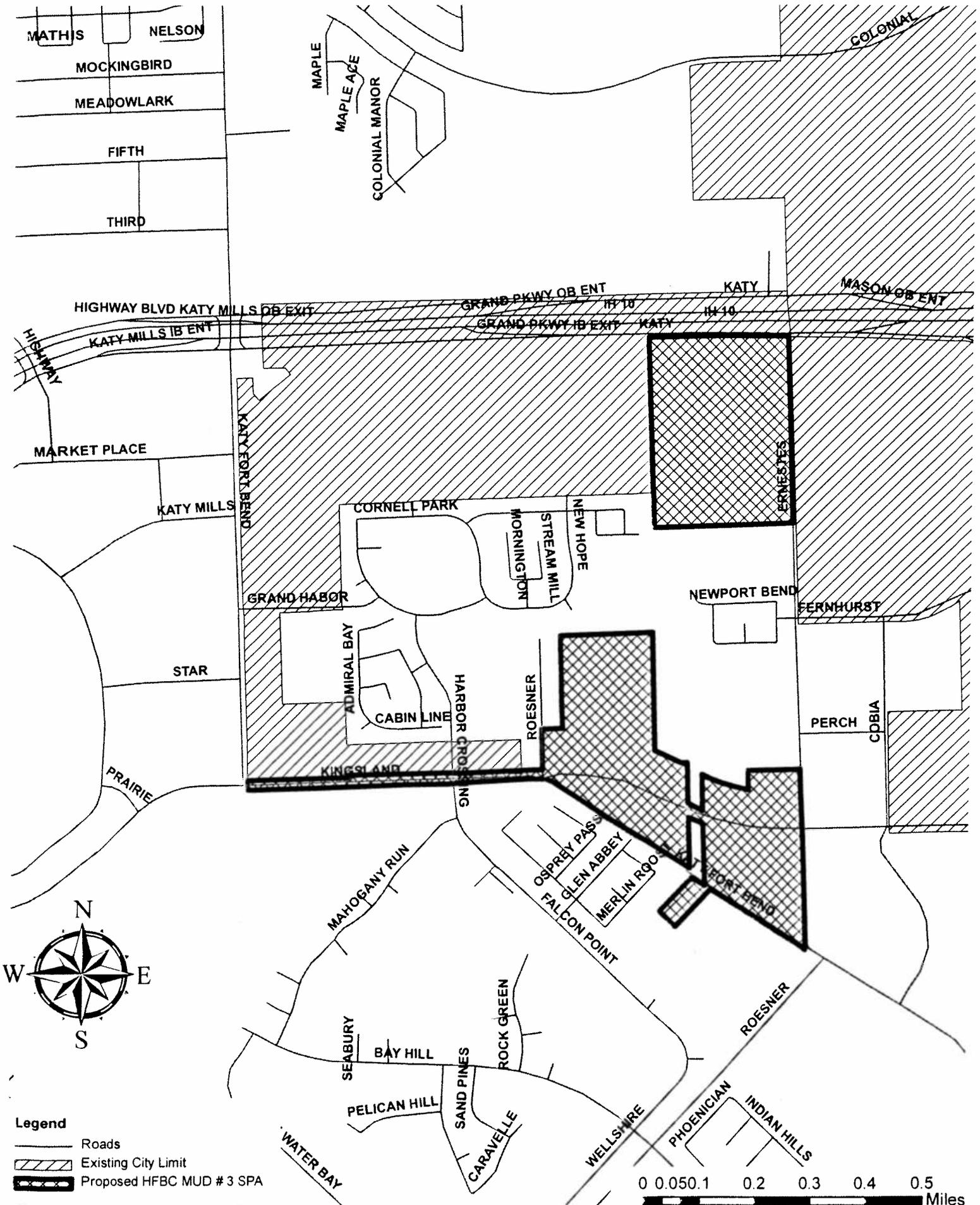
Limited Purpose Annexation: HC WCID # 109



Limited Purpose Annexation: HFBC MUD # 1



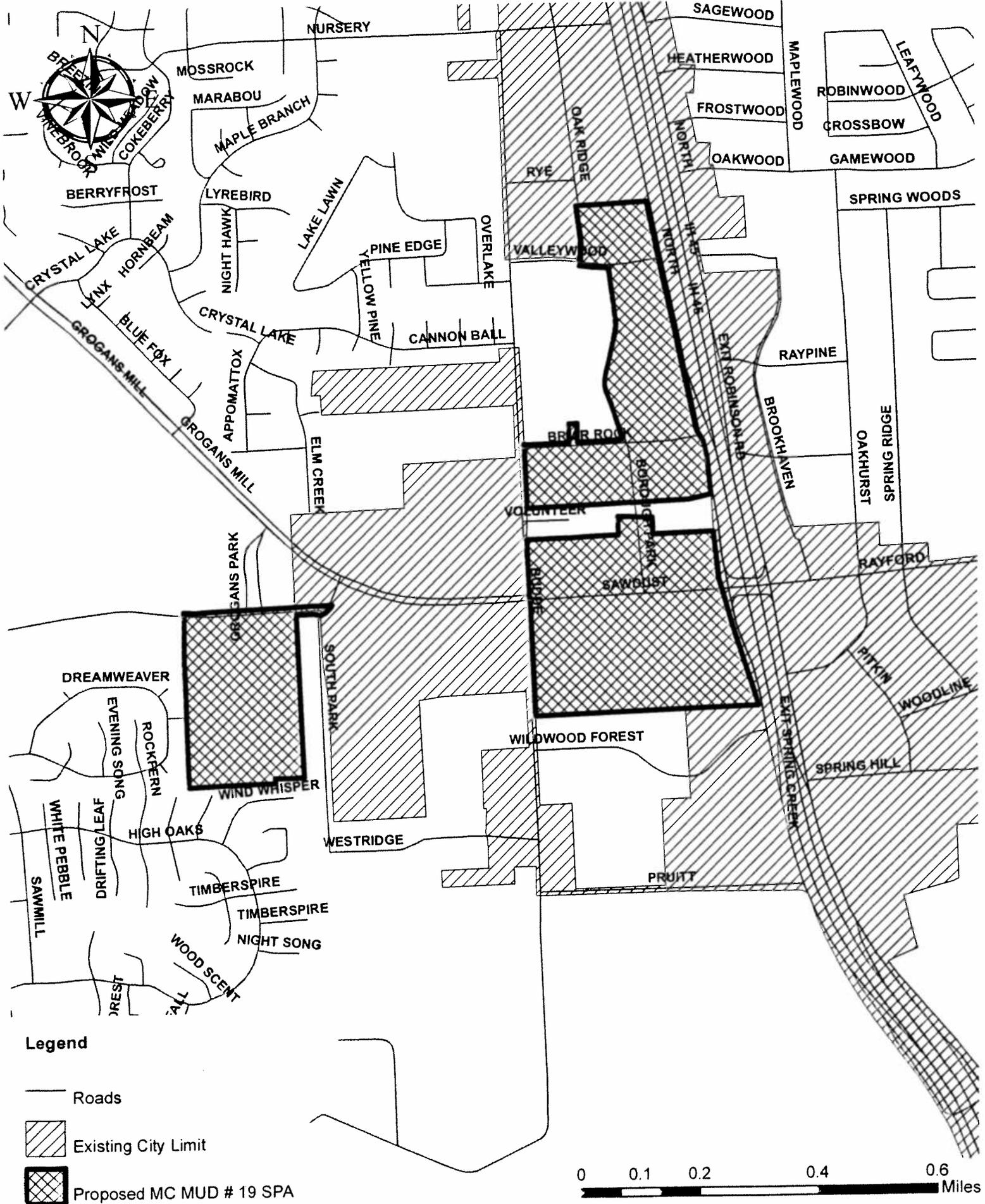
Limited Purpose Annexation: HFBC MUD # 3



