

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 21, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Noriega

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

NOTE: If a translator is required, please advise when reserving time to speak

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 22, 2012 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director of Finance Department to approve the competitive sealed proposal method for the procurement of natural gas for City facilities
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 City of Houston Floodplain Management Plan

AGENDA - AUGUST 22, 2012 - PAGE 2

ACCEPT WORK - NUMBERS 3 through 4A

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$981,305.00 and acceptance of work on contract with **BUTCH'S WATERPROOFING L.P.** for 611 Walker Exterior Renovations and Repair - 1.67% under the original contract amount
DISTRICT I - RODRIGUEZ
4. ORDINANCE appropriating \$196,500.98 out of Metro Projects Construction DDSRF as an additional appropriation to contract between the City of Houston and **TEXAS STERLING CONSTRUCTION CO.** for North MacGregor Way Relocation from MacGregor Drive to Alameda Road (Approved by Ordinance No. 2008-1008)
 - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$196,500.98 and approval of final contract amount of \$5,935,760.68 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION CO.** for North MacGregor Way Relocation from MacGregor Drive to Alameda Road - 8.60% over the original contract amount - **DISTRICT D - ADAMS**

PROPERTY - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY11-137, located at 10202 Jensen Drive, owned by A & M Mattress Company, a Texas corporation, for the **PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US/59 Eastex Freeway)** - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 8

6. **NWN CORPORATION** for purchase of Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - \$1,322,165.78 - Central Service Revolving Fund
7. ORDINANCE appropriating \$17,020.00 out of Equipment Acquisition Consolidated Fund for the purchase of a Forklift for the General Services Department
 - a. **BRIGGS EQUIPMENT, INC** for Forklifts and Manlifts for the General Services Department \$180,365.09 - Enterprise Fund
8. **AMEND MOTION #2009-681, 9/16/09, TO INCREASE** spending authority from \$472,704.33 to \$590,880.41 for Janitorial Supplies for Various Departments, awarded to **BUCKEYE CLEANING CENTER-HOUSTON** - \$118,176.08 - General and Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 9 through 36

9. RESOLUTION supporting other Entergy Service Area Cities in a settlement in principle regarding the transfer of operational control of Entergy Texas Inc's Transmission System to the Midwest Independent Transmission System Operator, Inc in Public Utility Commission Docket No. 40346
DISTRICT E - SULLIVAN
10. ORDINANCE **AMENDING RULE 6 OF SECTION 2-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Code of Conduct applicable to Council Members
11. ORDINANCE **AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Ethics and Financial Disclosure; declaring certain conduct to be unlawful and providing penalties therefore

RESOLUTIONS AND ORDINANCES - continued

12. ORDINANCE **AMENDING VARIOUS SECTIONS OF AND READOPTING ARTICLE XII OF CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding Standards of Care for Houston Youth Recreation Programs; containing findings and other provision related to the subject; providing an effective date; providing for severability
13. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AERO HOUSTON CENTRAL, LP**, for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS**
14. ORDINANCE approving and authorizing agreement between the City of Houston and the **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION** for Professional Services for the drafting for Regional Catastrophic Preparedness Planning for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$124,438.00 - Grant Fund
15. ORDINANCE appropriating \$1,000,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing fourth amendment to Loan Agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC**, to provide up to a \$1,000,000.00 grant to acquire a minimum of an additional eleven distressed properties for demolition and/or rehabilitation or redevelopment and provide home ownership opportunities to qualified individuals/families under the Neighborhood Stabilization Program - **DISTRICT B - DAVIS**
16. ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston and **TEJANO CENTER FOR COMMUNITY CONCERNS, INC** for the sale of 0.3067 acres of land and improvements located at 6901 Brownwood Street, for the purchase price of \$38,000.00 (Parcel SY11-069) - **DISTRICT H - GONZALEZ**
17. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to **IMPACT HEALTH SERVICES P.L.L.C., Purchaser**, of the former Frank Branch Library, 6440 West Bellfort Street, Houston, Texas, for a purchase price of \$162,000.00 - **DISTRICT K - GREEN**
18. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to the **NATIONAL ASSOCIATION OF MINORITY MINERAL OWNERS, INC, Purchaser**, of the former Vinson Branch Library, 3100 West Fuqua Street, Houston, Texas, for a purchase price of \$150,000.00 **DISTRICT K - GREEN**
19. ORDINANCE amending Ordinance No. 2010-0555 (Passed on July 7, 2010) to increase the maximum contract amount for contract between the City of Houston and **KRONOS, INC** for Automated Time and Attendance System for Various Departments - \$510,150.40 - Central Service Revolving Fund
20. ORDINANCE approving and authorizing contract between the City of Houston and **THE LONE STAR COLLEGE SYSTEM** to provide Paramedic Training Services to the Houston Fire Department; establishing a maximum contract amount - 1 Year with two one-year options \$162,000.00 - General Fund
21. Omitted
22. ORDINANCE approving and authorizing the execution of an agreement between the City of Houston and **GENESYS WORKS HOUSTON** for Participation of High School Student Interns in Various City Departments - 2 Years with three automatic one-year renewals - \$100,000.00 General Fund

RESOLUTIONS AND ORDINANCES - continued

23. ORDINANCE approving and awarding contract between the City of Houston and **COURTVIEW JUSTICE SOLUTIONS INC** for the Maintenance, Modification and Service of the Municipal Courts Department's Integrated Case Management System (Approved by Ordinance No. 2008-806, Motion 2011-0645) - 1 Year with two one-year options - \$2,355,000.00 - General and Technology Fee Funds
24. ORDINANCE approving and authorizing contract between the City of Houston and **ROGERS, MORRIS & GROVER, L.L.P.** for Legal Services relating to Civil Action No. 4:11-cv-01592; Young, et al. v. Green and City of Houston; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$100,000.00 - Property and Casualty Fund
25. ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **G4S SECURE SOLUTIONS (USA) CORP. (Formerly the WACKENHUT CORPORATION)** for Security Guard Services for the General Services Department (Ordinance 2007-572)
26. ORDINANCE awarding contract to **STRUCTURAL TECHNOLOGY, INC** for Aerial and Ground Ladder Inspection and Testing Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$244,941.20 - General Fund
27. ORDINANCE approving and authorizing contract between the City of Houston and **BRAINFUSE, INC** for Live Homework Assistance for the Houston Public Library Department; establishing a maximum contract amount - 3 Years with two one-year options - \$855,000.00 - General Fund
28. ORDINANCE amending Ordinance No. 2007-0813 (Passed on July 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **PUMPS OF HOUSTON, INC** for Submersible Pump Repair Services for the Public Works & Engineering Department \$500,040.00 - Enterprise Fund
29. ORDINANCE granting the petition of **LM DEVELOPMENT L.P.** to include approximately 107.53 acres near Fort Bend County Municipal Utility District No. 146 in Fort Bend County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with Section 42.022(B) of the Texas Local Government Code
 - a. ORDINANCE consenting to the addition of 131.6733 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district
30. ORDINANCE consenting to the addition of 10.7508 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district
31. ORDINANCE consenting to the addition of 5.3345 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district
32. ORDINANCE consenting to the addition of 10.2179 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district

RESOLUTIONS AND ORDINANCES - continued

33. ORDINANCE appropriating \$220,000.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CIVIC DESIGN ASSOCIATES (Previously PERSPECTIVA CIVIC DESIGN)** and a Local Match to Texas Department of Transportation for Houston's Heritage Corridor, Bayou Trails west from San Jacinto Street to Stude Park (Approved by Ordinance No. 2002-0073, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT H - GONZALEZ**
34. ORDINANCE appropriating \$18,314,084.00 out of Street & Traffic Control & Storm Drainage DDSRF, \$4,417,346.00 out of Metro Projects Construction DDSRF and \$3,999,570.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for Hirsch Road Paving and Drainage: Kelley to East Crosstimbers; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Street & Traffic Control & Storm Drainage DDSRF, Metro Projects Construction DDSRF and Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - DAVIS and H - GONZALEZ**
35. ORDINANCE awarding contract to **T CONSTRUCTION, LLC** for FY13 Water Distribution System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund - \$1,799,904.00 - Enterprise Fund
36. ORDINANCE annexing to the City of Houston, Texas territory located in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston, in Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to its corporate limits the territory included in such boundaries; adopting a service plan for certain areas in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston; 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 - **DISTRICT E - SULLIVAN - FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 37 and 38

MISCELLANEOUS

37. MOTION to set a date not less than seven days from August 22, 2012, to receive nominations for Positions 10 and 12 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term
38. MOTION to set a date not less than seven days from August 22, 2012, to receive nominations for appointments to Positions One through Four for the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2013

MATTERS HELD - NUMBER 39

39. ORDINANCE establishing an Economic Development Program pursuant to Chapter 380 of the Texas Local Government Code to provide incentives for development of certain qualifying Multi-Family Residential Projects in the Eastern Area of the Central Business District generally bounded by Runnels Street on the north, Chartres Street on the east, Pierce Street on the south and Fannin Street on the west, to be known as the Downtown Living Initiative; authorizing and approving an agreement between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for administration of the program - **DISTRICT I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER COSTELLO
This was Item 14 on Agenda of August 15, 2012

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Cohen 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

**COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
AUGUST 21, 2012 - 2:00PM**

NON-AGENDA

2MIN 2MIN 2MIN

MR. TREBOR GORDON – 10907 Gulf Bridge Circle – 77075 – 713-213-2215 – Feeding Ordinance

MS. ELSIE FINLEY – 3202 Ozark – 77021 – 713-747-7155 – Grading Ditch /Mosquitoes/Tall Weeds

3MIN 3MIN 3MIN

MR. RANDALL KALLINEN – 511 Broadway St. – 77012 – 713-320-3785 – Food Sharing Ordinance

MS. HOPE SANFORD – 2430 Wroxton Rd. – 77005 – 281-714-1454 – Food Sharing Ordinance

MR. JOSEPH OMO OMUARI – 3939 NW Frwy. 210 – 77022 – 832-696-9204 – Who really own this property tax payers

MR. WILLIAM BEAL - 4718 Boicewood – 77016 – no phone – The White House 2016 and the Roman Catholic Church

MS. DEBORAH ELAINE ALLEN – Post Office Box 263252 – 77207 – 3252 – 713-264-0127 – Street lights needed on Lynette @ Airport through MLK

MR. DON COOK – 7954 Glenheath – 77061 – 713-705-5594 – Feeding the homeless

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

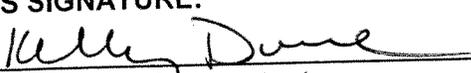
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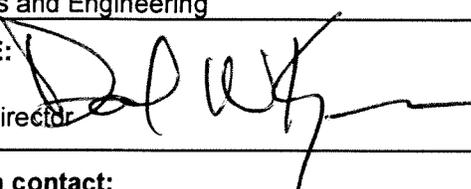
PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2800 - Suite 323 – US President JC Martial Law – declared on – City Government – HoustonTx w/TX – State

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Motion to approve the competitive sealed proposal method for the procurement of natural gas for City facilities.		Page 1 of 1	Agenda Item 1
FROM (Department or other point of origin): Finance Department		Origination Date 8/16/12	Agenda Date AUG 22 2012
DIRECTOR'S SIGNATURE: Kelly Dowe 		Council Districts affected: All	
For additional information contact: James Moncur  Phone: 832-393-9032		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Adopt a Motion to approve the competitive sealed proposal method for the procurement of natural gas for City facilities.			
Amount and Source of Funding: No Funding Required		Finance Budget:	
<p>SPECIFIC EXPLANATION: The City is currently under contract with CenterPoint Energy Resources Corp. dba CenterPoint Energy Texas Gas Operations to provide natural gas. The contract expires January 28, 2013. It is the Finance and General Services Departments' desire to solicit competitive sealed proposals from natural gas providers. In accordance with the Texas Local Government Code §252.021, prior to advertising for competitive sealed proposals, a determination must be made that the competitive sealed proposal method provides the City with the best value.</p> <p>The departments have reviewed this solicitation and determined that the competitive sealed proposal method allows the City to select the provider that offers the best value. In making this determination the City may consider the reputation of the proposer, the quality of the proposer's goods or services, the extent to which the goods or services meet the City's needs, the proposer's past performance, the reliability of the proposer's service, the financial strength of the proposer, as well as price.</p> <p>It is recommended that City Council approve the competitive sealed proposal method for the procurement of natural gas for City facilities. Approval of this motion by City Council does not delegate authority to choose the City's natural gas provider, but does define the manner in which bids will be received and evaluated. Once the bids are received and evaluated by a committee of City Departments, the committee will make a recommendation which will require the approval of City Council under a separate council action.</p>			
SM:CC:JLN:cc c: Marta Crinejo, James Moncur, Anna Russell			
REQUIRED AUTHORIZATION			
General Services Department:  Scott Minnix Director		Finance Department:  James Moncur Deputy Director	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: A motion to approve the 2012 City of Houston Floodplain Management Plan		Page 1 of 1	Agenda Item # 2
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 8/16/12	Agenda Date AUG 22 2012
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: All	
For additional information contact: Mark L. Loethen, P.E., Deputy Director (832) 395-2705		Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)

It is recommended that City Council pass a Motion to approve the 2012 City of Houston Floodplain Management Plan.

Amount and Source of Funding: N/A

BACKGROUND:

The City of Houston is a participant in the Community Ratings System (CRS) of the National Flood Insurance Program, which recognizes communities with floodplain management practices that exceed minimum federal requirements. Participating communities are awarded class ratings ranging from 10 (lowest) to 1 (highest) based on their degree of compliance and documentation with CRS recommended activities. As a community's class rating improves the amount of flood insurance premium discount available to the policy holders also improves.

The City entered the CRS program with a Class 8 rating effective May 2001. The City improved its floodplain management practices over time and was awarded a Class 7, Class 6 and a Class 5 rating in 2006, 2007 and 2009 respectively. The City's Class 5 rating affords the City's flood insurance customers in the 100 year floodplain and floodway a 25% discount on premiums. Flood insurance customers in more moderate risk areas with standard rate policies receive a discount of 10% on premiums. As a result of the City's Class 5 rating, Houston flood insurance customers save an estimated total of \$10,588,000 per year on flood insurance premiums.

Communities with more than 10 repetitive loss properties participating in the CRS are required to institute a Hazard Mitigation Action Plan or Floodplain Management Plan. The City has 3,826 unmitigated repetitive loss properties and is required to maintain a current Hazard Mitigation Action Plan or Floodplain Management Plan to continue participation in the CRS. Both types of plans expire 5 years after approval. The Floodplain Management Plan is prepared by the Department of Public Works and must be approved by City Council. The Hazard Mitigation Action Plan is prepared by the Office of Emergency Management and must be approved by the Texas Water Development Board and the Federal Emergency Management Agency (FEMA). The City used the 2001 Floodplain Management Plan to fulfill the CRS requirement from 2001 to 2006. Starting in 2006, the City used the 2006 Hazard Mitigation Action Plan to fulfill the CRS requirement. Once approved by City Council, the attached 2012 Floodplain Management Plan will fulfill the CRS requirement from 2012 to 2017.

2012 FLOODPLAIN MANAGEMENT PLAN:

The Floodplain Management Plan documents the City's existing floodplain management practices, planned projects and activities. Significant topics include: efforts to reduce flood losses and impact from flooding; efforts to improve protection of the floodplain's natural and beneficial functions; evidence of support of flood mitigation activities; promotion of awareness of the City's flooding problems and floodplain management activities and engagement of the public and other stakeholders in the planning process

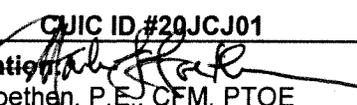
A public meeting was held on August 14, 2012 during the Transportation, Technology, and Infrastructure Council Committee Meeting. This meeting is a necessary step prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council pass a Motion approving the 2012 Floodplain Management Plan.

MLL:JCJ
P:\UTILITY ANALYSIS-DEVELOPER SERVICES\MS\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC
C: Ceil Price

REQUIRED AUTHORIZATION

CJIC ID #20JCJ01

Other Authorization:	Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Butch's Waterproofing, L.P. 611 Walker Exterior Renovations and Repair WBS No. R-000268-0063-4	Page 1 of 2	Agenda Item: <div style="text-align: right; font-size: 2em;">3</div>
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FROM (Department or other point of origin): General Services Department	Origination Date: <div style="text-align: center; font-size: 1.5em;">8/15/12</div>	Agenda Date: <div style="text-align: center; font-size: 1.5em;">AUG 22 2012</div>
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DIRECTOR'S SIGNATURE: Scott Minnix <i>8/10/12</i>	Council District(s) affected: <div style="text-align: center; font-size: 1.5em;">1</div>
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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. 2011-0504; June 22, 2011
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RECOMMENDATION: The General Services Department recommends approval of final contract amount of \$981,305.00 and acceptance of work on contract with Butch's Waterproofing L.P. for 611 Walker Exterior Renovations and Repair – 1.67% under the original contract amount.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$1,174,310.00 PWE – Water & Sewer System Operating Fund (8300)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$981,305.00 or 1.67% under the original contract amount, accept the work and authorize final payment to Butch's Waterproofing, L.P. for construction services in connection with the 611 Walker Exterior Renovations and Repair for the Department of Public Works and Engineering (PWE).

PROJECT LOCATIONS: 611 Walker (493L)
 Rusk Annex (493L)

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

611 Walker: Replacement of all exterior sealants, caulking, deck coating, painting, soffit repairs and related coating, sealing penetrations at column caps, replacement of all exterior hinges on the windows, sheet metal fabrication and installation, repairs to physically damaged exterior finishes and power washing.

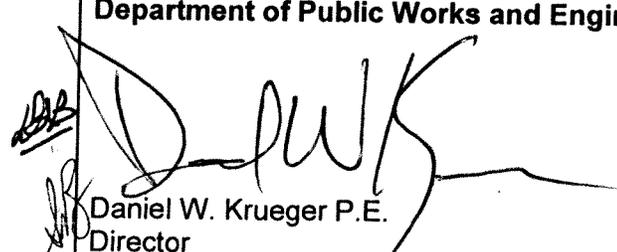
Rusk Annex: Replacement of all exterior sealants, caulking, deck coating, painting, soffit repairs and related coating, sealing penetrations at column caps.

REQUIRED AUTHORIZATION CUIC ID#25CONS207

General Services Department:


 Richard A. Vella
 Chief of Design & Construction Division

Department of Public Works and Engineering: MA


 Daniel W. Krueger P.E.
 Director

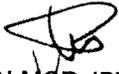
Date	Subject: Accept Work Butch's Waterproofing, L.P. 611 Walker Exterior Renovations and Repair WBS No. R-000268-0063-4	Originator's Initials JBW	Page 2 of 2
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CONTRACT COMPLETION AND COST: The contractor completed the project within 272 days: the original contract time of 182 days plus 90 days approved by Change Order No. 1. The final cost of the project including Change Orders is \$981,305.00, a decrease of \$16,695.00 under the original contract amount.