- Legend**
- Roads
 - ▨ Existing City Limit
 - ▣ Proposed HFBC MUD # 3 SPA

0 0.050.1 0.2 0.3 0.4 0.5 Miles

Proposed MC MUD # 19



Legend

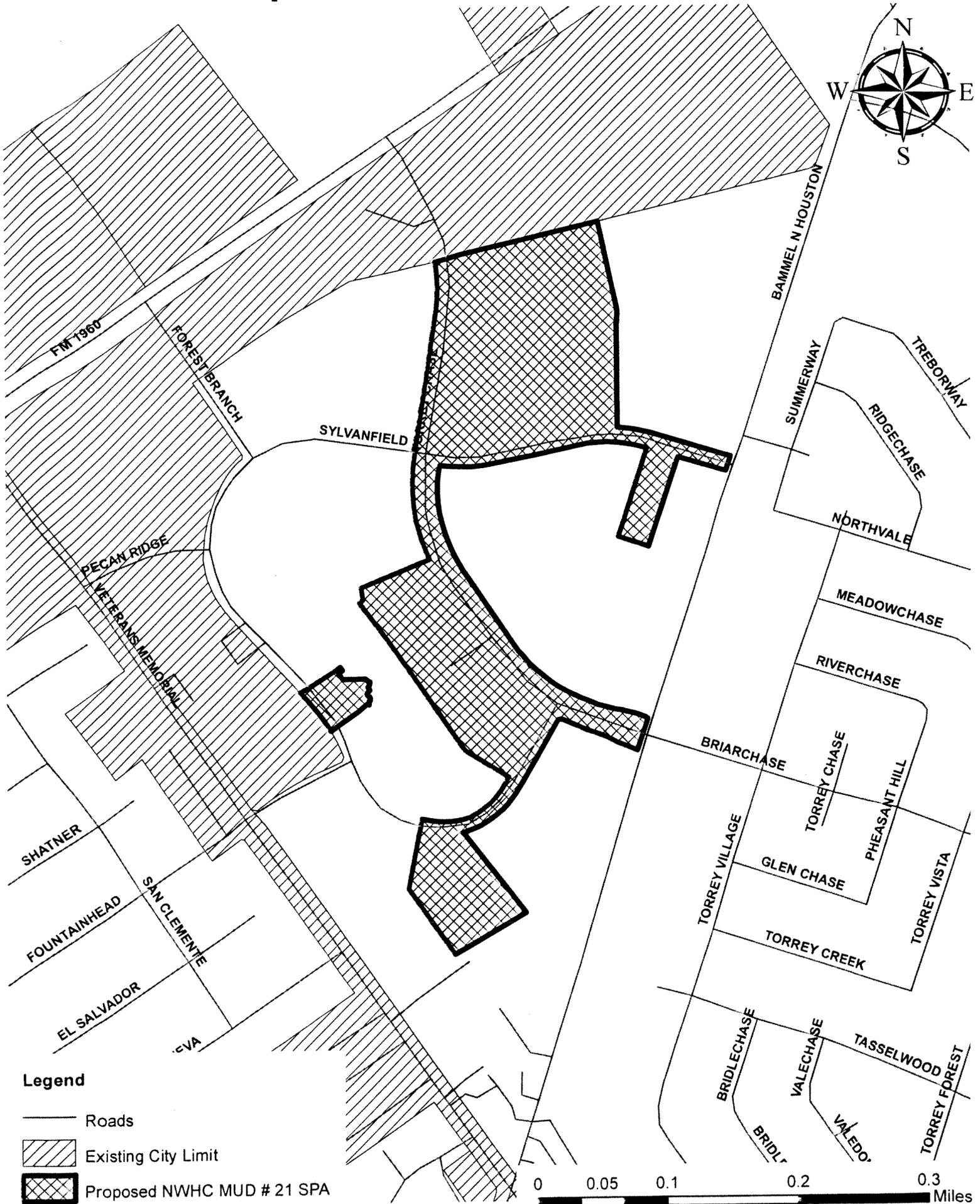
— Roads

 Existing City Limit

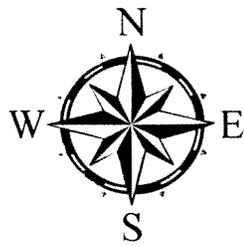
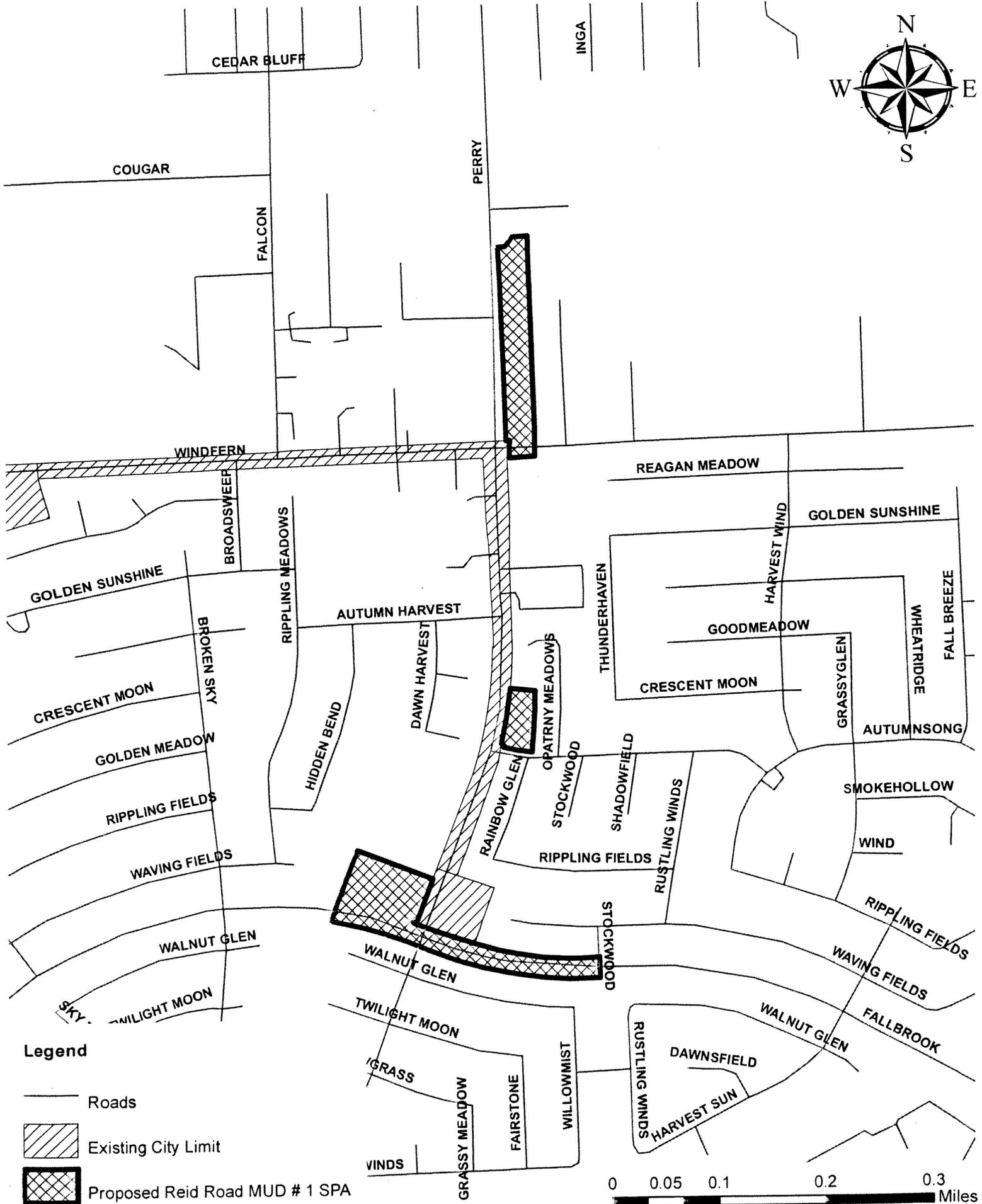
 Proposed MC MUD # 19 SPA