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

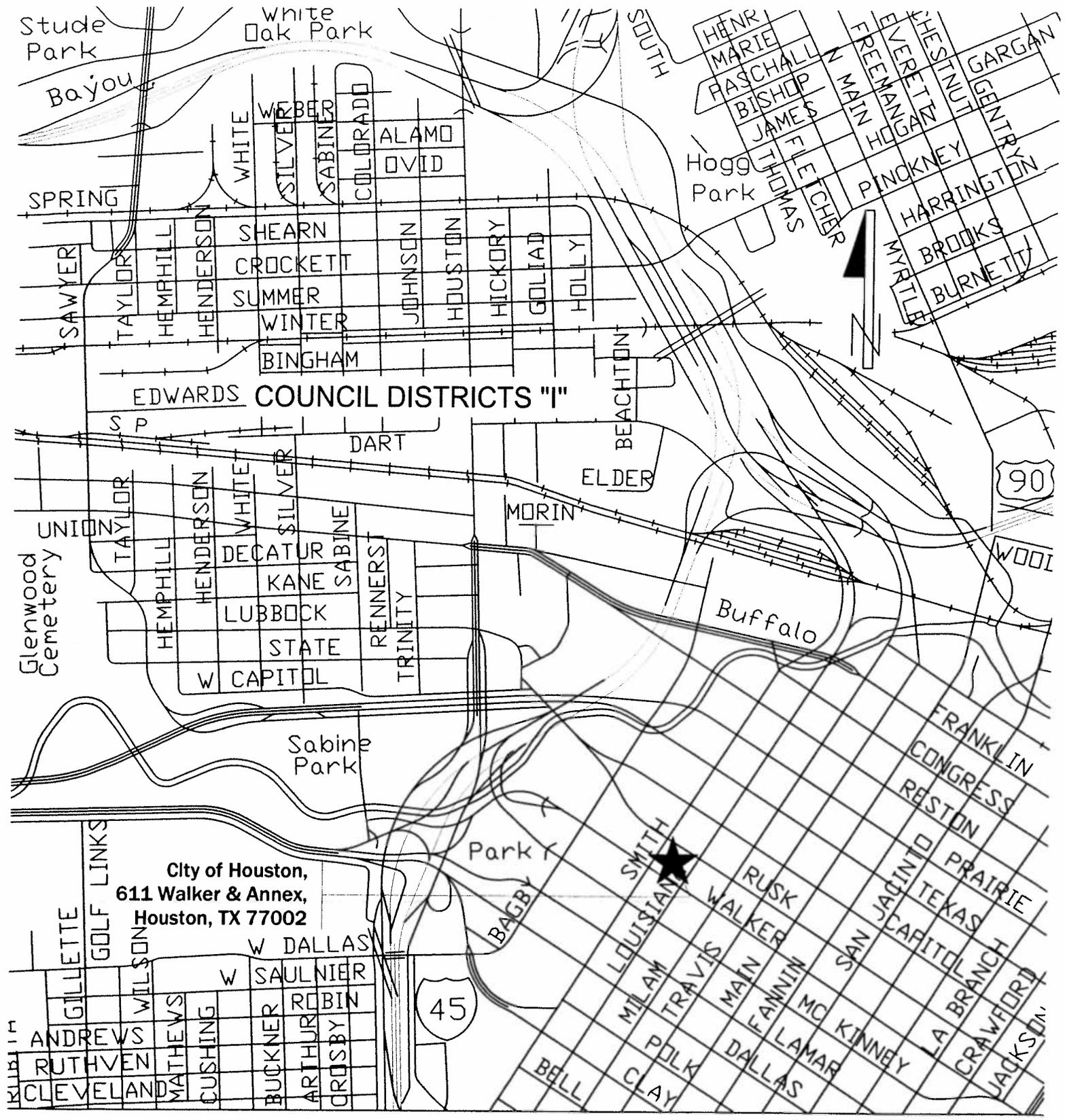
PREVIOUS CHANGE ORDERS: Change Orders 1-2 provided for additional improvements requested by PWE that included sealing of tunnel glass and walls, parapet stone above courtyards and entryway to address the leaking condition of the tunnel; deleted the power washing scope due to water conservation requirements; and deleted metal coping scope determined to be unnecessary.

M/WBE PARTICIPATION: In accordance with the Code of Ordinances §15-82, MBE/SBE goals are not required for construction contracts that are less than \$1,000,000.00.



SM:RAV:JLN:MCP:JBW

c: Marta Crinejo, Jacquelyn L. Nisby, Morris Scott, Christopher Gonzales, David Buster
File 1107



City of Houston,
 611 Walker & Annex,
 Houston, TX 77002

Exterior Renovations & Repairs
611 Walker & Rusk Annex
Houston, TX 77002

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation of Funds, Approval of Change Order No. 3 and Accept Work for North MacGregor Way Relocation from MacGregor Drive to Alameda Road; WBS No. N-000799-0001-4 and F-000508-0002-4.

Category #1, 7

Page 1 of 2

Agenda Item #

4+4A

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/9/12

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

D

fre

For additional information contact:

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

Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Ord. # 2008-1008 dated: 11/12/2008

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RECOMMENDATION: (Summary) Approve an ordinance appropriating additional funds in the amount of \$196,500.98. Adopt a motion approving Change Order No. 3 in the amount of \$196,500.98, approving the final Contract Amount of \$5,935,760.68 or 8.60% over the original Contract Amount, accepting the Work and authorizing final payment.

Amount and Source of Funding: Total additional appropriation of \$196,500.98 from Metro Projects Construction DDSR Fund No 4040. Previous (Original) appropriation of \$6,217,300.00 with \$4,657,300.00 from the Street and Bridge Consolidated Construction Fund No. 4506 and \$1,560,000.00 from Parks Consolidated Construction Fund No.4502.

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

DESCRIPTION/SCOPE: The project consisted of the realignment of approximately 3,500 linear feet of 36-foot wide concrete roadway along North MacGregor and the reconstruction of 3,500 linear feet of 24-foot wide concrete roadway along South MacGregor with curb and gutters, raised medians, necessary underground utilities and street lighting. Also included in this Contract was the construction of a 30-foot wide by 130-foot long reinforced concrete underpass. Scientech Engineers, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to Texas Sterling Construction Co. with an original Contract Amount of \$5,465,959.70.

LOCATION: The project is located in the Medical Center generally bounded by Brays Bayou on the south and east, North MacGregor Way on the north and Moursund on the west. The project is located in the Key Map Grid 533E

PREVIOUSLY APPROVED CHANGE ORDERS:

No.	Amount	Description
C.O.1	\$164,609.15	This Change Order includes the payment for Slurry Drill Shaft, 48" RCP, Type C and E Manholes, Drill Test Hole and Street Lighting.
C.O.2	\$106,915.41	This Change Order includes the payment for Asphalt Bike Trail Paving, Pedestrian Access Push Buttons, Domed Pavers at Wheel Chair Ramp, Fast Track Concrete Pavement, Pavement Marking at Cambridge Bridge, Removal of 24" RCP, Exploratory Excavation and Extra Drill Shaft.

REQUIRED AUTHORIZATION

20HA173

Finance Department:

Other Authorization:

Other Authorization:

[Signature]

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

Date	SUBJECT: Additional Appropriation of Funds, Approval of Change Order No. 3 and Accept Work for North MacGregor Way Relocation from MacGregor Drive to Alameda Road; WBS No. N-000799-0001-4 and F-000508-0002-4.	Originator's Initials 	Page 2 of 2
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Proposed \$196,500.98
C.O.3

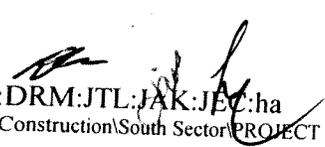
This Change Order is a result of the overrun and underrun of Contract unit work items.

SCOPE OF ADDITIONAL APPROPRIATION: The additional appropriation required to complete this project is associated with the overrun of contract unit price items associated with Change Order No. 3. These overruns would normally have been within the standard contingency for the project. However, change orders were necessary to adjust the construction methods associated with the retaining wall footing due to the inaccurate location of a 90-inch sanitary sewer near the pedestrian tunnel. Scientech Engineers, Inc. designed the project under a contract with the City of Houston and was responsible for locating this sewer.

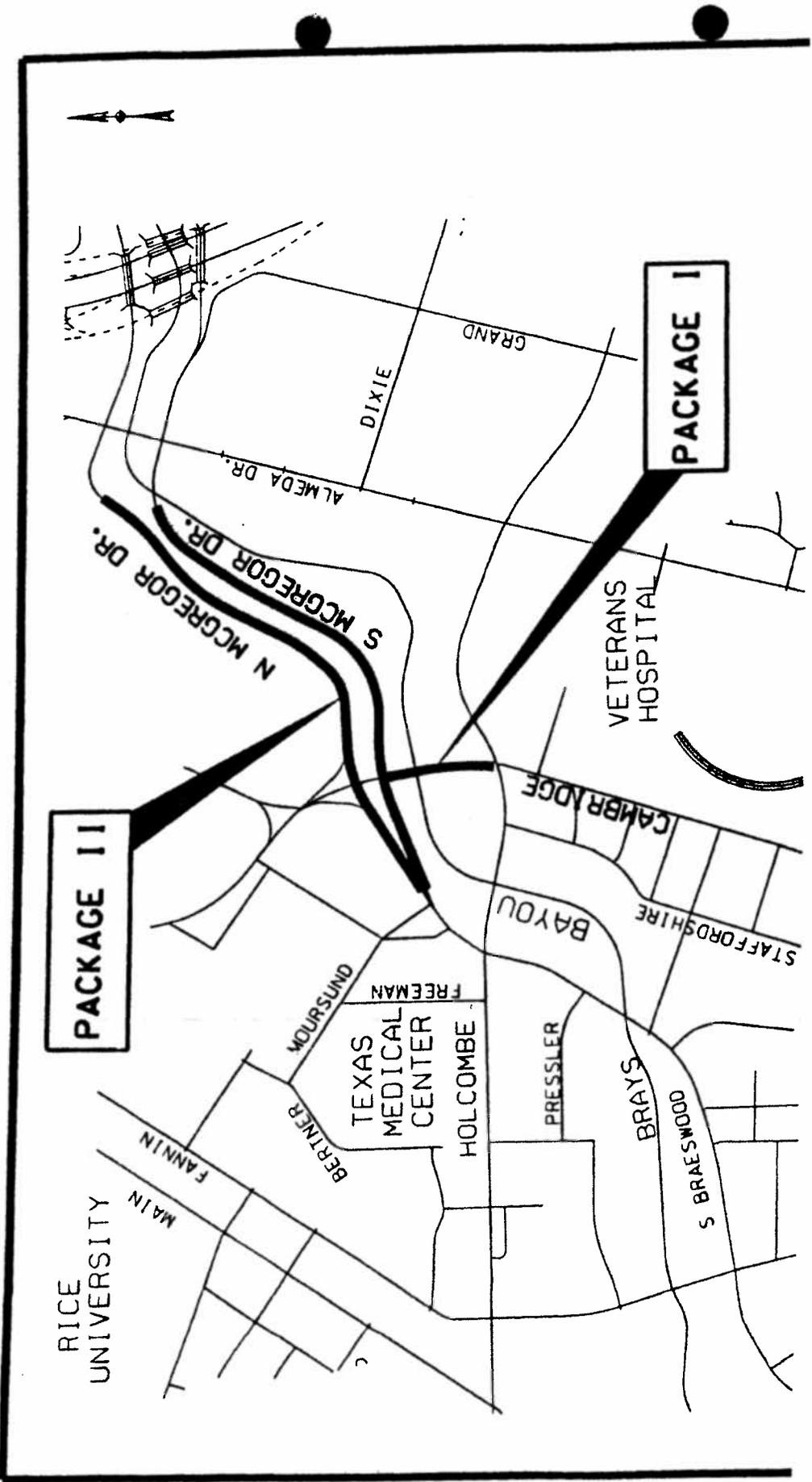
CONTRACT COMPLETION AND COST: The Contractor, Texas Sterling Construction Co., has completed the work under the subject Contract. The project was completed beyond the established completion date and liquidated damages in the amount of \$55,500.00 for 37 days at \$1,500.00/day are assessed and reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1, 2 and proposed Change Order No. 3 is \$5,935,760.68, an increase of \$469,800.98 or 8.60% over the original Contract Amount.

The increased cost is a result of the difference between planned and measured quantities and previously approved Change Orders No. 1 and 2. The requested appropriation of \$196,500.98 and the current contingency balance will cover the overrun cost of Bid items, which were necessary to complete the work.

MBE/SBE PARTICIPATION: The M/WBE goal established for this project was 22%. According to Mayor's Office of Business Opportunity, the participation was 24.03%. Contractor's M/WBE performance evaluation was rated outstanding.


DWK:DRM:JTL:JAK:JEC:ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\N-000799-0001-4(N_McGregor Paving)\RCA for Additional Appropriation\RCA -.doc Revision II.doc



North McGregor Way Relocation
 N-000799-0001-4

Document 00941

CHANGE ORDER No. 3

PROJECT: N. MACGREGOR WAY RELOCATION: MACGREGOR DRIVE TO ALMEDA ROAD

CONTRACT No.: 4600009240 PROJECT No.: N-000799-0001-4 (N-000799-0001-4)

TO: Texas Sterling Construction, L.P.
20810 Fernbush
Houston, TX 77073

Contractor and
Address for Written Notice

1.01 DESCRIPTION OF CHANGES

ITEM 1 SCOPE: Additional Quantities for Work Included in Contract Documents

CONTRACT CHANGE	
Amount	Time
\$196,500.98	80 Days

JUSTIFICATION: The following Unit Items and quantities were included in the Contract Work as required but exceed the extent of previously authorized and available contingency funding. Additional authorization and appropriation of funds is required for this Work to be completed and paid for.

Unit Item	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
11	Remove and dispose of Existing Inlets	EA	13.00	\$3,000.00	\$39,000.00
14	Remove and dispose of pipe culverts, sewers, and sewer leads (24-inch diameter)	LF	453.00	\$22.00	\$9,966.00
17	Remove and dispose of pipe culverts, sewers, and sewer leads (42-inch diameter)	LF	83.00	\$25.00	\$2,075.00
18	72 inch diameter storm sewer by open cut	LF	90.00	\$150.00	\$13,500.00
19	24 inch diameter storm sewer by open cut	LF	51.00	\$90.00	\$4,590.00
20	Type B-B Inlet (precast)	EA	6.00	\$5,000.00	\$30,000.00
28	11 inch Reinforced concrete pavement	SY	55.00	\$51.00	\$2,805.00
29	6 inch Reinforced concrete curbs	LF	258.24	\$2.20	\$568.13
30	6 inch concrete driveways, including excavation	SF	332.61	\$11.50	\$3,825.02
31	Street Lighting Conduit	LF	60.00	\$11.50	\$690.00
38	4 1/2-inch Concrete Sidewalk	SF	1222.00	\$6.00	\$7,332.00
45	Furnish and install 2-inch PVC Conduit	LF	707.00	\$36.75	\$25,982.25
46	Furnish and install 3-inch PVC Conduit	LF	298.00	\$42.00	\$12,516.00
92	Remove Existing Earthen Hill	CY	6820.56	\$6.40	\$43,651.58
116	Additional Contract Time	DAY	80.00	\$0.00	\$0.00

TOTALS: \$196,500.98 80 Days

CITY OF HOUSTON
STANDARD DOCUMENT

CHANGE ORDER

PROJECT No.: N-000799-0001-4 (N-000799-0001-4)

CHANGE ORDER No. 3

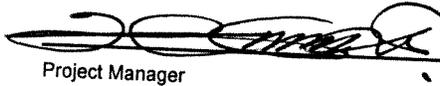
1.02 ACCEPTANCE BY CONTRACTOR

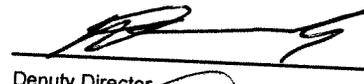
Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

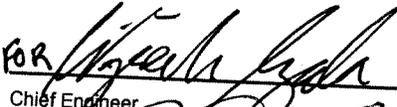

Contractor Signature and Title VEE RESIDENT

6/14/12
Date

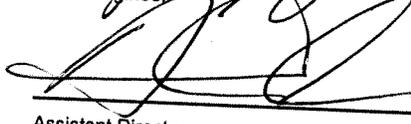
1.03 ACCEPTANCE BY THE CITY

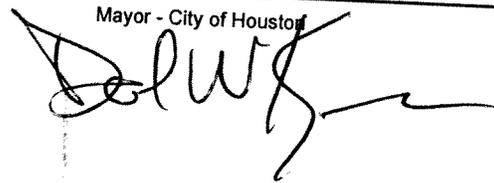

Project Manager 6/15/2012
Date


Deputy Director 6/19/12
Date


Chief Engineer 6/15/12
Date


City Engineer 6/15/12
Date


Assistant Director 6/15/12
Date


Mayor - City of Houston
Date

cc:

File No. (N-000799-0001-4)

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$5,465,959.70	100.00%
B. Previous Change Orders	\$271,524.56	4.97%
C. This Change Order	\$196,500.98	3.59%
D. Contract Price	\$5,933,985.23	108.56%

1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	300 Days	Sunday, November 1, 2009
B. Previous Change Orders	46 Days	Thursday, December 17, 2009
C. This Change Order	80 Days	Sunday, March 7, 2010
D. Contract Time	426 Days	Sunday, March 7, 2010

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$164,609.15	3.01%
2	\$106,915.41	1.96%
3	\$196,500.98	3.59%
<hr/>		
TOTALS	\$468,025.53	8.56%

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: PROPERTY: PURCHASE of Parcel AY11-137, located at 10202 Jensen Drive for the PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US/59 Eastex Freeway) WBS N-000708-0001-2-01 Owner: A & M Mattress Company, a Texas corporation	Page 1 of 2	Agenda Item # 5
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 8/16/12	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H Key Map 414W
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For additional information contact: Nancy P. Collins Phone: (832) 395-3130 Senior Assistant Director - Real Estate Planning and Development Services Division	Date and identification of prior authorizing Council Action: Ordinance 2008-0701, passed 8/6/2008 Ordinance 2011-1088, passed 12/7/2011
---	--

RECOMMENDATION: (Summary)
Authority be given through Council Motion for the PURCHASE of Parcel AY11-137.

Amount and Source of Funding: \$226,993.00 No additional funding required (Funds were previously appropriated under Blanket Appropriation Ordinance 2008-0701, N-00663A-00RE-2-01 out of the Street and Bridge Consolidated Construction Fund 4506 and re-appropriated by Ordinance 2011-1088 into Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF)	<i>M.P. 8/16/2012</i>
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SPECIFIC EXPLANATION:
The PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US 59/Eastex Freeway) provides for the right-of-way acquisition, design and construction of a four-lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control, and necessary underground utilities. This transaction involves the acquisition of 12,457 square feet located at 10202 Jensen Drive.