0 0.1 0.2 0.4 0.6 Miles

Limited Purpose Annexation: NWHC MUD # 21



Limited Purpose Annexation: Reid Road MUD # 1

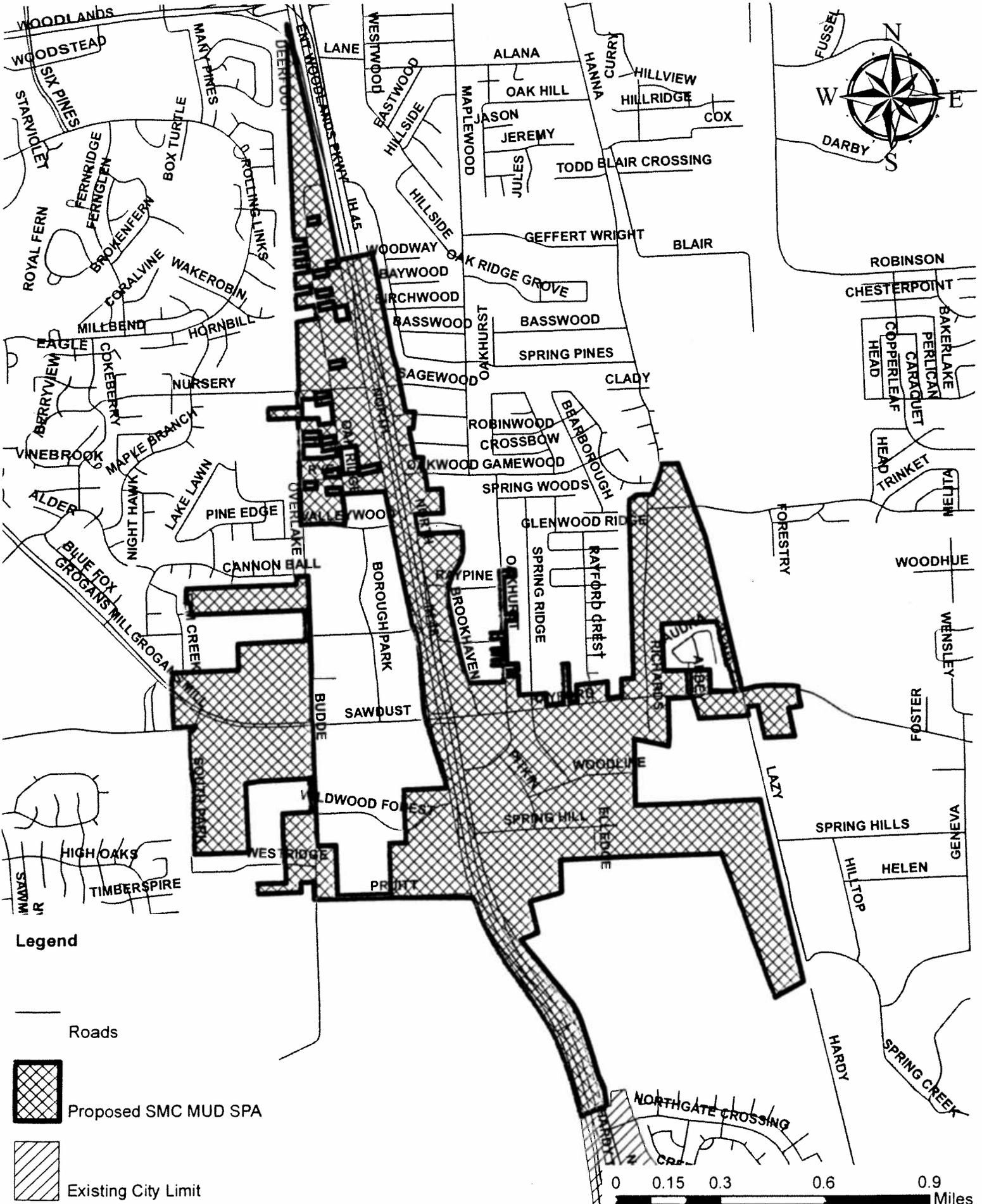


Legend

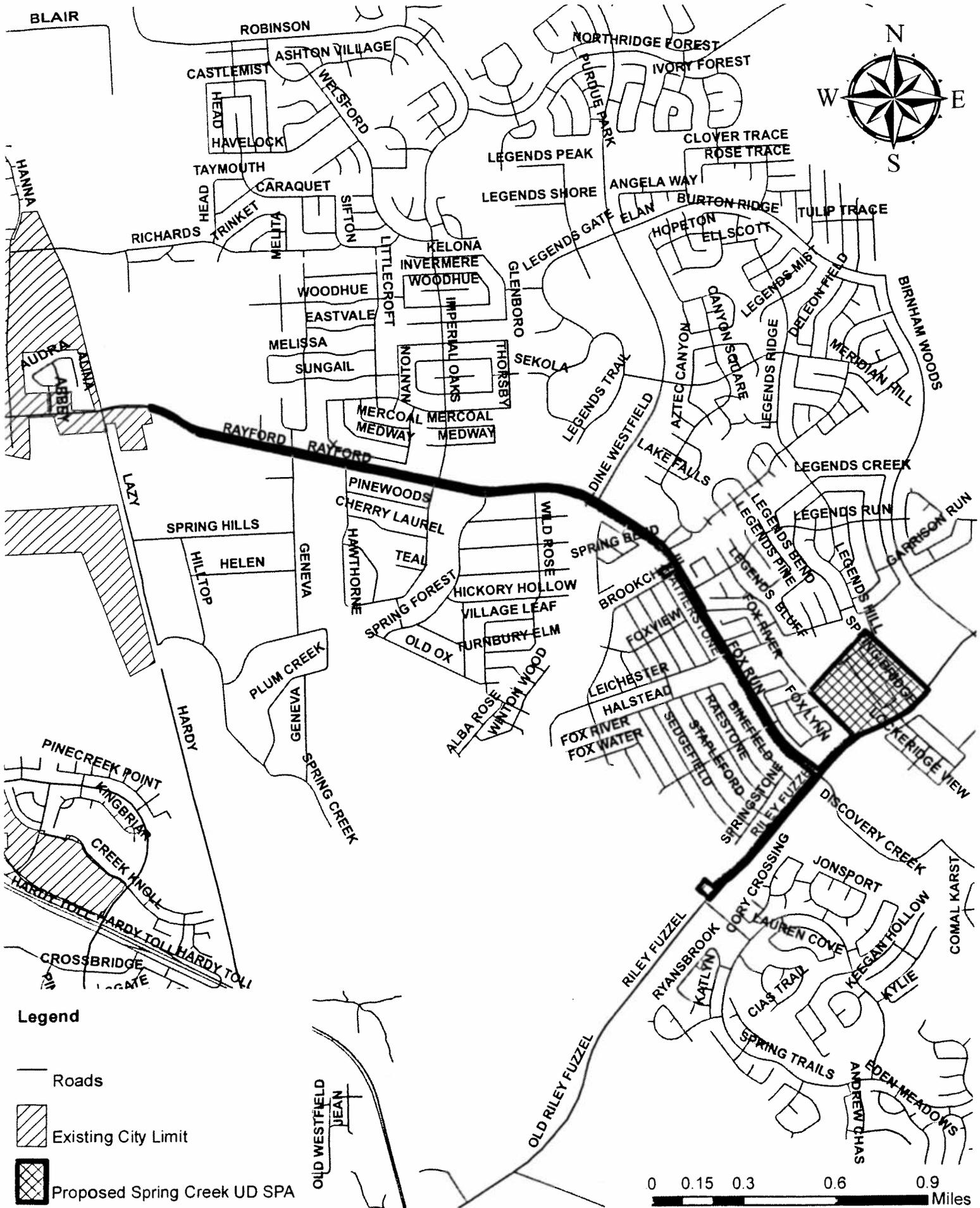
-  Roads
-  Existing City Limit
-  Proposed Reid Road MUD # 1 SPA

0 0.05 0.1 0.2 0.3 Miles

Limited Purpose Annexation : SMC MUD



Limited Purpose Annexation : Spring Creek UD



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. – George Bush Intercontinental Airport/Houston (IAH).	Category #	Page 1 of 2 89	Agenda Item #
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FROM (Department or other point of origin): Houston Airport System	Origination Date November 28, 2011	Agenda Date NOV 30 2011
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DIRECTOR'S SIGNATURE: <i>Kae</i>	Council District affected: B	DEC - 7 2011
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For additional information contact: Janet Schafer <i>INS</i> Phone: 281-233-1796 Roxane Bustos 281-233-1820	Date and identification of prior authorizing Council action: 12/02/09 (O) 09-1223
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AMOUNT & SOURCE OF FUNDING: REVENUE: \$50,000.00 (third year Right of Entry Fee)	Prior appropriations: N/A
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing the execution of Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION:

Background: On December 2, 2009, the City passed an ordinance approving Lease and Development Agreement No. 73651 (Agreement) with IAH Land Partners, L.P. (Developer), for approximately 24 acres within the boundary of the Airport at the corner of John F. Kennedy Blvd. and Rankin Road, divided by the consolidated rental car facility flyover into two parts known as the South and North tracts. Developer is the contracting entity of JDDA and Midway Companies.

The developed facilities must at a minimum provide the following required services: Service Station, Convenience Center, Fast Food Concept, Casual Dining Concept, Coffee Concept, Automatic Teller Machine and a Cell Phone Lot. The Developer is also permitted to provide retail space, hotel and office buildings.

Developer commenced with a Right of Entry Period for two (2) years on the South Tract and a maximum of five (5) years on the North Tract. During the Right of Entry Period, Developer was to complete the preconstruction activities and obtain sublessees and tenants for approval by the HAS Director. The Developer would then commence the construction period and accompanying rental rate on the South tract and the Lease term would commence. Originally, at the earlier of twenty-fourth months or when the project is 50% constructed, a fixed ground rental rate would commence. The Developer must obtain approval from the HAS Director prior to developing the North tract.

Amendment: The Right of Entry Period was originally set to expire on December 13, 2011. The Houston Airport System and Developer are requesting an amendment to extend the Right of Entry period for one additional year and approve an assignment of the Agreement, along with the following terms and conditions:

1. Term: The two (2) year Right of Entry will be extended by one additional year on the South Tract. Developer must commence construction within fifteen (15) months thereafter. The 40-year lease term remains unchanged.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization: <i>[Signature]</i>	Other Authorization:
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Date November 28, 2011	Subject: Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. – George Bush Intercontinental Airport/Houston (IAH).	Originator's Initials	Page 2 of 2
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2. **Consent to Assignment:** Developer and City consent to the Assignment of Agreement by IAH Land Partners, L.P., consisting of General Partner IAH Land Inc., and Limited Partner JDDA Concession Management to World Gateway, LLC, consisting of Co-Managers RCO World Gateway, LLC, and JDDA Concession Management, Inc.
3. **Project Management:** Replace the Project Management by Midway Hospitality, L.P. with Redico Management, Inc.
4. **Rent:** The third year of the Right of Entry Fee is \$50,000. The fixed ground rent shall commence upon the earlier of: Construction Commencement Date or the expiration of the fifteen-month period after Lease Term commences. All other fees and rental amounts remain the same.
5. **Performance Security:** \$100,000 is required for the third year of the Right of Entry Period and the performance security continues until March 13, 2014. If the Agreement is not transitioned into a full Lease Term, as described in the Agreement, or construction does not commence by March 13, 2014, the City of Houston will retain the performance security.
6. **ACDBE and M/SBE Participation:** At execution of this Agreement, the types or mix of businesses in the Facility are not known. Therefore, a goal will not be set at execution. Prior to Occupancy Date, and operation of any concessions, the HAS Office of Business Opportunity shall have calculated an ACDBE goal for the Facility using the goal methodology in place at that time for the City of Houston.

Developer shall make good faith efforts to award construction agreements in at least 16.5% of the value of the construction under this Agreement to M/SBEs.

All other terms and conditions of the Lease will remain in full force and effect.

HCD11-110

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing the submission of the Community Development Block Grant Disaster Recovery Program's 2011 Housing Program Application for General Housing Applicants, which sets forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike Round 2.2; and acceptance of the award from the Texas General Land Office.	Category # 1,2	Page 1 of 1	Agenda Item # 90 #2
	FROM (Department or other point of origin): Housing and Community Development Department		Agenda Date NOV 23 2011

ORIGINATION DATE: 11/14/2011	AGENDA DATE: NOV 23 2011
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DIRECTOR'S SIGNATURE: <i>James D. McFarlane</i>	Council District affected: All	Agenda Date: DEC - 7 2011
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For additional information contact: Veronica Chapa-Jones Phone: 713-868-8335	Date and identification of prior authorizing Council action: 4/29/2009, Ord. #2009-347
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RECOMMENDATION: (Summary)
The Housing and Community Development Department recommends City Council's approval of an Ordinance authorizing the submission of the Community Development Block Grant Disaster Recovery Program's 2011 Housing Program Application for General Housing Applicants, which sets forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike Round 2.2; and acceptance of the grant award from the Texas General Land Office.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION:
The Housing and Community Development Department (HCDD) is requesting approval to submit an application (Application) and accept a grant award from the Texas General Land Office (GLO) for Ike Disaster Recovery Round 2.2. HCDD, on behalf of the City of Houston (City), is applying for the Community Development Block Grant (CDBG) funds that are made available pursuant to the Consolidated Security, Disaster Assistance, and Continuing Appropriations, Act (Public Law 110-329) enacted on September 30, 2008 for the purpose of assisting in recovery activities related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in areas affected by Hurricanes Dolly and Ike. The GLO was designated by Governor Perry as the entity responsible for administration of the Community Development Block Grant disaster recovery funding for Texas, which includes the funds requested in the Application. The City is scheduled to receive \$ 151,413,020. The Houston-Galveston Area Council (H-GAC), on behalf of both the State's GLO and the United States Department of Housing and Urban Development, allocated the City funds in the broad categories, as set out below.

Activity	Allocation
General Housing Allocation	\$ 107,348,346
Affordable Rental Single Family Rental	\$ 7,270,468
Affordable Rental (Other) Multi-Family Allocation	\$ 7,304,160
Subsidized Housing Allocation	\$ 29,490,046
Total	\$ 151,413,020

A summary of the CDBG-Ike/Dolly Hurricane Disaster Recovery (DRS Round 2) was published in the Houston Chronicle on Wednesday, November 23, 2011. The application will be posted at <http://www.houstontx.gov/housing/ikerecovery.html>. The public hearing is scheduled for Monday, November 28, 2011. Public comments will be made a part of the application as required by the regulations. Approval is requested.

JN: VCJ/AZ
cc: City Secretary
Legal Department
Mayor's Office
Finance and Administration

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the Houston Police Department to apply for and accept National Institute of Justice (NIJ) Funding for Strategic Approaches to Sexual Assault Kit Evidence: Phase II Houston SAK Task Force	Page 1 of 2	Agenda Item # 91
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FROM: (Department or other point of origin): Houston Police Department	Origination Date:	Agenda Date: NOV 8 2011
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council District affected: All	DEC - 7 2011
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For additional information contact: Joseph A. Fenninger  11/17/11 CFO & Deputy Director Phone: 713-308-1770	Date and identification of prior authorizing Council Action: Ordinance 2011-0667 August 3, 2011
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RECOMMENDATION: (Summary) The Houston Police Department recommends that City Council adopt an ordinance authorizing acceptance of grant funds from the National Institute of Justice to implement Phase II of the Strategic Approaches to Sexual Assault Kit Evidence.

Amount and Source of Funding: Total \$821,814 National Institute of Justice Federal Grant Fund

SPECIFIC EXPLANATION:

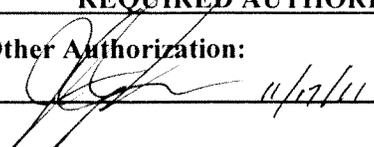
This NIJ grant award represents the second part of a two phase research project titled "Strategic Approaches to Sexual Assault Kit (SAK) Evidence: An Action Research Project." The research focuses on impediments to expeditious processing of sexual assault kits, which is a nationwide issue, and seeks to develop innovative approaches to solve the problem. Houston is one of only two municipalities in the nation that were awarded funds for research. The total funding for this second phase of this project is \$821,814, of which \$414,700 will be used for reducing the backlog of sexual assault kits by outsourcing the associated testing. This phase of the project is expected to last 18 months and run from October 1, 2011 through March 31, 2013. The Houston Police Department will serve as the pass-through agency for funding other partners involved in the project.

It is estimated that \$28,240 will be needed to cover costs of follow-up investigations necessitated by the information developed during the research in the Phase I. These costs include overtime and supplies for investigators from the HPD Special Crimes and Juvenile Divisions needed to interview victims and to determine if CODIS hits are probative. Additional overtime will be used to interview potential offenders and obtain DNA samples from suspects identified through CODIS hits.

\$211,533 will be awarded to Sam Houston State University (SHSU), a sub-grantee and lead research partner on this project. This amount includes salaries, fringe benefits and travel costs for researchers involved in the project's advisory board and for delivery of the final research reports. City Council previously approved a contract in the amount of \$80,890.03 for SHSU on August 3, 2011 for Phase I of this project.

The University of Texas is another sub-grantee on this project and will receive \$161,341 to cover salaries, fringe benefits, travel, supplies, and other associated costs to implement the recommendations of Phase I work by the SAK Task Force. Phase II will utilize action research techniques such as the interactive inquiry process to conduct focus groups and discussions with law enforcement, crime lab specialists, and other stakeholders who are knowledgeable about the process of testing sexual assault kits.

REQUIRED AUTHORIZATION

Finance Budget:	Other Authorization:  11/17/11	Other Authorization:
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Date	Ordinance authorizing the Houston Police Department to apply for and accept National Institute of Justice (NIJ) Funding for Strategic Approaches to Sexual Assault Kit Evidence: Phase II Houston SAK Task Force	Originator's Initials	Page 2 of 2
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The Harris County District Attorney's office will also receive \$6,000 in grant funds to research old sexual assault cases to determine (1) whether there is a sexual assault kit in the case; (2) whether there is biological evidence present in the sexual assault kit; (3) whether the prosecutor requested that the biological evidence be tested, and if not; (4) analyze the necessity of testing the evidence and then; (5) document actions taken.

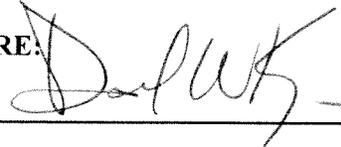
The Houston Police Department has been awarded the grant and its Forensic Services Command (FSC) will outsource 377 pre-screened cases for DNA testing at a cost of approximately \$1,100 per case. The FSC has existing contracts with the four labs that will be responsible for the DNA testing. Upon completion of the DNA testing, these cases will be reviewed and entered into CODIS, as appropriate, for the purpose of identifying perpetrators and/or linking offenses.

**Strategic Approaches to Sexual Assault Kit Evidence: Phase II
Houston SAK Task Force (10/01/11 – 3/31/2013)**

Organization	Amount
Houston Police Department Forensic Services CMD	\$414,700
HPD Special Crimes and Juvenile Divisions	\$28,240
Sam Houston State University	\$211,533
University of Texas	\$161,341
Harris County District Attorney's Office	\$6,000
Total	\$821,814

SUBJECT: Contract Award for New Front Easement Reconnections (UMB) WBS No. R-002011-0079-4, File No. WW 5019-06		Page 1 of 2	Agenda Item # <div style="border: 2px solid black; padding: 5px; display: inline-block;">92</div>
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: NOV 18 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. <div style="margin-left: 100px;">  </div>	Council District affected: All
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For additional information contact: A. James Millage Phone: 713-641-9566 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:
 \$490,163.00 Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 10/18/2011*

PROJECT NOTICE/JUSTIFICATION: This project includes the relocation of sewer services for approximately eighty (80) properties within various locations throughout the City.

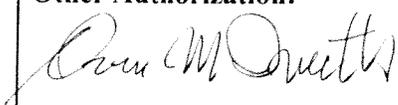
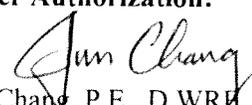
DESCRIPTION/SCOPE: This project requires the abandonment of the sewer to the back lot main and the installation of a new sewer to the front lot main. The Contract duration for this project is 365 calendar days.

LOCATION: The project area is generally bound by the City limits.

BIDS: Bids were received on August 25, 2011. The three (3) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Texas ReExcavation, L.C.	\$462,060.00
2. T Construction, LLC	\$639,630.00
3. Reliance Construction Services, L.P.	\$861,592.50

REQUIRED AUTHORIZATION: CUIC#20AJM263 *MT*

Finance Department:	Other Authorization:  FOR: JAMES MILLAGE	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division
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AWARD: It is recommended that this construction Contract be awarded to Texas ReExcavation, L.C. with a low bid of \$462,060.00

PROJECT COST: The total cost of this project is \$490,163.00 to be appropriated as follows:

- Bid Amount \$462,060.00
- Contingencies \$23,103.00
- Engineering and Testing Services \$5,000.00

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

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to provide health insurance benefits for their employees.