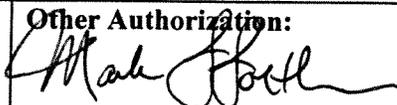
The City desires to acquire 12,457 square feet in easement out of land improved with a commercial operation. The City's offer was based on an appraisal by Gary S. Brown. The valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY11-137 (Easement)	
12,457 square feet @ \$2.50	\$ 31,143.00
Improvements, Damages and Cost to Cure	\$ 193,540.00
Total Consideration	\$ 224,683.00
Title Policy and Services	\$ 2,310.00
TOTAL AMOUNT.....	\$ 226,993.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY11-137 located at 10202 Jensen Drive, owned by A & M Mattress Company, a Texas corporation, for the PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US/59 Eastex Freeway). Parcel AY11-137 is a tract containing 12,457 square feet of land out of Lot 12, Lot 13 and Lot 43, Block 2, Farrington Place, Section 1, recorded in Volume 15, Page 63, of the Harris County Map Records.

CUIC #20AUJ03

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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Date:	SUBJECT: PROPERTY: PURCHASE of Parcel AY11-137, located at 10202 Jensen Drive for the PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US/59 Eastex Freeway) WBS N-000708-0001-2-01 Owner: A & M Mattress Company, a Texas corporation	Originator's Initials	Page 2 of 2
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Said tract of land being out of the same property described in a deed dated January 28, 2004 from Artemio Muniz, et ux, to A & M Mattress Company, a Texas corporation, recorded under Harris County Clerk's File X547371; situated in the E. Johnson Survey, Abstract No. 1082, and the Burt L. Turner Survey. Abstract No. 1578, Harris County, Texas according to City of Houston field notes.

DWK:NPC:auj
cc: Marta Crinejo

VALUATION – PARCEL AY11-137

LAND (Easement):

12,457 square feet @ \$2.50 PSF \$ 31,143.00

IMPROVEMENTS: \$ 32,670.00

- Concrete paving
- Asphalt paving
- Chain link fencing
- Security light poles

DAMAGES TO THE REMAINDER/COST TO CURE: \$ 160,870.00

- Damages for proximity to right-of-way
- Close 319 linear feet of chain link fencing and gate
- Replace 3,200 square foot concrete slab
- Replace 7,350 square feet of asphalt paving
- Replace security lights
- Replace guide wire with support pole

TOTAL COMPENSATION..... \$ 224,683.00

TITLE POLICY AND SERVICES \$ 2,310.00

TOTAL AMOUNT \$ 226,993.00

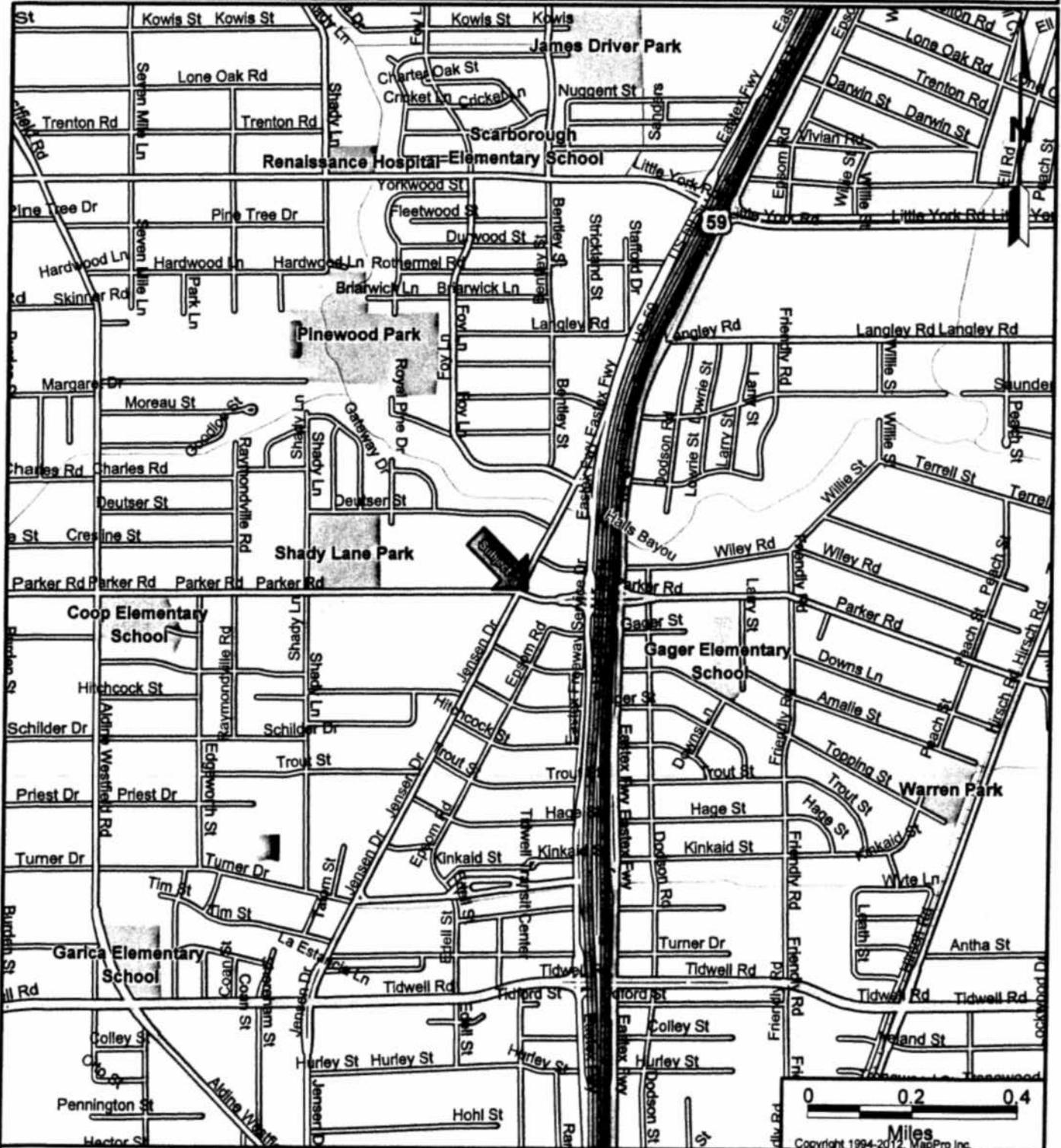
LOCATION MAP

Description: Parker Road Paving and Drainage Project (From Hardy Toll Road to Eastex Freeway)

WBS N-000708-0001-2

A & M Mattress, a Texas Corporation - Parcel AY11-137

Subject Address: 10202 Jensen Dr, Houston, TX 77093



CAUTION:

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Prepared by City of Houston using MapPro Service, MapPro Inc., PO Box 37427, Houston, TX 77237 1-866-3MAPPRO.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9463

Subject: Approve the Purchase of a Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department/S17-H24366

Category #
4

Page 1 of 1

Agenda Item

6

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

Origination Date
August 06, 2012

Agenda Date
AUG 22 2012

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Charles T. Thompson Phone: (832) 393-0082
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of a citywide Cisco® SMARTnet™ maintenance agreement in the total amount of \$1,322,165.78 through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department.

Award Amount: \$1,322,165.78

Finance Budget

\$1,322,165.78 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The Director of the Information Technology Department (ITD) and the City Purchasing Agent recommends that City Council approve the purchase of a citywide Cisco® SMARTnet™ maintenance agreement in the total amount of \$1,322,165.78 through the City's Master Agreement with the Texas Department of Information Resources (DIR) and that authorization be given to issue purchase orders, as necessary, to DIR's Go Direct Vendor, NWN Corporation.

This maintenance agreement will provide coverage for Cisco® network voice and data systems including: routers, switches, firewalls, virtual private network devices and Unified Computer System devices. Additionally, the coverage will provide the City with a single renewal date for all items covered within the maintenance agreement. In 2005, ITD consolidated the purchase of SMARTnet™ maintenance for equipment; this provides immediate cost savings because of the volume purchase, which qualifies the City for upgraded service level programs. The term of this agreement will be from 8/19/2012 through 8/18/2013; this will allow the Department to coincide the maintenance agreement with the City's fiscal year.

Under the terms of this agreement, the contractor will be required to provide:

- Hardware replacement in case of failure
- Replacement of covered devices in a timely manner
- Configuration assistance on covered hardware
- Prorated coverage for new hardware to maintain a single renewal date
- Telephone support 24 hours a day, 7 days a week, 365 days a year

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Purchasing Agreement for this purchase.

Buyer: Murdock Smith III

Attachment: M/WBE zero-percentage goal document approved by the Mayor's Office of Business Opportunity

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Charles T. Thompson 8-9-2012

Other Authorization:

NDT



CITY OF HOUSTON
Information Technology
Department

RECEIVED

JUL 31 2012

Interoffice

Correspondence

OBO

To: Marsha Murray, Assistant Director
Mayor's Office of Business Opportunity

From: Wayne Grant, Assistant Director
Infrastructure Division

Date: July 24, 2012

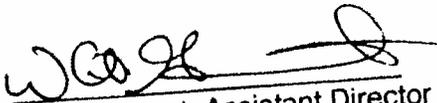
cc: Somayya Scott-Division Manager

Subject: Request for 0% MWBE Participation

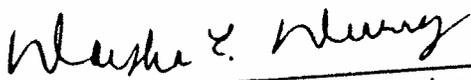
The Information Technology Department seeks to purchase a one-year Cisco Smarnet agreement. The total value of the request is for \$1,322,165.78 and the maintenance agreement will be purchased from a DIR-Go-Direct Vendor, NWN Corporation. This vendor is a majority woman owned business.

All the ITD networks are run by Cisco products. This agreement is for software upgrade and maintenance and repair for hardware. There is no opportunity to apportion the work. Therefore, there is no opportunity for MWDBE subcontracting. The Information Technology Department is requesting approval of a zero percent (0%) goal.

If you have any questions, please contact me at 832-393-0049.


Wayne Grant, Assistant Director
Infrastructure Division

READ AND APPROVED


Marsha Murray, Assistant Director - MOBO

8/1/12
Date

REQUEST FOR COUNCIL ACTION

RCA# 9406

TO: Mayor via City Secretary

Subject: Formal Bids Received for Forklifts and Manlifts for the Public Works & Engineering Department
S38-N24244

Category #
1 & 4

Page 1 of 2

Agenda Item

17+7A

FROM (Department or other point of origin):

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

Origination Date

May 31, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

For additional information contact:

David Guernsey
Ray DuRousseau

Phone: (832) 395-3640
Phone: (832) 393-8726

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$17,020.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800), and approve an award to Briggs Equipment, Inc. on its low bid in the amount of \$180,365.09 for forklifts and manlifts for the Public Works & Engineering Department.

Award Amount: \$180,365.09

Finance Budget

\$ 17,020.00 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$180,365.09 - PWE- combined Utility System General Purpose Fund (Fund 8305)
\$197,385.09 - Total Funding

SPECIFIC EXPLANATION:

The Director of Public Works & Engineering Department and the City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$17,020.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve an award to Briggs Equipment, Inc. on its low bid in the amount of \$180,365.09 for forklifts and manlifts for the Public Works & Engineering Department. The forklifts will be used at various City facilities by the Department personnel to move materials and equipment. The electric manlifts will be used by the Department personnel to perform routine maintenance and repairs throughout the City's water purification and sludge plants. The requested appropriation of \$17,020.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) is for the purchase of Item No. 3 (one 3,500-lb forklift) for the General Services Department. The funding for the forklifts and manlifts is included in the adopted FY12 Equipment Acquisition Plan.

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

COMPANY

1. Trico Lift
2. Briggs Equipment, Inc.
3. Mitsubishi Caterpillar Forklift America Inc.
d/b/a Mitsubishi Forklift Trucks of Houston
4. Crown Lift Trucks

TOTAL AMOUNT (Item Nos. 1, 2, 5, 7, 8 and 10)
\$ 56,975.00 (Partial Bid/Higher Unit Price)

\$180,365.09
\$181,920.08

\$217,409.33

The gasoline and diesel-powered forklifts will meet the EPA's current emission standards for equipment with gasoline and diesel-powered engines. These new forklifts and manlifts will come with a full 12-month warranty and the life expectancy is ten years. See Attachment No. 1, Equipment Usage Summary, for usage and replacement details. The forklifts that will be replaced have exceeded their life expectancy and will be sent to auction for disposition.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 5/31/2012	Subject: Formal Bids Received for Forklifts and Manlifts for the Public Works & Engineering Department S38-N24244	Originator's Initials LF	Page 2 of 2
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Strategic Purchasing Division will issue purchase orders to the low bidder for Item Nos. 3 and 9 as the individual award amounts are each less than \$50,000.00. Item Nos. 4 and 6 will not be awarded.

Hire Houston First:

This procurement included the "Hire Houston First" provision. However, no bids were received from approved "Hire Houston First" firms.

Buyer: Lena Farris

Attachment: 1. Equipment Usage Summary
2. M/WBE Zero Percentage Goal document approved by the Public Works & Engineering Department Small Business Development Group

**RCA 9406
EQUIPMENT USAGE SUMMARY
FORKLIFT AND MANLIFTS FOR THE PUBLIC WORKS & ENGINEERING
AND THE GENERAL SERVICES DEPARTMENTS
S38-N24244**

Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement	
			Shop No.	Age/Yrs
PR No. 10150989/ Item No. 1, 3,500-lb. Lifting Capacity, Electric Forklift with Polyurethane Tires	1	Public Works & Engineering / Materials Management Branch This forklift will be used by Department personnel to move materials and equipment at the Materials Management warehouse facility.	16032	24
PR No. 10136406/ Item No. 2, 3,500-lb. Lifting Capacity, Electric Forklift with Cushion Tires	1	Public Works & Engineering/ Public Utilities Division This forklift will be used by Department personnel to move materials and equipment at the Department's Southeast Water Purification Plant.	23458	17
PR No. 10132552/ 10132553 Item No. 5, 5,000-lb. Lifting Capacity, Liquid Petroleum Gas (LPG) Forklift	2	Public Works & Engineering/ Public Utilities Division These forklifts will be used by Department personnel to move materials and equipment at the Department's Southeast and Northeast Water Purification Plants.	These units will be additions to the Department's fleet. Currently, seven forklifts are being shared within the Public Utilities Division facilities. These additional forklifts are required to increase the productivity and efficiency of the Public Utilities Division. There are no reserves which would allow each facility to have access to a forklift.	
PR No. 10132549/ Item No. 7, 40-Ft. Electric Manlift	1	Public Works & Engineering/ Public Utilities Division This manlift will be used by Department personnel to move materials and equipment at the 69 th Street Wastewater Treatment Plant.	This unit will be an addition to the Department's fleet. Currently, there are two electric manlifts within Wastewater Operations and they are shared between Wastewater Treatment Plants. This unit is extremely vital during emergency situations when treatment plant maintenance is required.	

**RCA 9406
EQUIPMENT USAGE SUMMARY
FORKLIFT AND MANLIFTS FOR THE PUBLIC WORKS & ENGINEERING
AND THE GENERAL SERVICES DEPARTMENTS
S38-N24244**

Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement
PR Nos. 10132550/10132548 Item No. 8, 26-ft. Electric Scissor Lift	2	Public Works & Engineering/ Public Utilities Division These electric scissor lifts will be used by Department personnel to move materials and equipment. One will be used at the East Water Purification Plant and the second will be used at the 69 th Street Wastewater Treatment Plant.	These units will be additions to the Department's fleet. Currently, Wastewater does not have a small battery-powered manlift in their fleet. These units are extremely vital during emergency situations when treatment plant maintenance is required.
PR No.10132551/ Item No. 10, 8,000-lb. Lifting Capacity, LPG Forklift	1	Public Works & Engineering/ Public Utilities Division This forklift will be used by Department personnel to move materials and equipment at the Department's East Water Purification Plant.	This unit will be additions to the Department's fleet. Currently, seven forklifts are being shared between the Public Utilities Division facilities. This additional forklift is required to increase the productivity and efficiency of the Public Utilities Division. There are no reserves which would allow each facility to have access to a forklift.

RECEIVED

AUG 15 2012

OBO

PWE SERVICE & SUPPLY CONTRACTS

To: Tony Henshaw
PWE Small Business Development

Date of Request: 03/23/2012

From: Lena Farris

Subject: MWBE PARTICIPATION GOAL
REQUEST/WAIVER

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

Basis for Request? [Ref. Code Ch15,15-83(c)(1)]

A A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy

B The service or goods requested are of such a specialized, technical or unique nature as to require the city department to be able to select its contractor without application of MBE/SBE/WBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants); or

C If application of MBE/SBE/WBE provisions would impose an unwarranted economic burden or risk on the city or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the city; or

D If the possible MBE/SBE/WBE participation level based on MBE, SBE and WBE availability would produce negligible MBE, SBE or WBE participation

I am requesting a new MWBE Goal: Yes No

I am requesting a revision of the MWBE Goal: Yes No
If requesting a revision, how many solicitations were received: _____

Solicitation Number: S38-N24244 Estimated Dollar Amount: \$524,444.00

Anticipated Advertisement Date: 03/30/2012 Solicitation Due Date: 04/19/2012

Goal on Last Contract: 0%

Was Goal Met? Yes No

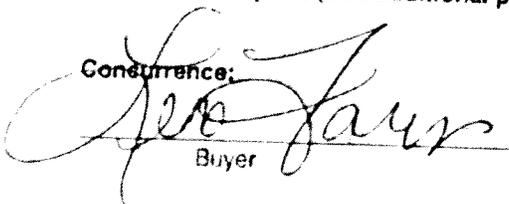
If goal was not met, what did the vendor achieve? _____

Name and Intent of this Solicitation: Forklifts and Manlifts

These forklifts and manlift will be shipped directly from the manufacturer to the City's bidders. There are no aftermarket accessories. Therefore, there is no potential for MWBE participation for this procurement

Reason for Request (Use additional paper if necessary):

Concurrence:



Buyer

Division Manager

PWE SERVICE & SUPPLY CONTRACTS

Michael Brown (for Tony Henshaw)
Tony Henshaw
Small Business Development

David [unclear]
DAVID
MMB Assistant Director

FOR SMALL BUSINESS DEVELOPMENT GROUP USE ONLY
 Notification of zero percent (0%) MWBE participation goal sent to OBO.
*Code of Ordinance Chapter 15, Article V, Section 15-83 (C)

Date Sent: 4/10/12

[Signature]

Office of Business Opportunity
(For zero percent (0%) MWBE goal)

REQUEST FOR COUNCIL ACTION

RCA# 9454

TO: Mayor via City Secretary

Subject: Amend Council Motion 2009-0681, Passed September 16, 2009, to Increase the Spending Authority for Janitorial Supplies for Various Departments
S44-S22965-A1

Category #
4

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Agenda Item

8

FROM (Department or other point of origin):

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

Origination Date

July 25, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

CM 2009-0681; passed 9/16/2009

RECOMMENDATION: (Summary)

Amend Council Motion 2009-0681, passed September 16, 2009, to increase the spending authority from \$472,704.33 to \$590,880.41 for janitorial supplies for various departments.