M/WBE PARTICIPATION: No M/WBE participation is required for this project.

DWK:AJM:OS:SM:TC:lpa

cc: A. James Millage
 Sam Lathrum
 Robert Gallegos
 Orin Smith, P.E.

File No. WW 5019-06

93

DEC - 7 2011

MOTION NO. 2011 0872

MOTION by Council Member Lovell that a revised Ordinance be substituted for the ordinance listed as Item 30A, ordinance amending Chapter 8 and 28 of the Code of Ordinances relating to the regulation of automotive businesses, etc.

Seconded by Council Member Gonzalez and carried.

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

PASSED AND ADOPTED this 30th day of November 2011.

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

City Secretary

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS, RELATING TO THE REGULATION OF AUTOMOTIVE BUSINESSES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council previously adopted Chapter 8 of the Code of Ordinances, "Automotive Dealers and Auto Wreckers" ("Chapter 8"); and

WHEREAS, the City Council finds that it is necessary to amend certain provisions of the Code of Ordinances (the "Code") in order to more effectively regulate automotive businesses; and

WHEREAS, the City Council finds it is necessary to amend certain provisions of the Code in order to correct internal references to the applicable governing statutes; and

WHEREAS, the City Council finds that it is necessary to amend the definition of "automotive repair facility" in Chapter 8 in order to clarify the types of businesses included within this category as well as the types of activities that are excluded from the regulations relating to this industry; and

WHEREAS, the City Council finds that, unlike vehicle storage facilities, automotive repair facilities are subject to very few requirements regarding maintenance of their administrative records; and

WHEREAS, the City Council finds that it is necessary to improve the regulation of automotive repair facilities within the City by requiring those businesses to maintain records, include certain information on invoices, provide written estimates and obtain written authorization from customers for automotive repairs, and display signage that informs the public of the rates and charges associated with repairs; and

WHEREAS, the City Council finds that both collision repair facilities and mechanical repair facilities are included within the category of "automotive repair facility" for licensing purposes; and

WHEREAS, the City Council establishes reporting requirements for both collision repair facilities and mechanical repair facilities, while basing certain regulations within Chapter 8 on the nature of the repairs; and

WHEREAS, the City Council finds that it is necessary to add two new positions to the automotive board in order to represent the businesses and citizens subject to or otherwise affected by the regulations promulgated by the City pursuant to Chapter 8 of the Code; and

WHEREAS, the City Council finds that it is necessary to clarify that failure to obtain a license pursuant to Chapter 8 is not a defense to failure to comply with Chapter 8's requirements; and

WHEREAS, the City Council finds that it is necessary to establish certain regulations related to the assessment of administrative or teardown fees by automotive repair facilities, for the purpose of preventing unsavory business practices that undermine the City's regulation of automotive businesses and negatively affect the citizens of the City; and

WHEREAS, the City Council finds that it is necessary to require an automotive repair facility to display its license number on its advertisements, work order authorizations, repair estimates and final invoice forms, and for the City to maintain a list all licensed automotive repair facilities on its website, so that the citizens of the City will have access to information that will assist them in making decisions relating to automotive repair; **NOW, THEREFORE**,

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

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

Section 2. That, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definitions of the terms *automotive rebuilder*, *automotive repair facility*, and *dealer in motor vehicles* are hereby amended to read as follows:

"Automotive rebuilder. Any person who, primarily or incidentally, wholly or part time, engages in the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise operating as a public dealer in used secondhand or salvage titled motor vehicles or trailers for the purpose of rebuilding or dismantling wrecked or salvage titled motor vehicles or trailers."

"Automotive repair facility. Any person who engages in the public business of repairing motor vehicles or motor vehicle trailers, or both, including a mobile automotive repair business and a dealer in motor

vehicles that repairs motor vehicles or trailers; provided, however, that this term does not include i) a fleet repair operation that exclusively services fleet-owned vehicles, ii) a person who engages in automotive repair solely for the purpose of recreation or education and not for any commercial purpose, or iii) an educational repair facility that does not provide repairs or services to the general public."

"Dealer in motor vehicles. Any person who engages in the public business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in motor vehicles or motor vehicle trailers, or both; provided, however, that this term does not include a person who repairs or stores disabled, wrecked or salvage titled motor vehicles."

Section 3. That, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definition of *automotive storage lot operator* is hereby deleted and replaced by the definition of *consent storage lot facility* which shall be inserted in the appropriate alphabetical order position and shall read as follows:

"Consent storage lot facility. Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or repossessed motor vehicles; provided however that this term does not include those who store new motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also does not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code), unless the facility—in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder—keeps vehicles parked or stored with the owners' consent."

Section 4. That Section 8-16 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order position, the following definitions:

"Collision repair facility. Any automotive repair facility that is engaged in the public business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle."

“Mechanical repair facility. Any automotive repair facility that is engaged in the public business of making mechanical-related repairs to motor vehicles or motor vehicle trailers, or both.”

“Used automotive parts recycler. Any person who engages in, conducts, or carries on the public business of keeping or storing discarded, abandoned, junked, wrecked, worn out, salvage titled or otherwise disabled motor vehicles, including but not limited to cars, trucks, tractor trailers and buses, for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such motor vehicles to extract therefrom parts, components or accessories for sale, for export or for use in an automotive repair or rebuilding business.”

Section 5. That Section 8-17 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Subsections (a) and (d) and adding a new Subsection (e) to read as follows:

“(a) There is hereby created an automotive board consisting of thirteen members appointed by the mayor and confirmed by the city council. The mayor shall designate the member to be chairman. Each of the thirteen positions shall be numbered and filled as follows:

- (1) Position number one shall be filled by a new car dealer.
- (2) Position number two shall be filled by a used car dealer.
- (3) Position number three shall be filled by a wholesale parts and accessories dealer.
- (4) Position number four shall be filled by a new and used automobile retail parts dealer.
- (5) Position number five shall be filled by a service station or gasoline station operator.
- (6) Position number six shall be filled by a person who owns and operates a vehicle storage lot.
- (7) Position number seven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is

subject to regulation under this chapter and is situated in the county.

- (8) Position number eight shall be filled by a person who owns and operates a collision repair facility.
- (9) Position number nine shall be filled by a person who owns and operates a used automotive parts recycler or an automotive rebuilder.
- (10) Position number ten shall be filled by a person who owns and operates a mechanical repair facility.
- (11) Position number eleven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is subject to regulation under this chapter and is situated in the county.
- (12) Position number twelve shall be filled by a member of the legal department of the city designated by the city attorney, who shall be an ex officio member only.
- (13) Position number thirteen shall be the chief of police or a duly authorized representative from the automobile dealers detail, who shall serve as secretary of the automotive board and shall be an ex officio member only."

"(d) Six members of the automotive board (excluding ex officio members) present at any meeting shall constitute a quorum for the transaction of all business of the board, and a majority vote of those members of the board present at any meeting shall prevail. The board shall hold not less than one nor more than three regular meetings each calendar month, provided that additional meetings may be conducted if required in order to meet deadlines imposed by law or by any contract to which the city is a party."

"(e) No entity that is subject to regulation under this chapter, including a parent, affiliate, partner or subsidiary thereof, shall be permitted to have more than one representative on the automotive board at any given time. No person who is a member of the automotive board shall be related within the first or second degree by consanguinity or affinity to any other person who is a member of the automotive board. For

purposes of this subsection, "representative" includes an owner, officer, employee or other representative."

Section 6. That Section 8-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-22. Automotive repair facility display and recordkeeping requirements.

(a) An automotive repair facility shall prominently display and have available for inspection the following documentation, as applicable, in the areas of its business premises that are accessible to the public:

- (1) A valid and current automotive repair facility license;
- (2) A valid certificate of occupancy;
- (3) A work order authorization or repair estimate form;
- (4) All storage costs;
- (5) The maximum labor rates for any repair for which the facility charges an hourly rate;
- (6) A storage lot license;
- (7) A certificate of garagekeepers and liability insurance with a policy limit of not less than \$300,000.00;
- (8) A Texas sales tax permit; and
- (9) A certificate of registration, if the automotive repair facility is a collision repair facility.

(b) If a vehicle owner or authorized agent authorizes an automotive repair facility to perform repair work on a motor vehicle, the automotive repair facility shall maintain a record of the work order authorization, repair estimate or final invoice associated with that repair work for two years following the later of the date the work order authorization or repair estimate is provided to the vehicle owner or authorized agent or the date the final invoice is provided to the vehicle owner or authorized agent.

(c) If the total amount of repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the

towing of a motor vehicle, the automotive repair facility shall obtain the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof on a work order authorization or repair estimate prior to initiating any repair on the motor vehicle.

(d) The following information shall be included in the record associated with repair work performed on a motor vehicle:

- (1) The name, address, telephone number and automotive repair facility license number of the automotive repair facility;
- (2) The name, address and telephone number of the vehicle owner and of any authorized agent identified by the vehicle owner;
- (3) If more than 20% of the repair work has been subcontracted to be performed off-premises, a notation on the final invoice indicating the specific repair work that has been subcontracted, provided, further, that the automotive repair facility shall maintain a record of the name, address and telephone number of the person who performed the work;
- (4) The date of a work order authorization, repair estimate or final invoice associated with the repair work;
- (5) The year, make, model, odometer reading (if a reading can be obtained), license plate number and vehicle identification number of the motor vehicle;
- (6) A description of the vehicle owner's or authorized agent's request for repairs to or concerns about the motor vehicle;
- (7) The estimated labor charges based on a flat rate, an hourly rate, or a combination of the two;
- (8) An itemized estimate of the total repair costs, including administrative fees or teardown fees, if any;
- (9) The estimated charges for shop supplies or for hazardous or other waste removal;
- (10) The charges for daily storage of the motor vehicle, as applicable; and

- (11) A space for an initialed notation indicating that the vehicle owner requests the return of replaced parts. Unless otherwise provided by law or by the terms of a warranty, for any repair made to a motor vehicle that is incapable of being operated or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner within a period of time not to exceed seven days from the date that repair of the motor vehicle has begun. For any other repair made to a motor vehicle, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner upon completion of the repair work.

For purposes of this subsection, a "record" consists of the set of documents associated with a repair, including a work order authorization, repair estimate, final invoice and other related documents.

(e) If the cost of repairs exceeds the amount of a work order authorization or repair estimate authorized by the vehicle owner or authorized agent pursuant to subsection (c) by the greater of \$100.00 or ten percent of the amount of the work order authorization or repair estimate, then prior to completing the repairs, the automotive repair facility shall obtain written approval (which may be in electronic or facsimile form) from the vehicle owner or an authorized agent.

(f) A vehicle owner or authorized agent may grant to an automotive repair facility a written waiver (which may be in electronic or facsimile form and shall include the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof) of the requirements of subsections (c) and (e) of this section, provided, however, that this subsection is not applicable to any repair made to a motor vehicle that is incapable of being operated or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter. A waiver granted under this subsection must include the following statement in at least 14 point font size bold type, with a signature line next to the statement: "I understand that my signature is required so that this automotive repair facility may obtain verbal approvals associated with the repair of this motor vehicle, pursuant to Section 8-22(f) of the Code of Ordinances of the City of Houston."

An automotive repair facility that obtains a waiver under this subsection shall maintain a record of the waiver, any oral work order authorization or

repair estimate provided and any verbal authorization obtained pursuant to that waiver for two years following the date that an oral work order authorization or repair estimate is provided to the vehicle owner or authorized agent. A record of waiver, oral work order authorization or repair estimate and verbal authorization shall contain the information required by subsection (d) of this section. Signature of a waiver pursuant to this subsection does not constitute a waiver of the automotive repair facility's obligation to obtain authorization from the vehicle owner or authorized agent prior to the performance of work on the subject motor vehicle.

(g) If the total amount of repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the towing of a motor vehicle, an automotive repair facility or one of its employees commits an offense if the automotive repair facility or employee:

- (1) Makes any repair or assesses any cost that has not been expressly authorized in writing (which may be in electronic or facsimile form) by the vehicle owner or an authorized agent, except as provided in subsection (f);
- (2) Alters any vehicle owner contract, work order authorization, repair estimate, final invoice, or other document without the written authorization (which may be in electronic or facsimile form) of the vehicle owner or an authorized agent, except as provided in subsection (f);
- (3) Fails to provide a vehicle owner a copy of a final invoice requiring the vehicle owner's or authorized agent's signature upon completion or cancellation of the repair work; or
- (4) Fails to provide a vehicle owner a copy of any other document requiring the vehicle owner's or authorized agent's signature upon request of the vehicle owner.

(h) An authorized agent that is an insurance company or an employee thereof commits an offense if, in connection with the repair of damage to a motor vehicle covered by an automobile insurance policy, the authorized agent or employee:

- (1) Solicits or accepts a referral fee or gratuity in exchange for referring a vehicle owner or third-party claimant to an automotive repair facility to repair the damage;

- (2) States or suggests, either orally or in writing, to a vehicle owner that the vehicle owner must use a specific automotive repair facility or an automotive repair facility identified on a preferred list compiled by an authorized agent for the damage repair or parts replacement to be covered by the policy; or
- (3) Restricts the right of a vehicle owner or third-party claimant to choose an automotive repair facility by requiring the vehicle owner or third-party claimant to travel an unreasonable distance to repair the damage.

(i) Any record required to be maintained under this section shall be kept in written form or in an electronic recordkeeping system.

Section 7. That Section 8-26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-26. Other required records.

(a) Every person who, as dealer, makes any sale, purchase, transfer or exchange of either a new or used motor vehicle, or new or used motor vehicle trailer in the city shall keep a record of any and all transfers and assignments, if any, made by the person, or chattel mortgages, liens or notes covered by or secured by lien upon those motor vehicles or motor vehicle trailers. The record shall include the following information:

- (1) The name and address of each transferee; and
- (2) A description of the mortgage, lien or note transferred and of the property affected thereby, including the motor number, model and license number of the motor vehicle or trailer therein involved.

(b) Every licensee under this article who repossesses any motor vehicle or trailer or forecloses any lien or mortgage upon any motor vehicle shall keep a record of each repossession or foreclosure that includes the following information:

- (1) The name of the mortgagor or lienholder;
- (2) The amount of indebtedness, principal, interest and other items, if any, separately;

- (3) The date and manner of foreclosure, whether by suit or private sale; and
- (4) The description of the property repossessed or foreclosed upon, including the motor number, model and license number of the motor vehicle or trailer therein involved, and the name and address of the purchaser thereof.

(c) Every licensee under this article who deals in secondhand or used motor vehicle parts or accessories shall keep a record of secondhand and used motor vehicle accessories and parts except tires, purchased by the licensee or deposited for any purpose with such licensee, and of each motor vehicle or motor vehicle trailer purchased or received by such person for the purpose of rebuilding or dismantling the same. With respect to accessories and parts, the record shall include any item that constitutes a "major component part" as defined in section 501.091 of the Texas Transportation Code, or a "component part," "interior component part," "minor component part," or "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code. Additionally, the record shall include any other part or parts that are regularly the subject of trade by automotive parts thieves as determined by regulation promulgated by the automotive board; and supported by clear and convincing evidence that there is recurring theft of the same type of part, provided that any such automotive board regulation that adds additional parts shall expire on the second anniversary of its adoption unless extended by the automotive board, and again supported by clear and convincing evidence that there is recurring theft of the same type of part.

The record shall include the following information:

- (1) The vehicle identification number and license number of all motor vehicles or trailers transferred unto the licensee;
- (2) An accurate description in the English language of the secondhand or used motor vehicle parts or accessories purchased or deposited, the vehicle identification number of the motor vehicle from which the parts or accessories were removed, the amount of money paid for same or loaned thereon, and the time of purchase, transfer, or deposit thereof;

- (3) The name, age, sex, signature, if any, residence, race, and approximate height and weight of the person from whom the licensee acquired the property;
- (4) A photograph depicting the transferor or seller with the secondhand or used motor vehicle parts or accessories purchased and a thumbprint of the transferor or seller, provided that if a licensee acquires an entire motor vehicle or trailer from the owner of the motor vehicle or trailer, then in lieu of the photograph and thumbprint, the buyer shall obtain and maintain a copy of the seller's vehicle title and the vehicle identification number of the motor vehicle or the trailer; and
- (5) A unique identification number which corresponds to a transaction and has been attached to the motor vehicle or trailer and to the secondhand or used motor vehicle parts or accessories purchased by the licensee.

(d) It is an affirmative defense to prosecution under this section that both the transferor and the transferee are city or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with Chapter 2302 of the Texas Occupations Code requesting the name of the business that the motor vehicle or motor vehicle part is purchased from and the Texas Certificate of Inventory number or federal taxpayer identification number and the record must include the part description and a unique inventory number or motor vehicle identification number from which the part came. It is also an affirmative defense to prosecution under this section that the transferee is a city licensed dealer in used parts and used accessories and that the transferor is a person who conducts a similar business in another jurisdiction who caused the parts or accessories to be delivered to the transferee by commercial freight line or common carrier and the transferee documented the inventory number kept by the transferor for the part under Texas state law, if the transferor resides in Texas, or obtain the transferor's federal taxpayer identification number if the transferor resides outside the State of Texas. The provisions of this section are in addition to any applicable state law, including but not limited to Chapter 2302 of the Texas Occupations Code. Records forms promulgated hereunder shall be designed to include any state requirements that are also applicable in order to avoid any duplication of records. Any violation of this section that also constitutes a violation of state law shall be punishable as provided by the applicable state law.

(e) A person who sells a motor vehicle, motor vehicle trailer, or a secondhand or used motor vehicle accessory or part to a licensee under this section must have a valid government issued ID from which the licensee shall record the required information.

(f) Any record required to be maintained under this section shall be kept at the place of business of the licensee in written form or in an electronic recordkeeping system."

Section 8. That Section 8-30 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and automotive repair facilities.

(a) *Definitions:*

Automotive business dealing in used parts and used accessories means any lot or tract of land used for the purpose of carrying on the trade of a "used parts and used accessories dealer," as defined in this chapter.