Spending Authority Increased By: \$118,176.08

Finance Budget

\$103,176.08 General Fund (1000)
\$15,000.00 PWE - Water & Sewer System Operating Fund (8300)
\$118,176.08

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2009-0681, to increase the spending authority for the janitorial supplies awarded to Buckeye Cleaning Center-Houston from \$472,704.33 to \$590,880.41. The current spending authority is insufficient for the remaining term and an increase is required to meet the various departments' operational needs.

With the increase in janitorial supplies pricing and usage requirement, the departments began comparing prices between the various janitorial and industrial supplies awards that are in place and found that Buckeye Cleaning Center-Houston offers the best price. The increased usage on this award resulted in the spending authority being exhausted earlier than anticipated.

The award began September 22, 2009 for a 60-month term in an amount not to exceed \$472,704.33. Expenditures as of July 13th, 2012 totaled \$437,200.90. All other terms and conditions shall remain as originally approved by City Council.

The award consists of cleaning chemicals and general janitorial supplies to be used for the cleaning and maintenance of municipal buildings located throughout the City.

The award included an 11% goal for M/WBE participation. Buckeye Cleaning Center-Houston is currently achieving 8.31%. The Office of Business Opportunity will continue to monitor this award to ensure maximum M/WBE participation.

Buyer: Irina Chong

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

WPI

2

1050

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: A RESOLUTION REGARDING THE TRANSFER OF OPERATIONAL CONTROL OF ENTERGY TEXAS INC.'S TRANSMISSION SYSTEM TO THE MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC.

Category #

Page 1 of 2

Agenda Item

9

FROM (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department

Origination Date August 10, 2012

Agenda Date AUG 22 2012

DIRECTOR'S SIGNATURE [Signature]

Council District(s) affected: E

For additional information contact: Tina Paez Phone: (713) 837-9630 Alisa Talley Phone: (713) 837-0849

Date and Identification of prior authorizing Council Action: N/A

RECOMMENDATION: (Summary) Adopt a resolution regarding the transfer of operational control of Entergy Texas Inc.'s transmission system to the Midwest Independent Transmission System Operator, Inc.

Amount of Funding: N/A

ARA Budget

SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt a resolution regarding the transfer of operational control of Entergy Texas Inc.'s (Entergy Texas) transmission system to the Midwest Independent Transmission System Operator, Inc. (MISO) Regional Transmission Organization (RTO). Entergy Texas provides electric service to approximately 412,000 Texas retail customers. According to the utility, Entergy serves approximately 1,500 customers in the Kingwood area.

Currently, Energy Texas operates as part of a larger integrated system — the Entergy System. The Entergy System consists of six companies that operate as a single, integrated electric system through the Entergy System Agreement (ESA). Entergy Texas and Houston customers benefit from the economies of scale provided by this larger integrated system. However, within the past decade, Entergy Arkansas and Entergy Mississippi provided notice of intent to withdraw from the system. This pending withdrawal will have a significant, negative impact on Entergy Texas and its customers.

Therefore, Entergy Texas in conjunction with the other operating companies explored alternative options, including joining an RTO. An RTO is an independent entity that exercises control over the regional transmission system similar to the Electric Reliability Council of Texas (ERCOT). Based on a thorough review and analysis, Entergy Texas, as did each of the six operating companies, determined that it would be in the best interest of the companies and customers to join MISO. Joining ERCOT is not a cost-effective option for Entergy at this time. Entergy's prior proposals to join ERCOT have been denied by both the PUCT and the Texas State Legislature due to the high costs of interconnecting with ERCOT and the unknown costs ERCOT would pass through to Entergy customers.

MISO manages and operates the transmission system within its region, which extends from the Canadian border to the Gulf of Mexico. Joining the MISO is expected to reduce costs and improve reliability to customers. According to Entergy Texas, the net benefits to retail Entergy Texas customers is an approximate \$170 to \$225 million savings in power production costs over the first ten years — approximately \$17 million to \$22.5 million per year.

On April 30, 2012, Entergy Texas filed an Application for Approval to Transfer Operational Control of Transmission Assets to the MISO RTO (Application). The application was filed with the Public Utility Commission of Texas (PUCT). The City of Houston (City) intervened in this PUCT proceeding as a member of the Steering Committee of Cities (Committee), a coalition of similarly situated cities with Entergy Texas customers within their city limits.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date:
08/10/2012

Subject: A RESOLUTION REGARDING THE TRANSFER OF OPERATIONAL CONTROL OF ENTERGY TEXAS INC.'S TRANSMISSION SYSTEM TO THE MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC.

Originator's
Initials
TP/AT

Page 2 of 2

The Coalition engaged a utility expert to evaluate the Company's proposal. Based on this review, the coalition expert determined that a transfer of operational control of the Entergy Texas transmission system to MISO is in the public interest as long as certain conditions are met. These conditions would require that all Entergy operating companies join MISO; ensure Entergy Texas receives sufficient transmission rights to hedge against the congestion charges for importing current and future energy requirements into Texas; and require Entergy Texas to evaluate modifying or exiting the system agreement, and identify options and recommendations for an orderly transition out of ESA and integrating into MISO.

Based on the Coalition expert recommendations that the transfer is in the public's best interest, ARA recommends that Council adopt a resolution supporting other Entergy service area cities in a settlement in principle regarding the transfer of operational control of Entergy Texas Inc.'s transmission system to the Midwest Independent Transmission System Operator, Inc.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance amending Rule 6, Section 2-2 of the Code of Ordinances, Houston, Texas, relating to the Council Member Code of Conduct and procedures for the investigation and punishment of violations of the Standards of Conduct		Category #	Page 1 of 1	Agenda Item # 10
FROM (Department or other point of origin): David M. Feldman, City Attorney Legal Department		Origination Date 8/16/12	Agenda Date AUG 22 2012	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Rashaad Gambrell Phone: 832.393.6439		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That City Council pass an ordinance amending Rule 6, Section 2-2 of the Code of Ordinances regarding the Council Member Code of Conduct to provide for an expanded due process procedure in the investigation of alleged violations of the Standards of Conduct				
Amount of Funding: N/A		F & A Budget: N/A		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: Section 6, Article VII of the Houston City Charter empowers City Council to determine its own rules of procedure and to punish its members for misconduct. On April 20, 2011, City Council took action in adopting a Council Member Code of Conduct ("Code of Conduct") that set forth Standards of Conduct applicable to City Council members and provided a procedure whereby complaints containing alleged violations of one or more of the Standards of Conduct, brought by one council member against another, could be reviewed and disciplinary action taken should City Council determine that a violation had occurred. The proposed ordinance amends Rule 6 by altering the review procedure to exclude participation of the Mayor, change the composition of the initial Review Panel to include the Mayor Pro Tem, Vice Mayor Pro Tem, and a third Council Member to be selected by a strike-off procedure, and to involve the Houston Ethics Commission in preliminary review. Additionally, the ordinance would require not less than a 2/3 vote of city council members to determine that a violation of the Standards of Conduct had occurred, as well as to impose any discipline. A discussion of all the proposed changes occurred at a meeting of the Council Ethics and Governance Committee conducted on July 16, 2012.				

Rule 6. Council Member Code of Conduct.

City council finds and determines that establishing rules of conduct for members of city council is conducive to the conduct of the affairs of the council as a governing body and to good governance. Furthermore, the city council alone is empowered by Article VII, Section 6 of the City Charter to establish standards of conduct for the members of city council and to assess appropriate discipline for failure to comply with those standards. Consistent with that authority, the city council hereby establishes the following standards of conduct and accompanying disciplinary procedures.

I. Standards of Conduct.

Council members shall at all times conduct themselves in a manner consistent with the importance and dignity of their office. To that end, council members shall observe:

- (1) All ethical standards of conduct stated in Chapter 18 of this the Code of Ordinances;
- (2) All requirements of the City Charter regarding conduct by members of city council, including specifically but not limited to Article VII, Section 4; and
- (3) All requirements of federal law, state law, ~~the City Charter, and this the Code of Ordinances~~ regarding the duties, responsibilities, and obligations of elected officials, ~~and all other laws regulating individual conduct.~~

II. Disciplinary Procedure.

A. *Complaints.* A complaint by any council member alleging non-compliance with one or more standards of conduct by another council member shall be submitted to the city attorney or his designee ~~mayer~~ and shall be in writing, dated, and either properly verified (a document will be considered properly verified when a notary executes it with the language "Signed and sworn to (or affirmed) before me on (date) by (the name of the person))" or conform to minimum state law requirements for unsworn declarations, and shall include:

- (1) The name and position or title of the party or parties filing the complaint (hereinafter referred to as the *complainant(s)*);
- (2) The name and position or title of the individual(s) alleged to have violated one or more standards of conduct (hereinafter referred to as the *respondent(s)*);
- (3) The nature of the alleged violation of the standards of conduct or of other law, rule, or regulation, ~~applicable to the performance of duties or~~

~~discharge of responsibilities;~~

- (4) ~~The specific facts or circumstances ~~allegations that constitute give rise to~~ a violation of one or more of the standards of conduct, including the submission of any documentation ~~in the possession of the complainant that relates to the alleged violation of the standards of conduct~~ (the complaint shall not contain innuendo, speculative assertions, or conclusory statements); and~~
- (5) ~~A statement by that the complainant acknowledging recognizes and agrees that the complaint and all associated materials shall, to the extent permitted by law, be deemed confidential throughout the review process, and shall not be released to any third party by the complainant, ~~the mayor, or any other individual privy to the information as provided herein,~~ until such time as ~~the matter is brought before city council.~~~~

B. Review Panel.

Notwithstanding the disciplinary procedure provided herein, the Review Panel shall stay its review of any complaint containing allegations that are the subject of a pending investigation or prosecution by a law enforcement agency until such time as the investigation and any prosecution thereof is completed; provided however, the Review Panel may proceed with its review of the complaint following its receipt of a written request from the respondent requesting that the Review Panel move forward with its review of the complaint.

- (1) Not later than five business days after receiving the complaint, the city attorney or his designee ~~mayor~~ shall forward a true and complete copy of the complaint to the respondent, the mayor pro tem, and the vice mayor pro tem.
- (2) ~~Not later than ten days after receipt of the complaint by the mayor, T~~the complaint shall be reviewed by the mayor pro tem, ~~a member of city council designated by the complainant, and the vice mayor pro tem, and a member of city council mutually agreed upon by the complainant and respondent~~ a member of city council designated by the respondent (collectively referred to as the *Review Panel*), ~~in consultation with the city attorney;~~ provided however, the mayor pro tem, vice mayor pro tem, or any other members of council selected or designated to serve on the Review Panel shall not participate in the review of a complaint which alleges he/she has violated one or more standards of conduct.
- (3) If the complainant and respondent are unable to agree upon a member of city council to serve on the Review Panel within five business days of the

receipt of the complaint, the mayor pro tem shall submit to the complainant and respondent an identical list of council members not a party to the complaint. The complainant and respondent shall each have five business days from the date of the receipt of the list to:

- a. Strike not more than three names;
- b. Number the remaining names in order of preference; and
- c. Return the list to the mayor pro tem.

If the complainant or respondent does not return the list within the time specified, all council members named therein shall be deemed acceptable. From the names that have been approved on both lists, the mayor pro tem shall invite the acceptance of the identified council member to serve on the Review Panel in accordance with the designated order of mutual preference.

- (4) If the complainant and respondent fail to identify a mutually agreed upon council member from the names submitted in order of preference, or if any mutually agreed upon council members identified on their respective lists is unable or unwilling to serve on the Review Panel, the mayor pro tem shall select a council member to serve on the Review Panel by an impartial means of chance.

C. Review.

- (1)a. The Review Panel shall meet and conduct an initial review of the complaint and any documentation submitted therewith within five business days of its formation. The Review Panel shall then meet as often as necessary to review the complaint in conjunction with its receipt of any additional documentation it deems necessary and relevant in making a determination whether the complaint alleges a violation of the standards of conduct and the evidence, when viewed as a whole, establishes reasonable cause to believe there has been a violation of one or more of the standards of conduct.
- (2) The mayor pro tem shall immediately forward a copy of the complaint to the Houston Ethics Commission ("ethics commission") who shall endeavor to make a determination in accordance with sub items (a) and (b) below and furnish a written report to the Review Panel within 30 days of its receipt of the complaint. A member of the ethics commission shall recuse oneself and abstain from participating in the review of the complaint and making a determination in accordance with sub items (a) and (b) below if the member has any conflict of interest that would

preclude the member from being impartial in participating in the review of the complaint.

a. No violation. Upon the Review Panel's receipt of a written report from the ethics commission stating the complaint does not allege a violation of one or more of the ethical standards contained in the Chapter 18 of this Code, the Review Panel shall forward a copy of the written report to the complainant and respondent and cease any further inquiry and investigation of the matter as it pertains to an alleged violation of one or more of the ethics standards contained in Chapter 18 of the Code; provided however, the Review Panel shall immediately proceed with its review of the complaint to determine whether it contains any other alleged violations of the standards of conduct.

b. Possible violation. Upon the Review Panel's receipt of a written report from the ethics commission stating that the complaint alleges a violation of one or more of the ethical standards of conduct contained in Chapter 18 of this Code, the Review Panel shall forward a copy of the written report to the complainant and respondent and cease any further inquiry into the matter and take no further action pending receipt of a written report by the ethics commission whether there is reasonable cause to believe the respondent has violated one or more of the ethical standards of conduct contained in Chapter 18 of this Code.

~~(3) The Review Panel, and shall determine by majority vote whether if the evidence, when viewed as a whole, establishes reasonable cause to believe that a violation of one or more standards of conduct has occurred, and that as a consequence the complaint should be considered by city council. In making said determination the Review Panel may undertake any such inquiry as the Review Panel deems appropriate and necessary. Additionally, the Review Panel shall accept and take into consideration the receipt of a written report by the ethics commission stating whether there is reasonable cause to believe the respondent has violated one or more of the ethics standards of conduct contained in Chapter 18 of this Code. The Review Panel shall furnish a copy of the written report to the complainant and the respondent.~~

~~(4)b. Following its review, tThe Review Panel shall advise the complainant and the respondent of its the Panel's findings.~~

~~(5)b. Upon the Review Panel's determination that the complaint does not contain an alleged violation of the standards of conduct and the evidence, when viewed as a whole, does not establish reasonable cause to believe there has been a violation of one or more of the standards of conduct and~~

therefore should not be considered by city council, the matter is concluded.

- (6)e. Upon the Review Panel's determination that the complaint does contain an alleged violation of the standards of conduct and the evidence, when viewed as a whole, does establish reasonable cause to believe there has been a violation of one or more of the standards of conduct, the matter shall ~~should~~ be considered by city council and, the mayor pro tem shall request that the mayor present the complaint to city council by posting the same on an agenda of a meeting of the city council to be held not earlier than 20 business days following the date of the action of the Review Panel. If the respondent so desires, he or she may file a written response with the mayor not later than seven business days prior to the date of the council meeting. In lieu of filing a response, the respondent may within the same time frame file a written request with the mayor for and shall receive a one-time extension of two weeks (or until the next available council meeting thereafter) for initial consideration of the complaint; if such an extension is requested, the period for filing a response is likewise extended.

D. City Council Consideration.

For purposes of this rule of procedure, the term *city council* or *council members* shall exclude the mayor and shall mean only those individuals who have been elected to and are currently serving on the governing body of the City of Houston, Texas as a district council member or an at-large council member pursuant to Section 2, Article V of the City Charter.

- (12)The posted item for the agenda of the city council meeting to consider the complaint shall be to "Discuss, Consider, and Possibly Take Action" regarding the complaint. At the initial city council meeting, ~~the city council shall consider the complaint on its face, shall consider any response thereto, and shall hear comment or where deemed appropriate sworn testimony from the complainant(s) and from the respondent(s). Following discussion thereof, the council may determine if the complaint is sufficient or insufficient to establish a violation of the standards of conduct. If the council determines the complaint does not establish a violation of the standards of conduct, the matter is concluded.~~

- (23)~~If the council determines a violation of the standards of conduct has occurred, the council shall then determine the appropriate discipline. If the city council determines the complaint may have merit, but additional information is required to make a final decision, the city council may forward the matter to a future council meeting to take additional evidence and consider further action.~~

- (34) If ~~the city~~ council defers action at the initial meeting at which the complaint is considered, ~~the city~~ council shall establish a future council meeting date to resume deliberations. Pursuant to Article VII, Section 5 of the City Charter, The city council may, pursuant to Article VII, Section 5 of the City Charter summon and compel the attendance of witnesses and the production of documents necessary to the consideration of the complaint. Following the discussion and consideration of additional evidence as ~~the city council shall deems~~ appropriate, ~~the city~~ council shall determine if the complaint is sufficient or insufficient to establish a violation of the standards of conduct. A vote of not less than two-thirds majority of council members shall be required to determine a violation of the standards of conduct has occurred.
- (4) If ~~the city~~ council determines the complaint does not establish a violation of the standards of conduct, the matter is concluded. If ~~the city~~ council determines a violation of the standards of conduct has occurred, ~~the city~~ council shall then determine the appropriate discipline.

EG. *Discipline.*

- (1) Upon a finding by the city council that a respondent has violated one or more of the standards of conduct, the council may, in addition to any other action taken by any agency or tribunal, assess the discipline it deems appropriate. A vote of not less than two-thirds majority of council members shall be required in determining the assessment of the appropriate discipline as listed in the following progressive order of seriousness:
- a. Verbal Reprimand - a statement of disapproval made publicly during a meeting of city council admonishing the respondent.
 - b. Written Letter of Reprimand - a formal, written statement of disapproval memorializing the contents of a verbal reprimand which shall be read aloud at a meeting of city council and become part of city council's record of the meeting at which the written statement is read.
 - c. Official Censure - a written letter of reprimand and other sanction(s) including:
 - i. Removal of council committee chairmanship(s), if applicable, and other special appointments;
 - ii. Removal of membership from council committee(s); and/or

iii. Suspension of participation in a designated number of city council meetings.

d. Impeachment and Removal from Office - the removal of a council member from office creates a vacancy which shall be filled in a manner consistent with Section 2, Article VII of the Charter and applicable state law.

- (2) All discipline imposed as a result of a finding that one or more of the standards of conduct have been violated shall be in addition to any other penalty or punishment that may be imposed pursuant to federal and state law or any other applicable provision of the City Charter or this Code of Ordinances, Houston, Texas.

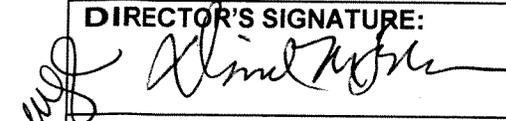
III. Implementation.