Automotive repair facility means any lot or tract of land used for the purpose of carrying on the trade of an "automotive repair facility," as defined in this chapter.

Automotive rebuilder means any lot or tract of land used for the purpose of carrying on the trade of an "automobile rebuilder," as defined in this chapter.

Used automotive parts recycler means any lot or tract of land used for the purpose of carrying on the business or trade of a "used automotive parts recycler," as defined in this chapter.

Solid in reference to a fence means a fence constructed and maintained so that the outer surface is continuous and without gaps. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

Stored means placed or left on property.

(b) *Compliance.* All lots and tracts of land used for the purpose of carrying on the business or trade of a used automotive parts recycler, an

automotive rebuilder, an automotive repair facility or an automotive business dealing in used parts and used accessories shall comply with the requirements of this section.

(c) *Removal of flammable liquids from vehicles.* All gasoline, gasohol, and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is stored at a used automotive parts recycler, automotive rebuilder or automotive repair facility in the city. All flammable liquids drained from any vehicle in the yard shall be stored in a safe manner and in strict accordance with the Fire Code of the city.

(d) *Fencing wall requirements.* Each area utilized for the keeping or storing of used automotive parts or used accessories by an automotive business dealing in used parts and used accessories or each area that is utilized for the keeping, storing, dismantling, cutting up, stripping or otherwise wrecking of any discarded, abandoned, junked, wrecked or otherwise disabled automotive vehicles upon any used automotive parts recycler, automotive rebuilder or any automotive repair facility within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of the yard that extends generally parallel to, and within one hundred (100) feet of any public street right-of-way shall be enclosed by a solid fence or wall at least eight feet in height.
- (2) All sides of the yard not included in (d)(1) above shall be enclosed by a solid fence or wall at least six feet in height.

(e) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of a used automotive parts recycler, automotive rebuilder or automotive repair facility shall be enclosed by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.

- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(f) *Use of wall, door or building as part of fence or wall.* Any part of a fence or wall required by subsection (d) may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on the premises, if the wall or door meets all construction requirements hereinabove set forth.

(g) *Gates at openings in enclosure.* Openings in the prescribed enclosure that are necessary to permit reasonable access to used automotive parts recyclers, automotive rebuilders, automotive repair facilities or automotive businesses dealing in used parts and used accessories shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Gates shall be closed and securely locked at all times, except during normal business hours.

(h) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom outside of or above the herein required fence or wall. It is a defense to prosecution under this subsection that the actor has established and is using one unfenced rectangular area not exceeding ten feet by 100 feet in maximum dimensions on the premises to display dismantled component parts or accessories for sale, which parts and accessories are stored and arranged in compliance with all other applicable provisions of this section. The display area authorized in the foregoing affirmative defense may also be utilized for the display for sale of whole motor vehicles, whether wrecked or damaged, provided that the operator of the premises also holds an automotive dealer's license for vehicle sales at the premises. Nothing in this subsection shall be construed to authorize the use of any public street or other public property for the sale or display of any merchandise in contravention of section 40-8 of this Code.

(i) *Arrangements of vehicles, parts and materials.*

- (1) All automotive vehicles, parts and other materials located in or on the premises of any used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive

business dealing in used parts and used accessories in the city shall be arranged so as to allow reasonable access to, and inspection of, the premises by authorized fire, health, neighborhood protection and police officials of the city.

- (2) All automotive vehicles, parts and materials stored in any used automotive parts recycler, automotive rebuilder, automotive repair facility, or automotive business dealing in used parts and used accessories must be stored at least six inches above the surface of the yard. A motor vehicle stored in its normal upright position shall be deemed to be stored in compliance with the foregoing requirement if all portions of the body floor plan of the vehicle are situated at least six inches above the lot surface, regardless of the height of wheels, tires, brake components, axles and suspension components that are attached in their normal manner to the vehicle and regardless of the height of wheels, tires or other devices used to elevate the vehicle.

It is an affirmative defense to prosecution under this item (2) that the vehicle's parts and materials were in process of disassembly and were situated within a "disassembly area" designated a used automotive parts recycler or automotive rebuilder pursuant to item (3), below, at the time of the alleged offense.

- (3) Each duly licensed used automotive parts recycler or automotive rebuilder may file with the automotive board a plat or legal survey of its yard accurately setting forth under oath the dimensions and size of the yard, exclusive of all covered improvements and out buildings utilized as part thereof and in connection therewith. The plat or legal survey shall also accurately depict all adjoining public thoroughfares. Each yard filing a plat or legal survey may designate upon the plat or legal survey an accurately delineated open area not to exceed 20 percent of the unimproved area within the yard, or 21,780 square feet within the yard, whichever designation is smaller, as a "disassembly area." Upon approval of the plat or legal survey and designated "disassembly area" by the automotive board, the duly licensed yard operator may use the area for the active disassembly of wrecked vehicles in the usual course of yard business. A true copy of the approved plat or legal survey and designated "disassembly area" shall be displayed at all times upon the premises of

business for review by any peace officer of the State of Texas or the neighborhood protection official of the city.

(j) *Control of vegetation.* It shall be unlawful for the owner or operator of a used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive business dealing in used parts and used accessories to allow grass or other vegetation to grow to a height of more than nine inches above the ground

(k) *Watershed.* No used automotive parts recycler, automotive rebuilder, automotive repair facility or automotive business dealing in used parts and used accessories shall be located on top of a watershed.

(l) *Compliance with regulations and ordinances.* All used automotive parts recyclers, automotive rebuilders, automotive repair facilities and automotive businesses dealing in used parts and used accessories must at all times be in full compliance with all city ordinances regarding health and safety, including specifically without limitation, all requirements of the Fire Code, and with all state regulations regarding hazardous waste disposal, including specifically without limitation, all requirements promulgated by the Texas Commission on Environmental Quality.

(m) *Improved surface.* All portions of lots or tracts of land used in the operation of a used automotive parts recycler, an automotive rebuilder, an automotive repair facility or an automotive business dealing in used parts and used accessories must have an all-weather surface of concrete, asphalt, blacktop, stone, macadam, limestone, iron ore, brick pavers, gravel or shell of the composition and drainage as to enable the safe and effective movement of motor vehicles upon all portions of the lot, both under their own power and under tow, at all times regardless of prevailing weather conditions.

(n) *Violations and penalties.* Failure by any person to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a used automotive parts recycler, an automotive rebuilder, automotive repair facility or an automotive business dealing in used parts and used accessories under this Code. It shall be unlawful for any person to fail to comply with any applicable provision of this section.

(o) *Vehicles stored less than 30 days for repairs.* For automotive repair facilities, it is an affirmative defense to prosecution under subsections (c) and (d), above, that a wrecked or disabled vehicle stored thereupon is owned by a person other than the owner of the automotive

repair facility and is being stored at the automotive repair facility for the purpose of its repair at the automotive repair facility and that the vehicle has been stored upon the automotive repair facility for 30 days or less at the time of the alleged offense.”

Section 9. That Section 8-31 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 8-31. Penalty.

Unless otherwise provided, any person who violates any provision of this article, regardless of whether the person holds a license issued pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$500.00; provided, however, if the person is convicted of an offense under this article that is also a violation of the penal laws of the state, the person shall be subject to the penalties set out in the penal laws for the offense.

A used parts and accessories seller commits a separate offense for each sale of used parts or used accessories made without a valid salesman's license. The offense shall be punishable by a fine of not less than \$200.00 nor more than \$500.00 than for each transaction.”

Section 10. That Division 1 of Article II of Chapter 8 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 8-32 that reads as follows:

“Sec. 8-32. Administrative fees and teardown fees.

(a) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner an administrative fee in excess of \$50.00. For purposes of this subsection, “administrative fee” means a fee assessed for the processing of paperwork on a motor vehicle being repaired.

(b) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner a teardown fee in excess of the manufacturer standards established in the most recent version of an estimating guide for motor vehicle components and labor hours, including a guide published or otherwise maintained by CCC Pathways, Mitchell, Audatex, or AllData. For purposes of this subsection, “teardown fee”

means a fee assessed for the removal of a motor vehicle component to determine the extent of damage associated with that motor vehicle component.

(c) Any person alleging a violation of this section shall file a sworn complaint in the municipal court."

Section 11. That Subsection (a) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing existing Items (1), (2), (3), (4), (5) and (7) with the following new Items (1), (2), (3), (4), (5) and (7) to read as follows:

"(1) Dealer in motor vehicles	\$330.00	\$310.00"
"(2) Wholesale automotive jobber and supply dealer	\$220.00	\$200.00"
"(3) Retail supply dealer	\$170.00	\$150.00"
"(4) Automotive rebuilder	\$610.00	\$590.00"
"(5) Used automotive parts recycler	\$610.00	\$590.00"
"(7) Consent storage lot facility	\$330.00	\$310.00"

Section 12. That Subsections (c) and (d) of Section 8-58 of the Code of Ordinances, Houston, Texas, are hereby amended by deleting the word "such" where it appears and replacing it in each instance with the word "the."

Section 13. That Subsection (f) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the word "such."

Section 14. That Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) that reads as follows:

"(g) It shall be unlawful for any person to operate a business for which a license under this division is required without first obtaining a license therefor."