Following adoption by ordinance of these standards of conduct, each current member of city council shall, within ten business days of adoption, execute an acknowledgment in a form acceptable to the city attorney stating that he/she has received and read this Code of Conduct. All newly elected members of city council shall execute a similar acknowledgment at the time of their receipt of the oath of office. All acknowledgments shall thereafter be placed in the official records of the City of Houston.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance amending various provisions of Chapter 18 of the Code of Ordinances, Houston, Texas, relating to ethics and financial disclosure	Category #	Page 1 of 1	Agenda Item # 11
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FROM (Department or other point of origin): David M. Feldman, City Attorney Legal Department	Origination Date 8/16/12	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Rashaad Gambrell Phone: 832.393.6439	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
That City Council pass an ordinance amending various provisions of Chapter 18 of the Code of Ordinances relating to the city's ethics standards and financial disclosure requirements incumbent upon city officials.

Amount of Funding: N/A	F & A Budget: N/A
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:
Chapter 18 of the City of Houston Code of Ordinances contains the city's ethical standards and financial disclosure requirements applicable to city officials, and other regulatory provisions addressing lobbying, the solicitation and receipt of campaign contributions, and campaign finance reporting. The proposed amendments are designed to advance the purposes of Chapter 18 in several respects.

The amendments seek to strengthen the ethical standards of conduct imposed upon city officials by prohibiting interference with criminal or administrative investigations, as well as the use of city employees for private gain or advantage during work hours. The amendments also expand the prohibition against the delivery and acceptance of campaign contributions at city owned and operated facilities.

Additionally, the amendments would prohibit members of the city's Ethics Commission from soliciting contributions for candidates to city elective office and impose additional restrictions on those eligible to serve on the Ethics Commission, in order to ensure complete neutrality.

Finally, the amendments require that only active city officials file an annual financial disclosure statement; repeal outdated and ineffective Code provisions concerning campaign principles; and revise the classification of persons that are considered members of the executive branch for purposes of the city's regulatory provisions regarding lobbying.

A discussion of all the proposed changes occurred at a meeting of the Council Ethics and Governance Committee conducted on July 16, 2012.

Chapter 18

ETHICS AND FINANCIAL DISCLOSURE

ARTICLE I. IN GENERAL

Sec. 18-1. Policy.

It is the policy of the city that all city officials shall act and conduct themselves, both inside and outside the city's service, so as to give no occasion for distrust of their integrity, credibility or devotion to the best interests of the city and the public trust that it holds. To this end, there is established in this chapter an ethics commission for the city. The purpose of the commission is to accept and review complaints of impropriety on the part of city officials including, but not limited to, conflicts of interest such as the use of offices or employment for private gain, the granting and exchanging of favored treatment to persons, businesses, or organizations, and the conduct of activities that engender opportunities to influence government decisions for personal gain or advantage or that might otherwise bring discredit on or to the city. Additionally, the policy of the city in adopting article IV of this chapter is:

- (1) To eliminate any undue influence, and
- (2) To prohibit solicitation of campaign funds by city employees or certain appointed officials, and
- ~~(3) To reduce the pressure on incumbents to spend increasing amounts of time raising funds for campaigns.~~

Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings provided in this section, except where otherwise expressly provided in this chapter or where the context clearly indicates a different meaning:

Benefit means anything reasonably regarded as economic gain or economic advantage, including any charitable contribution to any other person in whose welfare a city official is directly interested. The term benefit shall not apply to elected city officials in receipt of any political contribution, fee, gift, award, or other benefit as exempted by section 36.10 of the Texas Penal Code, as amended.

Business means any activity engaged in for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product, service, or property including, but not limited to, activities operated in the form of a sole proprietorship, limited partnership, general partnership,

corporation, joint stock company, joint venture, receivership or trust or in any other form. The term 'business' shall also include activities engaged in for charitable, educational or philanthropic purposes.

Candidate means a person who knowingly and willingly takes affirmative action for the purpose of gaining election to city office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for election. The term candidate shall also include an office holder of a city elective office or an office holder elect. To the extent that any candidate elects to receive contributions or make expenditures through a 'specific-purpose committee' as that term is defined by section 251.001 of the Texas Election Code, then the specific-purpose committee shall be regarded as the agency of the candidate, and the actions of the specific-purpose committee shall be deemed to be actions of the candidate who is utilizing the specific-purpose committee. Examples of affirmative action include:

- (1) The filing of a campaign treasurer appointment;
- (2) The filing of an application for a place on a ballot;
- (3) The filing of declaration of a write-in candidacy;
- (4) The making of a public announcement of a definite intent to run for city office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (5) Before a public announcement of intent, the making of a statement of definite intent to run for city office and the soliciting of support by letter or other mode of communication; and
- (6) The soliciting or accepting of a campaign contribution or the making of a campaign expenditure.

City elective office means the offices of the mayor, the various city council positions and the city controller.

City official means the elected city officials, appointive officials as defined in Article Va, Section 2(a) of the City Charter, assistant city attorneys, persons holding executive level employee positions as defined in Article Va, Section 2(f) of the City Charter, and appointed members of city boards, committees and commissions and any person whose services are donated to the city. The term includes full-time and part-time service and service on a long-term or short-term basis, whether undertaken pursuant to a written agreement or otherwise.

Commission means the ethics commission.

Contract means each contract having a value in excess of \$50,000.00 that is let by the city for professional services, personal services, high-technology goods, construction or services, or other goods or services of any other nature whether the contract is awarded on a negotiated basis, request for proposal basis, competitive proposal basis or formal sealed competitive bids.

Contract award period means the period commencing upon the calendar day when the city takes formal action in publishing a request for a proposal or an invitation for formal bids for the award of the contract and ending upon the 30th day after the award of the contract by city council or a determination that the contract will not be awarded to a contractor.

Contractor means any person who has received the award of a contract, submitted a bid or proposal in any form for the award of a contract, or been proposed to be awarded the contract in an item placed upon the city council agenda, including any other person who seeks the award of the contract and is contesting, appealing or protesting the award of the contract as proposed. The term shall include the proprietor for a proprietorship, each partner having an equity interest of ten percent or more for a partnership and each corporate officer, corporate director or holder of ten percent or more of the outstanding shares of stock for a corporation. The term shall also include any subcontractor authorized to provide all or a portion of goods, labor, or services in fulfillment of an award of a contract.

Donated means provided without charge to the city or for compensation of \$1.00 per year or less.

Elected city official means any person who holds a city elective office, whether through election or through an appointment to fill an unexpired term thereof.

Election means the process by which individuals (whether opposed or unopposed) seek election to city elective offices. A run-off election is a separate election.

Impropriety means conduct that violates one or more of the ethical standards established in section 18-3 of this Code.

Interest in real property includes any leasehold, beneficial interest, ownership interest or an option to acquire any such interest in real property.

Member of household means:

- (1) A person who is the city official's or candidate's spouse, child, ward,

parent or other relative, or the child, ward, parent or other relative of such official's or candidate's spouse, and who shares the city official's or candidate's legal residence; or

- (2) A person who is the city official's or candidate's spouse, child, ward, parent or other relative, or the child, ward, parent or other relative of such official's or candidate's spouse, and over whose financial affairs and holdings the city official or candidate has legal or actual control, whether or not they share a legal residence.

Misconduct means an act committed in violation of a penal law of the United States or of the State of Texas, or an act committed in violation of any penal provision of this Code including ~~other than~~ an act committed in violation of section 18-3 of this Code.

Person means an individual, corporation, partnership, labor organization, unincorporated association, firm, committee, political committee, club or other organization or group of persons whether associated with a political party or element thereof or not.

Personal loan means a contribution, loan or other advance from personal resources made to a candidate's campaign by the candidate, or personal funds expended on a campaign by a candidate for which reimbursement will be sought, or any loans made to a candidate's campaign that are guaranteed in whole or in part by the candidate.

Salaried means receiving compensation from the city in any amount.

Sec. 18-3. Standards of conduct.

(a) It shall be unlawful for any city official to:

- (1) Engage in any business or professional activity that conflicts with the discharge of official duties.
- (2) Invest or hold any investment or interest in any financial, business, commercial or other transaction that creates a conflict between the public trust held as an official of the city and the official's private interests.
- (3) Disclose confidential information concerning the property, operations, policies or affairs of the city, or use such confidential information to advance the personal interests, financial or otherwise, including the property interests, of said official or others, or accept employment or engage in business or professional activity that the official might reasonably expect would require or induce him to disclose confidential information acquired by

reason of his official position.

- (4) Use the official's position or the city's facilities, equipment or supplies for the private gain or advantage of the official or others, or use or attempt to use the official's position to secure special advantage for the official or others.
- (5) Use or attempt to use any city employee(s) to perform acts or services for the private gain or advantage of the official or others unless the city employee(s) is acting during off-duty hours or is on a duly approved leave of absence.
- (65) Negotiate for or accept future employment with any person, firm, association or corporation that has a substantial interest in any proposed ordinance or decision upon which the official may or must act or make a recommendation subsequent to such negotiation or acceptance.
- (76) Appear before the body of which the official is a member while representing any private person, group or interest.
- (87) Use the official's position to harass or discriminate against any person based upon ethnicity, race, gender, sexual orientation, or religion.
- (9) Interfere with any criminal or administrative investigation alleging the violation of any provision of this Code, the City Charter, administrative policy or executive order in any manner, including but not limited to seeking to persuade or coerce city employees or others to withhold their cooperation in such investigation.
- (108) Solicit, accept, or agree to accept a benefit from a contractor during a contract award period or any time when the city official knows the contractor is interested in any contract of any value.

(b) In addition to the provisions of subsection (a) of this section, it shall be unlawful for any elected city official to:

- (1) Use or attempt to use the official's position to exercise any administrative powers over any city department, as provided for in section 10, article VII of the City Charter.
- (2) Use or attempt to use the official's position to influence or attempt to influence a contractor or a recipient of grant money administered by the city to utilize the goods, labor, or services of any person for the private gain or advantage of the official or others; provided, this provision shall not be construed to prohibit an official, acting in the capacity of a citizen, from communicating with a contractor concerning matters not related to or

affecting city business.

(c) It shall be unlawful for any salaried city official to:

- (1) Represent any private person, group or interest before any agency of the city, except in matters of purely civic or public concern when the official is acting without compensation or remuneration.
- (2) Represent any private person, group or interest in any action or proceeding against the interests of the city, or in any litigation in which the city or any agency thereof is a party. However, this provision shall not prohibit representation by a group, firm or organization the city official is associated with if such city official does not participate in the action, proceeding or litigation in any manner and does not receive any benefit directly or indirectly from the action or proceeding.
- (3) Represent any private person, group or interest in any action or proceeding in the municipal courts of the city that was instituted by a city officer or employee in the course of official duties.

The provisions of this subsection shall not be construed to prohibit elected city officials and their staffs, while acting in the course and scope of their duties, from rendering assistance to constituents in lawfully obtaining city services, licenses, or permits or in transacting other routine matters of public business with city departments or agencies, provided that no preferential treatment or consideration is requested by the elected city official or his staff members on behalf of the constituents.

The provisions of this article shall be cumulative of any other applicable requirements imposed by this Code.

Sec. 18-4. Chapter cumulative.

This chapter is cumulative of and supplemental to applicable state and federal laws and regulations. Compliance with the provisions of this chapter shall not excuse or relieve any person from any obligation imposed by state or federal law regarding ethics, financial reporting, campaign financing or any other issue addressed in this chapter.

Secs. 18-5--18-10. Reserved.

ARTICLE II. ETHICS COMMISSION

Sec. 18-11. Created; purpose.

There is hereby created and established the ethics commission for the city to

administer and implement this chapter. The commission shall have the duty and power to review allegations of impropriety on the part of city officials.

Sec. 18-12. Composition.

The ethics commission shall consist of seven persons of good moral character who shall be adult residents of the city. No member may be a current elected city official, city employee, or candidate or applicant for such position, a campaign treasurer for a current elected city official or candidate, or an individual required to register pursuant to Article V of this chapter or, notwithstanding making expenditures or the receipt of compensation in amounts that require registration pursuant to Article V of this chapter, is otherwise engaged in conduct prescribed in section 18-72(a) of this Code and not exempted from the registration requirement in section 18-72(b) of this Code or to which an affirmative defense is not provided in section 18-73 of this Code. The mayor shall direct certain organizations to nominate the members of the commission. The positions shall be filled as follows:

- (1) *Position 1:* By a member of the legal community. The Houston Bar Association shall nominate the person to fill the position from the legal community.
- (2) *Position 2:* By a member of the labor community. The Central Labor Council of the AFL-CIO shall nominate the person to fill the position from the labor community.
- (3) *Position 3:* By a member of the medical community. The Harris County Medical Society shall nominate the person to fill the position from the medical community.
- (4) *Positions 4, 5, 6 and 7:* By four members from the city community-at-large. The city council shall nominate the persons to fill these four positions.

The city council shall confirm all nominations for positions on the commission. If any nominee is unable or declines to serve on the commission, or is not confirmed by city council, the nominating authority shall nominate another person to fill the position. If the nominating authority for Position 1, 2 or 3 declines to submit a nomination to fill its respective position, either initially or subsequently, or is unable to do so, or fails to do so within 30 days of the request by the mayor, the city council shall nominate and confirm a person to fill such vacant position.

Sec. 18-13. Term of office.

The initial term of each position as hereby established shall commence on January 1, 1986. The initial terms of Positions 1, 3, 5 and 7 shall expire on December 31, 1987; and the initial term of Positions 2, 4 and 6 shall expire on December 31, 1986. Following

the aforesaid initial terms, the term of office for each position on the commission shall be two years. Any vacancy that occurs during an unexpired term shall be filled for the remainder thereof in the manner prescribed in section 18-12 of this Code for original nominations. ~~No member may be an official or employee of the city or be a candidate for such position.~~ A member shall hold office until his successor has been nominated by the proper authority and confirmed by city council.

Sec. 18-14. Chairman, vice-chairman; quorum.

Annually, upon confirmation of its new members, the commission shall elect one of its members to serve as chairman who will preside at all meetings. The commission shall also elect another of its members to serve as vice-chairman who shall preside at meetings in the absence of the chairman. Four members of the commission shall constitute a quorum to transact business. If a quorum is present, a vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Sec. 18-15. Removal of members.

Members of the commission may be removed by the mayor, with the concurrence of city council, for substantial neglect of duty or for conduct that impairs the ability of the member to carry out his commission duties.

Sec. 18-16. Procedures; duties.

(a) The commission may establish for itself rules of order, evidence, or procedure that are consistent with principles of due process and not in conflict with applicable state law. Copies of commission rules of order, evidence, or procedure shall be posted on the city's internet website and maintained in the city secretary's office for inspection and purchase at the fees prescribed by law.

(b) ~~Neither the commission nor any member shall have power to take action except by authority of majority vote, which shall mean the vote of at least four members.~~

(c) The commission may request the city attorney to provide legal advice, including any necessary training, or it may request of city council that special outside counsel be employed to serve in an advisory capacity to the commission. The commission may also request that city council employ or retain any additional staff that the commission may deem necessary, but no person employed or retained by the commission shall be considered an officer or employee of the city.

(d) Upon the receipt of a sworn, written complaint of any person the commission shall, or upon its own initiative may, review alleged acts of impropriety on the part of city officials. Upon the commission's request, the office of inspector general shall provide the commission with necessary assistance in the investigation of complaints. Investigations

requested by the commission and conducted by the office of inspector general shall be conducted in a confidential manner and records of any such investigations shall be considered confidential to the extent permitted by state law. The unauthorized release of confidential information by any commission member shall be grounds for the removal of the commissioner.

(e) If the commission concludes that there is reasonable cause to believe that impropriety has occurred, the commission shall make a detailed written report of such conduct and forward its finding to the mayor, city council, the city attorney, and any appropriate department, agency, commission, or board.

(f) If the commission concludes that there is not reasonable cause to believe that impropriety has occurred, it shall promptly report such finding to the city official who is the subject of the complaint and the person who submitted the complaint.

(g) If any complaint received or matter brought to the attention of the commission appears to involve misconduct beyond the scope of impropriety, the commission shall refer the matter to the office of inspector general, ~~police department, district attorney's office or the proper other state or federal, state, or local governmental~~ authority responsible for the investigation or prosecution thereof. ~~If impropriety is also alleged therein the commission shall defer its review thereof~~ or coordinate its review with the office of inspector general or agency responsible for the criminal investigation or prosecution so as not to prejudice any investigation of ~~misconduct~~ or prosecution for misconduct beyond the scope of impropriety that is being conducted by criminal investigation or prosecution authorities.

(h) If, in the course of the commission's review of allegations of impropriety, there appears to be a question or issue of misconduct beyond the scope of impropriety involved, the commission shall immediately suspend its review and refer the matter to the office of inspector general or the proper federal, state, and local governmental authority for investigation and possible criminal prosecution, or coordinate its review with the office of inspector general or agency responsible for the criminal investigation or prosecution so as not to prejudice any investigation of ~~misconduct~~ or prosecution for misconduct beyond the scope of impropriety that is being conducted by criminal investigation or prosecution authorities.

(i) When the commission concludes that there has been a violation of subsection (a), part ~~(87)~~ of section 18-3 of this Code it shall have the power to:

- (1) Issue a public rebuke and reprimand of the city official; and/or
- (2) Recommend to the mayor and city council and to any appropriate department, agency, commission, or board that the city official be removed and relieved of any and all assignments or duties related to same.

(j) The commission shall review, process, and conclude all complaints in an expeditious manner.

(k) At least once each calendar year the director of the department of administration and regulatory affairs shall cause to be distributed to each city employee by email, fax, or other similar means a notice setting forth the functions and duties of the commission and the procedures for filing complaints, and periodically such notices shall be posted in prominent places in city-owned facilities. The notices shall set forth a city office and telephone number that may be contacted for further assistance or information.

Sec. 18-17. Opinions.

(a) Upon receipt of a written request from any person subject to the ethical standards set out in section 18-3 herein, the commission may render written advisory opinions about the application of such ethical standards to such person in regard to a specified factual situation, whether existing or hypothetical. Any written advisory opinion so rendered shall be issued not later than the sixtieth day after the date the commission receives the written request.

(b) On its own initiative, the commission may issue a written advisory opinion about the application of the ethical standards set out in section 18-3 if a majority of the commission determines that an opinion would be in the public interest or in the interest of any person or persons subject to section 18-3; provided, however, that in no case shall the commission issue such an opinion which includes the name of any individual who may be affected by the opinion.

Secs. 18-18--18-20. Reserved.

ARTICLE III. FINANCIAL DISCLOSURE

Sec. 18-21. By city officials and candidates for city office.

(a) The term *city official* as used in this article shall have the meaning provided in section 18-2 of this Code, except that persons whose services are donated to the city and appointed members of city boards, committees and commissions who are compensated on a per-meeting basis shall be excluded.

(b) On or before April 30 of each calendar year, each city official shall file with the city secretary a financial disclosure statement. The statement shall cover the previous calendar year. For the purposes of this article, a financial disclosure statement filed pursuant to Chapter 145 of the Texas Local Government Code shall be deemed to meet this requirement. In any year, to comply with this section, the city controller may elect to file a financial disclosure statement in the form and on the schedule prescribed by Chapter 145.

(c) Any candidate for a city elective office at a general election who has not filed a financial disclosure statement pursuant to Chapter 145 of the Texas Local Government Code during the year in which such election is held shall file a statement pursuant to that law with the city secretary. A candidate for city elective office in a special election to fill a vacancy shall file a financial disclosure statement with the city secretary as provided in the preceding sentence. The term candidate shall include a city official seeking reelection or election to another city elective office. Those candidates who have not filed by the filing date provided herein shall be advised of such omission by the commission via hand delivery, electronic mail, certified mail, return receipt requested, sent or delivered to the address provided by such candidate at the time of filing for office, or by any other method approved by the commission.

(d) A city official who ceases to be a city official shall not be required to file a financial disclosure statement with the city secretary for the period existing between the previous statement filed by such official and the effective date of such official's termination of duty or employment; provided however, this shall not excuse elected city officials and the city attorney from compliance with all state law requirements regarding the filing of financial disclosure statements.

(e) Any person who is appointed to a city elective office for an unexpired term and who is not otherwise subject to subsections (b) or (c) hereinabove shall file a financial disclosure statement with the city secretary for the 12 months preceding his appointment. The statement shall be filed not later than 15 days following such appointment. This subsection shall not apply to the mayor pro tem who fills a vacancy created in the office of mayor, or to the vice mayor pro tem who fills a vacancy created in the office of mayor or mayor pro tem, provided such person has previously complied with subsection (b) above.

(f) The city secretary shall retain financial disclosure statements for not less than five years from the date of filing. The city secretary shall also maintain a list of the persons who are required to file financial disclosure statements under this article and an index of the statements filed, setting forth names and dates of filing.

(g) A city official or candidate for a city elective office shall include the following information by separate listing of each category, as enumerated in parts (1) through (14) below, in his or her required financial disclosure statement:

- (1) The name, address, public position held or sought by the city official or candidate, the names of all members of his household, and all names under which any of them do business.
- (2) All sources of occupational income in excess of \$250.00 per source of the city official or candidate, and members of his household, including the amount, the name and business address of the employer or employing business and the nature of the occupation or business. If the city official, candidate, or any member of his household is self-employed, or if such

person owns, either legally or beneficially, at least a 20 percent interest in the business, then he shall report the names and addresses of the clients or customers from whom he or his employer or employing business received at least ten percent of such employer's or employing business' gross income during the period covered by the statement. If such income is for the provision of medical, health-related, or legal services, the income shall be listed but the identity of the individual patients or clients need not be disclosed.

- (3) All income received during the period covered by the statement by the city official, candidate, member of his household, or by a business in which the person has a 20 percent or greater interest, as a fee for future, unspecified services, including the amount and the name of the source of the fee.
- (4) An itemized list of all income in excess of \$250.00 per source received during the period covered by the statement by the city official, candidate, or member of his household from interest, dividends, royalties or rents, including the amount and the identification of the source.
- (5) An itemized list of all income in excess of \$250.00 per source received during the period covered by the statement by the city official, candidate, or member of his household as the beneficiary of a trust, including the amount and the identification of the source.
- (6) The identification of any person, business, or organization from whom the city official, candidate, or member of his household has received, during the period covered by the statement, a gift of any money or other thing of value in excess of \$250.00, or a series of gifts from the same source, the total value of which exceeds \$250.00, including, by itemized listing, the source of the gift and its value. Excluded from this requirement are gifts received from persons related to the city official, candidate, or member of his household within the second degree of consanguinity or affinity, and campaign contributions which were received and reported as required by state statute. Also excluded from this requirement are meals and beverages received during the period covered by the statement by such person from some other person, business or organization.
- (7) The name of any business in which the city official, candidate, or member of his household held or owned stock, legally or beneficially, at any time during the period covered by the statement, which stock is registered and publicly traded on a recognized exchange (or through the over-the-counter market).
- (8) The name, street address, and nature of any business in which the city official, candidate, or member of his household held or owned stock, legally or beneficially, at any time during the period covered by the statement,

which stock is either unregistered, closely held or not publicly traded on a recognized exchange (or through the over-the-counter market), and a statement as to whether the holdings constitute a ten percent or larger interest in such business.

- (9) A description and the amount of all bonds, notes and other commercial paper held or owned, legally or beneficially, by the city official, candidate, or member of his household at any time during the period covered by the statement.
 - (10) All other income received during the period covered by the statement by the city official, candidate, or member of his household in excess of \$250.00, including, by itemized listing, the amount and description of the source.
 - (11) All real property in which the city official, candidate, or member of his household has held, at any time during the period covered by the statement, any legal or beneficial interest, including, by itemized listing, a description of the property sufficient to locate the property, including the street address, if any, the present use of the property and the proportion, by percent, of the interest held in each tract by the city official, candidate, or member of his household.
 - (12) An itemized list of all real property that, at any time during the period covered by the statement, was owned, either directly or through a subsidiary, by a corporation, partnership, limited partnership, trust, or other business in which the city official, candidate, or member of his household is an officer or owns at least a ten percent interest, including a description of the property sufficient to locate the property, including the street address, if any, and the present use of the property.
 - (13) All contractual financial liabilities of the city official, candidate, or member of his household that are in excess of \$1,000.00 and that existed at any time during the period covered by the statement, including the amount of the liability, the interest rate and the name of the obligee. Provided, however, that such liabilities shall not be construed to include normal household accounts such as those with retail business establishments or bank credit or debit cards. Additionally excluded from this requirement are campaign loans which are to be reported as required by state statute.
 - (14) All boards of directors of which the city official, candidate, or member of his household was a member and the executive positions which the person held during the period covered by the statement in any business, stating the name of each such business and the position held.
- (h) Reports of cash value or interest by category.

- (1) Where a monetary amount or value is required to be reported, the exact amount need not be stated. The statement may instead include the category of amount as follows:

a.	<i>Category I:</i>	Less than \$1,000.00.
b.	<i>Category II:</i>	At least \$1,000.00 but less than \$10,000.00.
c.	<i>Category III:</i>	At least \$10,000.00 but less than \$50,000.00.
d.	<i>Category IV:</i>	At least \$50,000.00 but less than \$100,000.00.
e.	<i>Category V:</i>	At least \$100,000.00 but less than \$500,000.00.
f.	<i>Category VI:</i>	At least \$500,000.00 but less than \$1,000,000.00.
g.	<i>Category VII:</i>	\$1,000,000.00 or more.

- (2) Where the rate of interest is required to be reported, the exact rate of interest need not be stated. The statement may instead include the rate of interest by category as follows:

a.	<i>Category I:</i>	Not more than five percent.
b.	<i>Category II:</i>	Greater than five percent, but not more than ten percent.
c.	<i>Category III:</i>	Greater than ten percent, but not more than 15 percent.
d.	<i>Category IV:</i>	Greater than 15 percent, but not more than 20 percent.
e.	<i>Category V:</i>	More than 20 percent.

Sec. 18-22. Public records.

All financial disclosure statements required by this article shall be sworn and shall constitute public records. The city secretary shall maintain such statements in a manner that is accessible to the public during regular business hours.

Sec. 18-23. Dates.

All financial disclosure statements required by this article shall be filed with the city secretary by 5:00 p.m. of the last day designated. When the last day falls on a Saturday or Sunday, or on an official city holiday as established by city council, the deadline for filing is extended to 5:00 p.m. of the next day which is not a Saturday or Sunday or official city holiday. Such statement shall be deemed to be timely filed if it is placed in the United

States Post Office or in the hands of a common or contract carrier properly addressed to the city secretary within the time limit applicable to such statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that such statement was deposited with the post office or carrier.

Sec. 18-24. Legal opinions.

Any elected city official may request, and the city attorney shall thereupon promptly issue, a written opinion concerning the meaning or effect of any section, word, or requirement of this article as it affects such official. At the request of such official, the city attorney shall not disclose the requesting party's identity in the written requested opinion or in any other manner, and shall render the opinion in the form of a response to an anonymous, hypothetical fact situation.

Sec. 18-25. Forms.

The city secretary shall promulgate forms on which statements required by this article may be made and shall make them available to all persons who are subject to the terms of this article.

Sec. 18-26. Penalty.

Any violation of this article, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00 for each violation. Each day that any violation continues shall constitute a separate and distinct offense. Financial disclosure statements filed pursuant to Chapter 145 of the Local Government Code shall be subject to the provisions and penalties therein.

Sec. 18-27. Review by ethics commission.

All financial disclosure statements shall be reviewed by the commission, and if a majority of the commission determines that the statement has been completed incorrectly or not in accordance with the provisions of this article or other applicable law, the city official or candidate who filed such statement shall be advised of such by the commission via hand delivery, electronic mail, certified mail, return receipt requested, sent or delivered to the address provided by such city official or candidate at the time of his or her filing, or by any other method approved by the commission. Any violation of this article or other applicable law pertaining to financial disclosure shall be referred to the city attorney or other appropriate official by the commission.

Secs. 18-28--18-30. Reserved.

**ARTICLE IV. LIMITATIONS ON SOLICITATIONS
AND CONTRIBUTIONS**

DIVISION 1. ~~GENERALLY~~

Sec. 18-31. Scope.

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

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

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

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

Sec. 18-32. No contributions in city owned or operated buildings or facilities at City Hall.

It shall be unlawful for any person to deliver a contribution to a candidate or for any candidate to accept a contribution in any city owned or operated building or facility the City Hall, the Margaret Westerman City Hall Annex or any building used by the planning commission. It is a defense to prosecution that the delivery was made by the United States Postal Service or other delivery service or common carrier or the contribution was offered and accepted during an authorized campaign fundraising event conducted at a city owned or operated building or facility pursuant to a written agreement with the city regarding the use of the city owned or operated building or facility.

Sec. 18-33. Prohibited solicitations.

(a) It shall be unlawful for any candidate to accept or to offer or agree to accept any contribution that was solicited by a member of the ethics commission, planning commission or a member of the sports authority board, the port authority board, or the metropolitan transit authority board appointed by the city.

(b) It shall be unlawful for any member of the ethics commission, planning commission or a member of the sports authority board, the port authority board, or the metropolitan transit authority board appointed by the city to solicit contributions for any candidate.

(c) It shall be unlawful for a city employee to solicit contributions for any candidate at any time unless the employee is acting during off-duty hours or is on a duly approved

leave of absence. Further, this section does not contradict state law as it applies to police and fire personnel.

Sec. 18-34. Prohibition of contributions by litigants.

It shall be unlawful for any person who has any litigation pending in which the person is an adverse party to the city or who has an ownership interest of ten percent or more in any party that has any litigation pending in which it is an adverse party to the city to contribute or donate any funds to any candidate if the litigation seeks recovery of an unspecified amount or of an amount in excess of \$50,000.00, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing such person. It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in the foregoing provision. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.

Sec. 18-35. Restricted period for solicitations and contributions.

(a) A candidate for city office at a city general election may neither solicit nor receive contributions except during a period commencing on the 1st day of February prior to the day of the election, and ending on the 4th day of March following the election date for the race that the candidate has entered. In the event that the candidate should be in a run-off election, the final date to receive or solicit contributions shall be the 4th day of April following the election date.

(b) Candidates for city office at a special election to fill a vacancy for an unexpired term may neither solicit nor receive contributions except during a period commencing upon the date that the election for which the person is a candidate is called and ending 90 calendar days after the election date, including run-off elections if such candidate is on the ballot.

Sec. 18-36. Prohibited contractor contributions.

(a) It shall be unlawful for any contractor to contribute or offer any contribution to a candidate, or for any candidate to solicit or accept any contribution from a contractor during a contract award period. In the event that a candidate unknowingly accepts a contribution in contravention of the foregoing provision, it shall be the duty of the candidate to return the contribution within ten days after he becomes aware of the violation.

(b) Each request for proposal or other document, notice or advertisement for a contract shall contain a notice regarding this section in a form approved by the city attorney. Each contractor shall be required to submit with any proposal or other

submission for the award of any contract a complete list of the persons included in the term "contractor" as defined in this chapter in a form prescribed by the city attorney. It shall be the duty of each city department director to immediately forward each contractor list received to the city secretary who shall compile and maintain a log of persons who are required to be reported. In addition, the city secretary shall compile, maintain and post, by the 14th day after a city council meeting, a list of contracts awarded at such council meeting by city council, including on such list, the date of the initial posting of the request for council action relative to each specific contract, the name of the contractor, a short description of the contract and the date occurring 30 days after the award of the contract or the determination by city council or the mayor that the contract would not be awarded to a contractor. The city secretary shall be required to compile, maintain and post such a list only during such periods that candidates or city officials running for a city elected position may receive campaign contributions.

Sec. 18-37. Limitation on repayment of personal loans.

(a) It shall be unlawful for any candidate to be reimbursed or to be repaid from campaign contributions for any personal loan in excess of \$75,000.00 for the office of mayor, \$15,000.00 for other city-wide office (controller and at-large council offices) or \$5,000.00 for a district council office. This provision shall not alter, remove or affect any reporting requirements under the laws of the State of Texas or this article.

(b) For the purposes of this section, the repayment limit shall apply to personal loans whether incurred before or after the adoption of this article.

Sec. 18-38. Limitation on total contribution by individual and political action committee.

(a) No person shall make contributions to a candidate which in the aggregate exceeds \$5,000.00 per election. No political action committee shall make contributions to a candidate which in the aggregate exceeds \$10,000.00 per election.

(b) A candidate may utilize unexpended political contributions raised in connection with a non-city elective public office in an amount not to exceed the maximum contribution that the candidate may accept from a single donor under subsection (a), regardless of category, provided he files with the city secretary a statement of intent to do so at the time of the filing with the city secretary of his campaign treasurer designation, or if the filing of a campaign treasurer designation is not required, prior to the making of any expenditure in connection with his campaign for city elective office. The provisions of this subsection shall also be applicable to a run-off election, provided that the statement of intent shall be filed within three days after the run-off election is called.

(c) A coordinated campaign expenditure shall be considered a contribution subject to the limits set forth in subsection (a) and subject to the disclosure requirements for campaign contributions made to a candidate for city office. As used in this subsection,

the term coordinated campaign expenditure means a payment, other than a direct contribution, for an activity, service or product that contains express advocacy for the election or defeat of a clearly identified candidate for city office and is made in cooperation, consultation, or concert, with or at the request or suggestion of, a candidate for city office or a candidate's representative, agent, or employee.

Coordinated campaign expenditures shall include, but not be limited to the following:

1. Voter identification and/or get-out-the-vote activity on behalf of a specific candidate for city office; and
2. A public communication that refers to a clearly identified candidate for city office and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office, or is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.

If an individual or organization is engaging in express advocacy for the election or defeat of a clearly identified candidate for city office, the following shall not be considered a coordinated campaign expenditure:

1. Direct monetary contributions made to a candidate for city office;
2. In kind contributions made to a candidate for city office;
3. Payments by an individual or organization for the individual's or organization's overhead expenses including but not limited to rent, utilities, taxes, office supplies or salaries; or
4. Volunteer (unpaid) activity on the part of the individual or the members of the organization.

Sec. 18-39. Retirement of debt by term limited candidates.

It is an affirmative defense to prosecution under sections 18-35 and 18-38 of this Code that:

- (1) The contribution is solicited or received by a candidate who is a city elective office holder and who is not eligible to again file as a candidate for his same city elective office because of the provisions of section 6a of article II of the city charter; and
- (2) The candidate has an existing debt for "political expenditures" that "political contributions" may be utilized to pay under the provisions of title 15 of the Texas Election Code, which debt, including the person or persons owed,

the nature of each obligation owed and the specific amount of each obligation, is verified in writing by the candidate in a statement filed in the city secretary's office before the expiration of the 90-day period following the election at which the candidate was elected, as provided in section 18-35 of this Code; and

- (3) The solicitation and receipt of contributions is expressly limited to the retirement of the debt identified in the statement filed under item (2) of this section and expenses directly relating to the solicitation for that purpose, with any funds in excess of the debt and related expenditures being refunded to the contributors or donated to a recognized tax-exempt charitable organization formed for educational, religious or scientific purposes if the contributors cannot be located or decline to accept the refund.

Sec. 18-40. Reserved.

Editors Note: Ord. No. 2006-1239, § 3, adopted December 13, 2006, repealed § 18-40 in its entirety. Formerly, said section pertained to Internet posting of campaign finance reports and derived from Ord. No. 01-597, § 2, 6-27-01.

~~DIVISION 2. PENALTY~~

Sec. 18-41. Violations.

All provisions of this article, ~~except those contained in division 3, are penal, and~~ violations shall be punishable as provided in section 1-6 of this Code.

Secs. 18-42--18-50. Reserved.

~~DIVISION 3. CONTRACTUAL LIMITS~~

~~Sec. 18-51. Reserved Fair campaign principles; contract.~~

~~(a) In keeping with the spirit of open, honest, fair and equitable election campaigns as are sought to be promoted by this article, all candidates are requested and urged to limit their personal contributions, loans and expenditures in support of their own candidacy to \$75,000.00 for mayor, \$15,000.00 for other city wide offices (controller and at large council offices), and \$5,000.00 for district council offices per election.~~

~~(b) Also in keeping with the spirit of open, honest, fair and equitable election campaigns as are sought to be promoted by this article, each candidate is requested and urged to limit his total expenditures, including the candidate's personal contributions, to \$2,000,000.00 for the office of mayor, \$300,000.00 for other city wide offices (controller and at large council offices), and \$200,000.00 for district council offices in the general election, and to \$1,000,000.00, \$200,000.00 and \$100,000.00 respectively, in any run-off~~

~~election. The provisions of this subsection are intended to apply to expenditures made during the period established in section 18-35 of this Code, as applicable to the election for which the expenditures are made.~~

~~(c) At the time a candidate files for a place on the ballot with the city secretary, the city secretary shall cause to be provided to each candidate a proposed contract by which the candidate may agree to abide by all provisions of this article and to adhere to the voluntary spending limitations set forth in subsections (a) and (b) of this section, above. The contract shall be in a form approved by the commission and shall provide for the recovery of liquidated damages in an amount equal to three times the amount of any excessive or unlawful expenditure.~~

~~(d) A candidate who desires to accept a contract under this section must return his contract to the city secretary duly executed by the candidate on or before the second day following the last filing date for the election, provided that if the second day falls on a Saturday, Sunday, or city holiday, then by the next day that is not a Saturday, Sunday, or city holiday.~~

~~(e) The commission shall revoke the contract of any candidate who is determined to have knowingly or intentionally violated any substantive provision of this article. Prior to revocation the commission shall afford notice of the grounds and an opportunity for the candidate to be heard on the matter in accordance with principles of due process.~~

~~(f) Candidates who decline to execute contracts shall not be excused from penal compliance with the other divisions of this article.~~

Secs. 18-52--18-70. Reserved.

ARTICLE V. LOBBYING

Sec. 18-71. Definitions.