Section 15. That Section 8-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 8-61. Display.

(a) A license issued under this division shall be displayed in a conspicuous place in the office of each place of business maintained by the licensee.

(b) The license number of an automotive repair facility license issued under this division shall be included in print or internet advertisements for the automotive repair facility and printed on work order authorization, repair estimate and final invoice forms utilized by the automotive repair facility.

(c) The city shall maintain a list of all licensed automotive repair facilities on its website and shall update that information on a quarterly basis.”

Section 16. That Subsection (a) of Section 8-91 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) Pursuant to the provisions of this division, an automotive repair facility that primarily functions as a body shop may qualify to obtain a license as a body shop facility with storage privileges. A holder of that license shall, subject to compliance with this division, be entitled to function as both an automotive repair facility and a consent storage lot facility under this article so that a storage fee may be imposed for vehicles that are stored with the owner's consent pending their repair at the body shop or other disposition. The holder of a body shop facility with storage privileges license shall not be required to also hold an automotive repair facility license or a consent storage lot facility's license for operations at the covered premises in compliance with this division.”

Section 17. That Item (4) of Section 8-92 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(4) That the premises abuts a major thoroughfare and will take access to the premises for all purposes relating to the operation of the body shop and the storage of vehicles from the major thoroughfare, provided, however, that any body shop facility with storage privileges that commenced

operations on or after December 27, 1999, in compliance with this subsection may continue to operate at its premises notwithstanding a subsequent reclassification of the abutting major thoroughfare to a lower classification of public street.”

Section 18. That the caption of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 28-34. Location of automobile storage lots, used automotive parts recyclers or lots used for open storage by automotive rebuilders and lots used for open storage by metal recyclers/secondhand metal dealers.”

Section 19. That Subsections (a), (b), (c), and (d) of Section 28-34 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(a) *Prohibition.* It shall be unlawful for any person to operate or cause to be operated within 300 feet of an existing church, school, or residence:

- (1) An automobile storage lot, whether licensed as an automotive storage lot pursuant to chapter 8 of this Code or as a vehicle storage facility pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code);
- (2) A used automotive parts recycler as defined in chapter 8 of this Code;
- (3) A lot used for open storage by an automotive rebuilder as defined in chapter 8 of this Code;
- (4) A lot used for open storage by a metal recycler/secondhand metal dealer as defined in chapter 7 of this Code; or
- (5) A lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code.

The 300 foot measurement required under this section shall be made on the basis of land uses in existence at the time that the original permit or license application for the facility is filed and at the time of any expansion of the size of the property used for the facility. A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and,

provided that the facility remains continuously in operation without cessation for a period of 180 or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.

(b) *Definitions and standards:*

Boundary of operations. The fence line limiting the portion of a larger lot or tract to be used as the business operation area for the business requiring licensure under this Code. The boundary of operations and the fence shall be shown on a legal (or official) survey filed with the application for license and must be fenced according to the applicable standards of this Code. The survey shall additionally show each route that will be used for vehicular ingress or egress to the business operation area. If the ingress or egress will not be exclusively taken from one or more public streets that abut the business operation area, then each route of vehicular ingress or egress must be included within the surveyed and fenced boundary of operations. This definition is applicable to automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, and lots used for open storage by metal recyclers/secondhand metal dealers only and has no effect on any other person or business required to be licensed by the city.

Church. A structure where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

Measurement of 300 feet. The straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.

Open storage. Materials stored upon a lot not within an enclosed structure.

Residence. Any structure which, at the time that the application for a license is filed, is being used as a dwelling place for residential purposes, whether single-family or multifamily. A structure located on a lot or tract of land used as an automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder, or lot used for open storage by

a metal recycler/secondhand metal dealer shall not be considered a residence within the terms of this definition.

School. A public or private elementary, junior high or high school.

(c) *Existing structure.*

- (1) The terms of this section apply to all existing licensed automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, and lots used for open storage by metal recyclers/secondhand metal dealers, from and after December 22, 1982, and to all lots used for open storage by a used parts and used accessories dealer, from and after December 22, 1993. Any owner or operator of an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or lot used for open storage by a metal recycler/secondhand metal dealer, which as of December 22, 1982, and any owner or operator of a lot used for open storage by a used parts and used accessories dealer, which as of December 22, 1993, is located within 300 feet of a church, school or residence shall, within 30 days of the date specified above, as applicable, make application with the appropriate licensing department for a special permit that indicates that the holder of the permit is located within 300 feet of a church, school or residence. It shall be unlawful to own or operate an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, a lot used for open storage by a metal recycler/secondhand metal dealer or a lot used for open storage by a used parts and used accessories dealer within 300 feet of a church, school or residence without first procuring the special permit required by this subsection.
- (2) Subject to compliance with other applicable laws, including chapters 7 and 8 of this Code as applicable, a special permit may be transferred to another owner. Application shall be made to the department responsible for issuing the permit, and the permit shall be executed by both the transferor and the transferee. If use of the premises is suspended at any time for a period of 90 or more consecutive days, then the special permit shall expire. This provision shall not be construed to allow the transfer of a special permit that has so expired. A special permit may be revoked for failure to

comply with any applicable law, regulation, or statute relating to the licensing or other regulation of the business.

- (3) If improvements upon any lot covered by this subsection are destroyed or damaged as a result of fire, explosion, weather or other Act of God in excess of 50 percent of the value of the then-current market value of the improvement based on the current city tax rolls, the improvement shall not be rebuilt or otherwise reconstructed. Nothing in this subsection shall be construed to prohibit the minor repair or routine maintenance of any existing improvements.
- (4) No holder of a special permit shall be entitled to expand or otherwise enlarge the business by adding additional improvements or land or to make a new investment thereto; provided, however, that this restriction on the addition of improvements shall not apply to improvements made in order to comply with any state or local ordinance, statute or regulations.
- (5) If a licensed automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, or a lot used for open storage by a metal recycler/secondhand metal dealer or a used auto parts and used accessories dealer holds a valid special permit under this subsection, then it shall not be placed in violation of this section, or become ineligible for a renewal of a permit or license, or be required to obtain a special permit, due to the subsequent construction or placement of a church, school or residence within 300 feet of the location of the licensed business.

(d) *Newly annexed areas.* Persons owning or operating automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, lots used for open storage by metal recyclers/secondhand metal dealers, and used parts and used accessories dealers situated in areas that are newly annexed into the corporate limits of the city after the dates specified in subsection (c) above, as applicable, may apply for and be granted special permits in the same manner provided for existing owners or operators under subsection (c), above. The application for the special permit must be filed within 30 days following the effective date of the annexation of the area where the lot or yard is situated. Special permits issued under this subsection and holders thereof shall be subject to all of the same restrictions imposed under subsection (c) with regard to other special permits and holders

thereof, provided that the effective date of the annexation of the area where the lot or yard is situated shall apply in lieu of the applicable date specified in subsection (c) above, in any determination made with regard to the special permit or business operated thereunder. The provisions of this subsection shall not be available to the operator of any premises unless the premises was open for a business subject to regulation under this section on the date of first publication in a newspaper of general circulation of the notice of annexation hearings under Section 43.052 of the Local Government Code or unless the operator had, on or before that date, leased or purchased the property and had actually commenced improving it for the express purpose of establishing the regulated business."

Section 20. That Item (1) of Subsection (f) of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(f) Improvement of specially permitted facilities.

(1) Notwithstanding the provisions of item (4) of subsection (c), above, the planning commission may authorize the improvement of a specially permitted facility that is regulated under this section in accordance with this subsection. An application for improvement of a specially permitted facility shall be made to the planning official in a form prescribed by the director of planning and development and shall include:

- a. A nonrefundable fee of \$200.00; and
- b. A statement of the specific facts and reasons that the applicant believes warrant the authorization, which shall address each of the criteria of item (4) of this subsection.

The director shall review each application and provide a staff report regarding the application to the commission prior to the meeting at which the application will be considered. The commission shall schedule the consideration of each application for a meeting of the commission and shall instruct the applicant and the director to give notice as provided in items (2) and (3) of this subsection."

Section 21. That the provisions of Division 2 of Article II of Chapter 8 as amended by this Ordinance with respect to the issuance and term of the licenses listed

in Section 8-58 shall apply prospectively from and after the effective date of this Ordinance. Licenses listed in Section 8-58 as it read before its amendment by this Ordinance issued before the effective date of this Ordinance shall remain effective for their previously designated one-year term, and no provision of this Ordinance shall be construed to extend their terms.

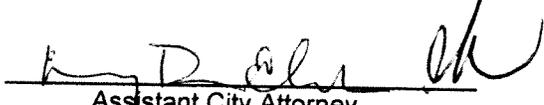
Section 22. That the Police Chief may promulgate regulations and forms for the orderly implementation of this Ordinance. A copy of any such regulations shall be maintained for public inspection in her offices, and copies shall be made available at the fees prescribed by law.

Section 23. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 24. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on February 1, 2012.

PASSED AND APPROVED this ___ day of _____, 2011.

Mayor of the City of Houston

Prepared by Legal Dept. 

MFC:mfc 11/29/11

Assistant City Attorney

Requested by Charles A. McClelland, Jr., Chief of Police

L.D. File No. 0621000248001