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

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

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

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

- (1) The filing of a campaign treasurer appointment;
- (2) The filing of an application for a place on a ballot;
- (3) The filing of a declaration of write-in candidacy;
- (4) The making of a public announcement of definite intent to run for city office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (5) Before a public announcement of intent, the making of a statement of definite intent to run for city office and the soliciting of support by letter or other mode of communication; and
- (6) The soliciting or acceptance of a campaign contribution or the making of a campaign expenditure.

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

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

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

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

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

Board, ~~Houston Parks Board~~, Mechanical Code Review Board, Municipal Board on Sign Control, Planning Commission, ~~or Plumbing Code Review Board~~, Tower Permit Commission, or Wastewater Capacity Reservation Review Board.

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

Municipal legislation means:

- (1) An ordinance, resolution, motion, amendment, nomination, or other matter pending before the city council; or
- (2) Any matter that is or may be the subject of action by the city council or a council committee, including drafting, placing on the agenda, consideration, passage, defeat, approval, or countersignature of the matter.

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

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

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

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

Sec. 18-72. Persons required to register.

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

- (1) Makes or reasonably expects to make a total expenditure of \$200.00 or more in a calendar quarter, or \$800.00 or more in a calendar year, not including the person's own travel, food, or lodging expenses or the person's own membership dues, on activities described in section 18-75 of this Code to communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action;

or

- (2) Receives or may reasonably expect to receive from another person compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues, of \$200.00 or more in a calendar quarter, or \$800.00 or more in a calendar year, to communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action; or
- (3) As part of the person's regular employment, communicates directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action on behalf of the employer by whom the person is compensated or reimbursed, whether or not the person receives any compensation for the communication in addition to the salary for that regular employment.

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

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

Sec. 18-73. Affirmative defenses for failure to register.

It shall be an affirmative defense to prosecution for failure to register under this article that:

- (1) The person owns, publishes, or is employed by a newspaper, any other regularly published periodical, a radio station, a television station, a wire service, or any other bona fide news medium that in the ordinary course of business disseminates news, letters to the editor, editorial or other comments, or paid advertisements that directly or indirectly oppose or promote legislation or administrative action, provided the person does not engage in further or other activities that require registration under this article and has not been retained to represent another person in connection with influencing municipal legislation or administrative action;

- (2) The person's only direct communication with a member of the legislative or executive branch to influence municipal legislation or administrative action is an appearance before or testimony to one or more members of the legislative or executive branch in a hearing conducted by or on behalf of either the legislative or the executive branch or public expression at a meeting of city officials, provided that the hearing or meeting is open to the public under the Open Meetings Act, Chapter 551, Texas Government Code, and that the person receives no special or extra compensation for the appearance other than actual expenses incurred in attending the hearing;
- (3) The person's only activity is to encourage or solicit members, employees, or stockholders of an entity by whom the person is retained or members of a union or association to which the person belongs to communicate directly with members of the legislative or executive branch to influence municipal legislation or administrative action;
- (4) The person's only activity to influence municipal legislation or administrative action is to compensate or reimburse a registrant to act in the person's behalf to communicate directly with a member of the legislative or executive branch to influence municipal legislation or administrative action;
- (5) The person's only activity to influence municipal legislation or administrative action is attendance at a meeting or entertainment event that is also attended by a member of the legislative or executive branch if the total cost of that meeting or entertainment event is paid by a business entity, union, or association; or
- (6) The person's only compensation or reimbursement subject to section 18-72(a)(2) of this Code consists of reimbursement for any wages not earned due to attendance at a meeting or entertainment event, travel to and from the meeting or entertainment event, admission to the meeting or entertainment event, and any food and beverage consumed at the meeting or entertainment event, if the meeting or entertainment event is also attended by a member of the legislative or executive branch and if the total cost of the meeting or entertainment event is paid by a business entity, union, or association.

Sec. 18-74. Registration.

(a) A person required to register under this article who has not registered or whose registration has expired in connection with the communication shall file annually with the city secretary a registration form signed under oath not later than five working days after the date on which the person or person's employee makes the first direct communication with a member of the legislative or executive branch that requires the person's registration. If the registrant is not an individual, an authorized officer or agent of

the registrant shall sign the form. Such registration shall be on a form prescribed by the city secretary and shall include:

- (1) The registrant's full name, permanent street address and mailing address, if different;
- (2) The name, address and nature of business of each entity or employer, if any, on whose behalf the registrant will communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action;
- (3) The subject or subjects on which the registrant will communicate directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action;
- (4) If the registrant is acting as the agent or employee of an entity, the name, address, and nature of business of the entity; and
- (5) Whether the registrant's compensation, if any, is totally or partially contingent on the passage or defeat of any municipal legislation or the outcome of any administrative action.

(b) At the time of registering, a registrant shall pay to the city and the city secretary shall collect an annual registration fee stated for this provision in the city fee schedule. The fee shall be payable for each registration form. All registration fees shall be deposited into the general fund.

(c) A registration expires one year from the date of its filing.

Sec. 18-75. Activity reports.

(a) Each registrant shall file with the city secretary between the first and tenth day of April, July, October and January an activity report signed under oath concerning the registrant's activities during the previous calendar quarter. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. Such report shall be on a form prescribed by the city secretary and shall include:

- (1) A complete and current statement of the information required to be supplied pursuant to section 18-74 of this Code;
- (2) Certain operational expenditures other than benefits included under item (3) for direct communication with a member of the legislative or executive branch to influence municipal legislation or administrative action, provided that each expenditure of \$50.00 or more shall be itemized by the date, name and status of the recipient that requires the reporting of the

expenditure, including the official title of any city official or employee, amount and purpose, broken down into the following categories:

- a. Compensation or reimbursement to persons other than employees for professional or consulting services; and
 - b. Other professional expenses related to direct communication, including but not limited to advertising, public relations and catering expenses.
- (3) Each expenditure, gift or honorarium of \$250.00 or more (excluding those made for the attendance of a member of the legislative or executive branch at political fund-raisers or charity events) made by the registrant or anyone acting on behalf of the registrant to benefit a member of the legislative or executive branch, itemized by date, beneficiary, amount and circumstances of the transaction and the aggregate of all such individual expenditures that are less than \$250.00 but more than \$25.00; and
- (4) Each business entity in which the registrant knows or has reason to believe that a member of the legislative or executive branch is a proprietor, partner, director, officer, manager, employer or employee or has a substantial interest within the meaning of Chapter 171, Texas Local Government Code and with which the registrant has engaged in an exchange of money, goods, services or anything of value if the total of such exchanges is \$250.00 or more in a calendar quarter, identified by its name and address, the member of the legislative or executive branch, and the date, amount and nature of each such exchange.

(b) Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the registrations and activity reports required to be made pursuant to this article for six years from the date of filing of the registration or report containing such items or for the period otherwise required by law, whichever is longer.

(c) Each person about whose activities a registrant is required by subsection (a) of this section to report shall provide all information necessary for the report concerning such activities to the registrant at least five days before such registrant's report is due to be filed.

(d) No quarterly activity report shall be required if there is no activity during the preceding quarter and there are no other changes to items required to be reported.

Sec. 18-76. Other applicable policies.

Nothing in this article shall supersede or preempt the stricter provisions of any

applicable policy of the mayor, the city controller, a city department director or a council member with respect to employees subject to their supervision and control.

Sec. 18-77. Termination notice.

(a) A person who ceases to engage in activities requiring registration under this article shall file a written, verified statement with the city secretary acknowledging the termination of activities. The notice of termination shall be filed within 30 days after the registrant ceases the activity that required registration. The notice is effective immediately.

(b) A person who files a notice of termination under this section must file the reports required by section 18-75 of this Code for any reporting period during which the person was registered.

Sec. 18-78. Maintenance of registrations and reports.

(a) All registrations and reports filed under this article are public records and shall be made available for public inspection during regular business hours.

(b) The city secretary shall:

- (1) Provide appropriate forms, covering only the items required to be disclosed under this article, to be used for the registration and reporting of required information;
- (2) Maintain registrations and reports in a separate, alphabetical file;
- (3) Retain registrations and reports filed under this article for at least six years after the date of filing;
- (4) Remove registrations and reports from the current files after two years from the date of filing and thereafter preserve or dispose of them in accordance with other applicable law; and
- (5) Maintain a deputy available to receive registrations and reports and make the registrations and reports available to the public for inspection.

Sec. 18-79. Timeliness of filing registrations and reports.

A registration or report filed by certified first-class United States mail, return receipt requested, or by common or contract carrier is timely if:

- (1) It is properly addressed with postage or handling charges prepaid;

- (2) It bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline or if the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period or before that deadline; and
- (3) It is in fact received by the city secretary.

Sec. 18-80. List of registrants and employers.

(a) The city secretary shall maintain a current list of the names of registrants and shall indicate by each registrant's name each person employing the registrant, if any, or the name of the entity or person on whose behalf the registrant communicated.

(b) In addition to the list required under subsection (a), the city secretary shall prepare a list of the names of any person employing a registrant and shall indicate each registrant compensated by the person.

(c) The city secretary shall provide the lists prepared under this section and a monthly update of the lists to the mayor, each member of the city council, the city controller, all city department directors, and any other member of the executive or legislative branches or person required to register or file under this article who requests one.

Sec. 18-81. Restrictions on expenditures.

(a) A person registered under section 18-74 of this Code or a person acting on the registrant's behalf and with the registrant's consent or ratification may not offer, confer, or agree to confer on a member of the legislative or executive branch:

- (1) A loan, including the guarantee or endorsement of a loan; or
- (2) A gift of cash or a negotiable instrument as described by section 3.104, Texas Business and Commerce Code.

(b) A member of the legislative or executive branch may not solicit, accept, or agree to accept from a person registered under section 18-74 of this Code or from a person acting on the registrant's behalf and with the registrant's consent or ratification an item listed in subsection (a).

Sec. 18-82. Affirmative defenses concerning restricted expenditures.

It shall be an affirmative defense to a prosecution under section 18-81 of this Code that the loan, gift or expenditure is:

- (1) A loan in the due course of business from a corporation or other business entity that is legally engaged in the business of lending money and that has conducted that business continuously for more than one year before the loan is made;
- (2) A loan or guarantee of a loan or a gift made or given by a person related within the second degree by affinity or consanguinity to the member of the legislative or executive branch; or
- (3) A political contribution as defined by section 251.001 of the Texas Election Code.

Sec. 18-83. Required disclosure on legislative advertising.

(a) A person required to register under this article or a person acting on his behalf commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast legislative advertising that does not indicate in the advertising:

- (1) That it is legislative advertising;
- (2) The full name of the individual who personally entered into the contract or agreement with the printer, publisher, or broadcaster and the name of the person, if any, that the individual represents; and
- (3) In the case of advertising that is printed or published, the address of the individual who personally entered into the agreement with the printer or publisher and the address of the person, if any, that the individual represents.

(b) A professional advertising agent conducting business in this state on behalf of a person required to register under this article who seeks to procure the broadcasting, printing, or publication of legislative advertising on behalf of the sponsor of the advertising commits an offense if the agent enters into a contract or agreement for the broadcasting, printing, or publication of legislative advertising and does not, before the performance of the contract or agreement, give the sponsor written notice as provided by subsection (c).

(c) The notice required by subsection (b) must be substantially as follows:

"City of Houston Code of Ordinances Section 18-83 requires legislative advertising to disclose certain information. A person required to register under this article or a person acting on his behalf who knowingly enters into a contract or other agreement to print, publish, or broadcast legislative advertising that does not contain the information required under that section commits an offense that is a Class C misdemeanor."

(d) In this section, "legislative advertising" means a communication that supports, opposes, or proposes municipal legislation and that:

- (1) In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio, television, or on the internet; or
- (2) Appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, button, or similar form of written or electronic means of communication.

Sec. 18-84. Criminal penalties.

(a) A person commits an offense if the person intentionally or knowingly violates any provision of this article.

(b) Violations shall be punishable as provided by section 1-6 of this Code.

Sec. 18-85. Failure to register or file all required forms.

(a) The city secretary shall maintain a record of all registrations, termination notices and reports filed under this article.

(b) Whenever the city attorney determines that a person has failed to register or file any required form, statement, or report as required by this article, the city attorney shall send a written statement of this finding to the person involved by certified mail to the last known mailing address.

(c) If the person fails to register or file the form, statement, or report as required by this article before the twenty-first day after the date on which the notice was deposited in the mail, the city attorney shall file a sworn complaint in the municipal court.

Sec. 18-86. Enforcement.

(a) Complaints of violations of this article shall be forwarded to the city attorney for review. If the city attorney determines that a violation may have occurred, he shall take appropriate action.

(b) A person may file a written, sworn statement alleging a violation of this article with the city attorney.

(c) If the person fails to register or file the form, statement, or report as required by this article before the 21st day after the date on which the notice was deposited in the mail, the city attorney shall file a sworn complaint in the municipal courts.

Sec. 18-87. Regulations.

The city secretary may adopt regulations for the efficient administration of this article. Any such regulations shall be consistent with this article and applicable laws and shall be approved prior to implementation by the city attorney. A copy of the regulations shall be maintained for inspection in the city secretary's office and shall be available for purchase at the fees prescribed by law.

Sec. 18-88. Certain actions by former city officials prohibited.

(a) No former city official shall during the one year period following his departure date enter into a contractual relationship with the city or hold more than a 20 percent interest in any company that has a contractual relationship with the city. Nothing in this subsection shall prohibit a former city official from accepting employment with the city following his departure date.

(b) No former city official shall during the one year period following his departure date communicate directly with a member of the legislative or executive branch to influence municipal legislation or administrative action. It is an exception to the application of this subsection that the former city official is primarily acting for his own benefit or making an uncompensated direct communication relating to matters of purely civic or public concern.

(c) No former city official shall communicate directly with a member of the legislative or executive branch in an attempt to secure access to information not otherwise available to the general public.

(d) For purposes of this section "departure date" means the last day of employment with the city or holding of city elective office. Where leave time is taken prior to termination, the departure date is the last day of the leave period.

(e) For purposes of this section and section 18-89 the term "city official" shall have the meaning provided in section 18-2 of this Code, except that persons whose services are donated, appointed members of city boards, committees and commissions who are compensated on a per-meeting basis, and persons who are compensated at the rate of \$1.00 per year shall be excluded.

(f) If, within one year after commencement of a contract between an individual/company and the city, the company or individual who negotiated and entered into said contract with the city hires a city employee who while a city employee had substantial and personal involvement with the negotiation of said contract, then said contract shall be subject to cancellation and/or the individual/company shall be barred from additional contracting with the city for a period of three years. For purposes of this subsection, the term had substantial and personal involvement means that a person, either as a person assigned to handle or participate in the handling of the matter or as a supervisor making decisions with respect to the matter, exercised discretion or decision-making in the handling of a matter that then was associated with a specific party

or parties.

Sec. 18-89. Notice.

At least once each calendar year in conjunction with the notice to city employees required by section 18-16(d) of this Code, the director of administration and regulatory affairs shall cause to be distributed to each city official a notice regarding the provisions of section 18-88 of this Code. Each new city official shall be furnished the notice at the time of hiring, appointment or election. However, the failure of any city official to receive a notice shall not excuse compliance with section 18-88 of this Code.

Secs. 18-90--18-100. Reserved.

**ARTICLE VI. ELECTRONIC FILING OF
CAMPAIGN FINANCE REPORTS**

Sec. 18-101. Purpose.

The purpose of this article is to require, with certain exceptions, that campaign finance reports required to be filed with the city secretary by any city officeholder, candidate for city elective office, or political action committee, whether general purpose or special purpose, be filed in an electronic format. It is the intent of this article that the requirement of filing of campaign finance reports in an electronic format by city officeholders, candidates for city elective offices and general and special purpose political action committees will not inconvenience those required to file such reports and will afford persons interested in the information contained in the reports easier access and an efficient means by which such information may be examined or extracted.

Sec. 18-102. Definitions

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

Filer means the holder of a city elective office, any candidate for any such office, the duly authorized representative of a political action committee, whether general purpose or special purpose, or any individual required to file a report under this article or Chapter 254, Texas Election Code.

Report means a campaign finance report required to be filed with the city secretary by Title 15 of the Texas Election Code.

Terms not defined in this article but defined in the Texas Election Code shall have the meanings assigned to them in the Texas Election Code.

Sec. 18-103. Electronic filing required; exceptions

(a) Except as provided in subsection (c) of this section, a report required to be filed under this article shall be filed with the city secretary in electronic format utilizing the system provided by the city. Updates, corrections or amendments to any report shall be filed in like manner. The report shall be in a format approved by the Texas Ethics Commission.

(b) Each report shall contain all information required by Chapter 254, Texas Election Code. In addition, each report shall include the occupation and employer of each person making one or more political contributions that in the aggregate exceed \$500.00 in a reporting period.

(c) A filer shall be exempt from the requirement set forth in subsection (a) of this section if the filer:

- (1) Delivers to the city secretary an affidavit stating that the filer, or the person with whom the filer contracts, does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the filer and the filer or committee does not, in a calendar year, accept political contributions that in the aggregate exceed \$20,000.00 or make political expenditures that in the aggregate exceed \$20,000.00; or
- (2) Is an individual not acting in concert with another person who makes one or more direct expenditures in a campaign for an election from the individual's own property that exceed \$100.00 on any one or more candidates or measures if the individual complies with Chapter 254, Texas Election Code, as if the individual were a campaign treasurer of a political committee and the individual receives no reimbursement for the expenditures.

The affidavit required in item (1) of this subsection shall conform to all requirements set forth in Chapter 254, Texas Election Code, and be filed with each report that is not filed electronically as required by this article.

Sec. 18-104. Offense; penalty

(a) It shall be unlawful for any filer to fail to timely file in an electronic format a report required by this article to be filed in that format.

(b) Each violation of this article shall constitute a separate offense that shall be punishable as provided in section 1-6 of this Code.

Sec. 18-105. Internet posting of reports.

(a) The city secretary shall, within two business days following the date of each report's receipt, instruct the director of information technology or his designee to post copies of all reports filed with the office of the city secretary on the city's Internet web site; provided that in such postings the address portion shall contain only the city, state and zip code of a person listed as having made a political contribution to the filer in the reporting period.

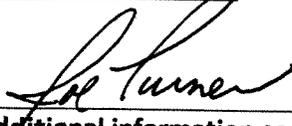
(b) The access allowed by this section to political reports is in addition to the public's access to the information through other electronic or print distribution of the information.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance re-adopting Parks and Recreation Department youth recreation programs standards of care with changes.	Category #	Page 1 of 1	Agenda Item: 12
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date: August 3, 2012	Agenda Date: AUG 22 2012
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DIRECTOR'S SIGNATURE:  Joe Turner, Director	Council Districts Affected: ALL
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For additional information contact: Luci Correa (832) 395-7057 Debra Lathan (832) 395-7269	Date and identification of prior authorizing Council Action: Ord. 2002-756 (8-21-2002); Ord. 2003-793 (9-3-2003); Ord. 2004-891 (9-1-2004); Ord. 2005-1011 (8-30-2005); Ord. 2006-875 (9-23-2006); Ord. 2007-964 (8-29-2007); Ord. 2008-743 (8-27-2007); Ord. 2009-711 (8-5-2009); Ord. 2010-660 (8-18-2010); Ord. 2011-672 (8-10-11)
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RECOMMENDATION (summary):
Houston Parks and Recreation Department (HPARD) recommends City Council re-adopt and approve changes to Article XII Chapter 32, Code or Ordinances, City of Houston, regarding Standards of Care for the Houston Parks and Recreation Department youth recreation programs.

Amount and Source of Funding: Not Applicable	Finance Budget:
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SPECIFIC EXPLANATION:
In order to comply with 42.041 (b) (14) of the Texas Human Resources Code, City Council held a public hearing on August 15, 2012 regarding the re-adoption with changes of the Houston Youth Recreation Program Standards of Care codified at Article XII of Chapter 32 of the City of Houston Code of Ordinances. The next requirement for compliance is City Council approval of an Ordinance to re-adopt the Standards of Care.

The Standards of Care are intended to be the minimum standards that HPARD will use to operate the after-school enrichment program. The program offers a wide range of recreational activities including arts and crafts, sports, games, field trips, and cultural and special events.

HPARD's after-school enrichment program is subject to regulation. However, the Texas Human Resources Code 42.041 (b) (14) provides an exemption for a recreation program for elementary age children (ages 5 – 13) with the following criteria:

- A municipality operates the program;
- The governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs;
- The program provides these standards of care to the parents of each program participant;
- The ordinance includes child/caregiver ratios, minimum employee qualifications, minimum building, health and safety standards, and mechanisms for monitoring and enforcing the adopted local standards;
- The program informs the parents that the state does not license the program; and
- The program does not advertise itself as a child-care operation.

The following changes are proposed to update the Standards of Care (see attached redline for specific changes):

1. Update employee titles to reflect the Department's current organizational structure
2. Change child/caregiver ratio from 1/35 to 1/25
3. Change use of pagers to telephone

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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ARTICLE XII.

HOUSTON YOUTH RECREATION PROGRAMS STANDARDS OF CARE

DIVISION 1. GENERALLY

Sec. 32-261. 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:

Deputy Assistant director means an deputy assistant director of the parks and recreation department of the city, or the deputy assistant director's designee.

Parent means a parent or guardian who has legal custody and authority to enroll a child in a youth recreation program.

Participant means a youth (ages five--13) whose parent or guardian has completed all required registration procedures and has been determined to be eligible for a youth recreation program.

Program manual means the notebook of policies, procedures, forms, and organizational and programming information relevant to a youth recreation program.

Program site means the area or facilities where a youth recreation program is held.

Program staff means the person or persons who have been hired or have volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of a youth recreation program. This definition includes recreation facility managers, program managers, recreation supervisors, ~~senior recreation specialists~~, recreation specialists, and recreation assistants.

Site manager means a recreation facility manager, program manager, or recreation supervisor.

Youth recreation programs mean the department programs consisting of the after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.

Sec. 32-262. Organization.

- (a) The governing body of the youth recreation programs is the city council.
- (b) Implementation of the youth recreation program standards of care is the responsibility of the ~~deputy~~assistant director and program staff.
- (c) The standards of care, as provided in this division, shall apply to the department's after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.
- (d) Each program site will have a current copy of the standards of care available for the public and the staff.
- (e) Parents of participants will be provided a copy of the standards of care prior to the start of a youth recreation program, preferably during the registration process. Parents will be informed that a youth recreation program is not licensed by the state and that the youth recreation program is not a child-care facility.
- (f) Criminal background checks will be conducted on prospective program staff. If results of a criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment in a youth recreation program:
 - (1) A felony or a misdemeanor classified as an offense against a person or family;
 - (2) A felony or a misdemeanor classified as public indecency;
 - (3) A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) Any offense involving moral turpitude; or
 - (5) Any offense that would potentially put the city at risk.

Sec. 32-263. Inspection, monitoring, and enforcement.

- (a) A site manager of a program site will ensure compliance with the standards of care and will prepare a monthly inspection report.
- (b) Inspection reports will be sent to the ~~deputy~~assistant director for review.
- (c) The ~~deputy~~assistant director will review the report and establish deadlines and criteria for compliance with the standards of care.

(d) The ~~deputy~~ assistant director will make visual inspections of youth recreation programs based on the following schedule:

- (1) An after school enrichment program site will be inspected monthly. This may be scheduled or unscheduled.
- (2) The summer enrichment program will be inspected twice during its summer schedule.

(e) A complaint regarding enforcement of the standards of care will be directed to the site manager. The site manager will be responsible for taking the necessary steps to resolve the complaint. The site manager will record complaints regarding enforcement of the standards of care and their resolution. Serious complaints regarding enforcement of the standards of care will be forwarded to the deputy director for review and resolution.

(f) The ~~deputy~~ assistant director will make an annual report to the director on the overall status of the youth recreation programs and their operation relative to compliance with the adopted standards of care.

Sec. 32-264. Enrollment.

Before a child can become a youth recreation program participant, a parent must sign a registration form that contains:

- (1) The child's name, age, address, and home telephone number;
- (2) Emergency contact names and telephone numbers;
- (3) The child's doctor's name and telephone number; and
- (4) A liability waiver.

Sec. 32-265. Suspected child abuse.

(a) Program staff will report suspected child abuse in accordance with the Texas Family Code.

(b) Program staff will receive basic training related to child abuse prevention and reporting.

Secs. 32-266--32-270. Reserved.

DIVISION 2. STAFFING QUALIFICATIONS AND TRAINING

Sec. 32-271. Recreation facility manager qualifications.

(a) Recreation facility managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation facility managers should possess the following combination of experience and training:

- (1) Two years of experience in recreation facility operations.
- (2) An associate's degree in physical education, art or a related field.

Sec. 32-272. Program manager qualifications.

(a) Program managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Program managers should possess the following combination of experience and training:

- (1) Two years of experience coordinating and managing community programs and activities.
- (2) An associate's degree in business administration, management, physical education, art or a related field.

Sec. 32-273. Recreation supervisor qualifications.

(a) Recreation supervisors will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation supervisors should possess the following combination of experience and training:

- (1) An associate's degree in education, recreation, physical education, art or a related field.
- (2) Two years of experience in recreation or education.

Sec. 32-274. Reserved ~~Senior recreation specialist~~ qualifications.

~~(a) Senior recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.~~

~~(b) Senior recreation specialists should possess the following combination of experience and training:~~

~~(1) One year of experience in recreation, education or a related field.~~

~~(2) An associate's degree in physical education, art or a related field.~~

Sec. 32-275. Recreation specialist qualifications.

(a) Recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation specialists should possess the following combination of experience and training:

(1) Three months of experience in recreation, or education or a related field.

(2) An associate's degree in physical education, art or a related field.

Sec. 32-276. Recreation assistant qualifications.

(a) Recreation assistants will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation assistants should possess the following combination of experience and training:

(1) Three months of experience in recreation, education or a related field.

(2) A high school diploma or GED certificate.

Sec. 32-277. Training and orientation.

(a) The department is responsible to provide training and orientation to program staff in working with participants and for specific job responsibilities. The deputy assistant director will provide each program site with a program manual.

(b) Program staff should be familiar with the standards of care for youth recreation programs as adopted by city council.

(c) Program staff should be familiar with a youth recreation program's policies including discipline, guidance, and release of participants.

(d) Program staff will be trained in appropriate procedures to handle emergencies.

(e) Program staff will be trained in areas including city, department, and youth recreation program policies and procedures, recreation activities organization, safety issues, program organization, and other areas as required by an assigned youth recreation program.

(f) Program staff will be required to sign an acknowledgment that they have received the required training.

Secs. 32-278--32-280. Reserved.

DIVISION 3. OPERATIONS

Sec. 32-281. Staff-participant ratio.

In a youth recreation program, the standard ratio of participants to staff is ~~35-25~~ to 1, based on average daily attendance. For a field trip, the standard ratio of participants to staff is 10 to 1, based on average daily attendance.

Sec. 32-282. Discipline.

(a) Program staff will implement discipline and guidance in a consistent manner based on the best interests of participants.

(b) There will be no cruel treatment or harsh punishment.

(c) Program staff will use brief, supervised, separation (time out) from the group if necessary.

(d) As necessary, program staff will initiate discipline reports to the parent(s) of participants. A parent will be asked to sign participant discipline reports to indicate they have been advised about specific problems or incidents.

(e) A sufficient number and/or severe nature of discipline reports may result in a participant being suspended from a youth recreation program.

(f) A participant will be removed from the program site as soon as possible in instances of danger to other participants or program staff.

Sec. 32-283. Programming.

(a) Program staff will provide cultural, educational, and recreational programs for participants according to their ages, interests, and abilities. The activities will be

appropriate to the health, safety, and well-being of participants. The activities also will be flexible and promote the emotional, social, and mental growth of participants.

(b) Program staff will attempt to provide indoor and outdoor time periods to include:

- (1) Alternating active and passive activities;
- (2) Opportunity for individual, small, and large group activities; and
- (3) Outdoor time each day, as weather permits, based upon room availability and weather conditions.

(c) Program staff will be attentive and considerate of the participant's safety on field trips and during any transportation provided by a youth recreation program.

(d) During field trips, program staff will have emergency contact information for each participant.

(e) Program staff will have a written list of the participants in the group and should check the roll before departure to and from the destination.

(f) Program staff will have first aid supplies available on field trips.

Sec. 32-284. Communication.

A program site will have a ~~pager~~telephone to allow a program site to be contacted by program staff. A program site will have access to a telephone for use in contacting program staff or making emergency telephone calls. At a program site, the site manager will post the following telephone numbers adjacent to a telephone accessible to program staff:

- (1) City ambulance or emergency medical services;
- (2) Houston Police Department;
- (3) Houston Fire Department;
- (4) Department administrative office; and
- (5) Telephone numbers and address of the program site.

Sec. 32-285. Transportation.

(a) Before a participant can be transported to and from city sponsored activities, a registration/waiver form, completed and signed by a parent of the participant, will be filed with the department.

(b) First aid supplies will be available in a youth recreation program vehicle used to transport participants.

(c) Seatbelts will be worn, if provided.

(d) Participants will be oriented to expected behavior and safety rules.

Secs. 32-286--32-290. Reserved.

DIVISION 4. FACILITY STANDARDS

Sec. 32-291. Safety.

(a) Program staff will inspect program sites weekly checking for sanitation and safety concerns that might affect the health and safety of participants.

(b) Buildings, grounds and equipment on a program site will be inspected, cleaned, repaired and maintained to protect the health and safety of participants.

(c) Program site equipment and supplies will be safe for use of participants

(d) Program staff will have first aid supplies available at a program site in a designated location, during transportation, and for the duration of any off-site activity.

Sec. 32-292. Fire.

(a) In case of fire, danger of fire, explosion or other emergency, program staff's first priority is to evacuate participants to a pre-designated safe area.

(b) A program site will have an annual fire inspection, and the resulting report will detail any safety concerns observed and recommend deadlines and criterion for compliance.

(c) A program site will have at least one fire extinguisher readily available to all program staff. The fire extinguisher will be inspected monthly by the site manager. Program staff will be trained in the proper use of a fire extinguisher.

(d) Fire drills will be initiated at program sites based on the following schedule:

- (1) *After school enrichment program*--Once every three months; and
- (2) *Summer enrichment program*--Once during each program.

Sec. 32-293. Health.

(a) *Illness or injury.*

- (1) A participant who is considered to be a health or safety concern to other participants or program staff will not be admitted to a youth recreation program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and program staff.
- (3) Program staff will follow emergency procedures for injured participants or for participants with symptoms of an acute illness.

(b) *Toilet facilities.*

- (1) A program site will have toilets located and equipped so participants can use them independently and program staff can monitor as needed.
- (2) An adequate number of lavatories will be provided.

(c) *Sanitation.*

- (1) An indoor program site will have adequate light, ventilation, air conditioning, and heat.
- (2) A program site will have an adequate supply of water, and water will be supplied to the participants in a safe and sanitary manner.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to Lease Agreement between the City of Houston and Aero Houston Central, LP – George Bush Intercontinental Airport/Houston (IAH).	Category #	Page 1 of 1	Agenda Item # 13
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FROM (Department or other point of origin): Houston Airport System	Origination Date August 7, 2012	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: B
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For additional information contact: Janet L. Schafer Phone: 281/233-1796 Ian N. Wadsworth Phone: 281/233-1682 <i>INW COM</i>	Date and identification of prior authorizing Council action: 3/9/05 (O) 05-0237
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AMOUNT & SOURCE OF FUNDING: REVENUE: \$577,457 per year (\$48,121.42* monthly) <i>JL KR</i>	Prior appropriations: \$ 245,736.00 2000 AMT Construction Fund \$2,316,642.00 2000B Non-AMT Construction Fund \$2,562,378.00 Total
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing the execution of Amendment No. 1 to Lease Agreement between the City of Houston and Aero Houston Central, LP at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION: On March 9, 2005, the City approved lease agreement 56751 (Agreement) with Aero Houston Central, LP (Aeroterm) for Central Cargo premises at George Bush Intercontinental Airport/Houston (IAH). The City constructed a taxiway project requiring the City to buyout the leasehold estate of the subtenant in Buildings C and 11 in order for the subtenant to relocate their operations to another site in the Central Cargo area at IAH. The buyout occurred, the taxiway was constructed, and the remaining buildings in the Central Cargo area were leased to Aeroterm.

The City and Aeroterm now desire to amend the Agreement to add additional space to the lease, delete other premises, correct errors in certain square footage calculations and add other provisions to the Agreement. The pertinent terms and conditions of Amendment No. 1 are as follows:

1. Leased Premises: The leased premises, comprised of buildings, improved and unimproved ground, are increasing from 331,072 square feet to 349,557 square feet (Leased Premises).
2. Term: The term will not change and will end on December 31, 2024.
3. Use: Cargo Support Operations; aircraft do not have access to the buildings.
4. Rent: The rent will increase from \$474,909 per year to \$577,457 per year (\$48,121.42* monthly, which shall be adjusted at year end to reconcile with the annual rate). A reappraisal of Buildings 11, E and F will be conducted, and the rental exhibit shall be substituted with the new rates. If Aeroterm chooses not to accept the news rates on one or more of the buildings, then the lease as to such premises shall terminate, and the balance of the lease shall continue.

All other terms and conditions of the Agreement will remain in full force and effect.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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SUBJECT: SAIC Contract for Regional Catastrophic Preparedness Planning		Category	Page 1 of 1	Agenda Item # 14
FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		Origination Date: 7/31/2012	Agenda Date AUG 22 2012	
DIRECTOR'S SIGNATURE: <i>Cheryl Murray for D.J. Storemski</i>		Council District affected: All		
For additional information contact: Cheryl Murray Phone: 832-393-0929		Date and Identification of prior authorizing Council action: 12/8/2010: Ord# 2010-1004		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution of a contract with SAIC for regional catastrophic preparedness planning services.				
Amount of Funding: \$124,438		F & A Budget:		
SOURCE OF FUNDING: <input checked="" type="checkbox"/> Grant Funds: \$124,438 Texas Division of Emergency Management (pass-through from DHS)				
SPECIFIC EXPLANATION:				
<p>In 2008, the U.S. Department of Homeland Security awarded grants to ten high risk urban areas to engage in regional catastrophic preparedness planning. While a great deal of emergency planning has already occurred across the region, this process is intended to ensure that plans are in place for truly catastrophic incidents. The region has selected three specific National Planning Scenarios to use as the basis for this planning effort. These three scenarios are a coordinated explosives attack using IEDs at multiple targets, a Category 5 hurricane, and a pandemic influenza outbreak.</p> <p>The City of Houston is the fiscal agent for this \$12 million grant program. A Regional Catastrophic Planning Team (RCPT) of public and private sector representatives was convened to lead the initiative. The RCPT has developed numerous plans, models, and tools to assist the region in being more prepared to respond to and recover from a catastrophic disaster. Organizations involved with the RCPT include:</p> <ul style="list-style-type: none"> ▪ Cities: Houston (multiple departments), Galveston, Pasadena, Deer Park, La Porte, Baytown ▪ Counties: each of the 13 counties in the H-GAC region ▪ Regional partners, non-profits, and private sector, including: H-GAC, METRO, CenterPoint Energy, the East Harris County Manufacturers Association, the Downtown Management District ▪ Other "advisory" members: US Coast Guard, FEMA, the Department of State Health Services, the Texas Division of Emergency Management, the Harris County Department of Education ▪ Other Subject Matter Experts: law enforcement, fire service, health and medical, and other related fields 				
SCOPE OF WORK				
<p>In the first phase of the program, our site completed a comprehensive planning baseline and the development of regional Concepts of Operations for response to catastrophic disasters. This project, the development of a Training and Evaluation Plan for the Regional Catastrophic Preparedness Initiative, is the next key step and a required deliverable under the grant program. This project is divided into four phases: 1) Project initiation and work plan development, 2) Training and exercise planning workshop design, 3) Training and exercise planning workshop conduct, and 4) Training and evaluation plan development.</p>				
VENDOR SELECTION				
<p>Following the publication of a Request for Qualifications, a review team of regional subject matter experts convened to review the proposals received from vendors. The team recommended SAIC to support this effort, and the recommendation was approved by the RCPT's Executive Committee. SAIC is also an approved vendor through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC), and will be charging the City rates that are consistent with their H-GAC agreement.</p>				
REQUIRED AUTHORIZATION				
F & A Director:	Other Authorization:		Other Authorization:	

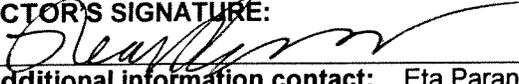
HCD12-110

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving and authorizing the City of Houston to amend the existing Houston Habitat for Humanity agreement by appropriating \$1,000,000 of Homeless and Housing Consolidated Bond Funds for the construction of additional single family homes in the Fifth Ward Neighborhood.	Category #	Page 1 of 1	Agenda Item # 15
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FROM: Neal Rackleff, Director Housing and Community Development	Origination Date 8/9/12	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: District B
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For additional information contact: Eta Paransky Phone: 713-868-8449	Date and identification of prior authorizing Council action: 06/16/10 (10-458); 07/28/10 (10-594); 12/22/10 (10-1048); 11/09/11 (11-953)
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RECOMMENDATION: The Housing and Community Development Department recommends approval of an Ordinance authorizing the City of Houston to amend the Houston Habitat for Humanity agreement by appropriating \$1,000,000 of Homeless and Housing Bond Funds, for the construction of additional single family homes in the Fifth Ward Neighborhood.

Amount of Funding: \$1,000,000.00	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Other

Homeless and Housing Consolidated Bond Fund 4501 (P-005000)

SPECIFIC EXPLANATION:

Houston Habitat for Humanity, Inc., has an immediate opportunity to acquire and redevelop distressed properties in Fifth Ward — providing additional affordable home ownership opportunities in the community. The City proposes to amend the existing contract and allocate \$1,000,000 in Housing and Homeless Bond Funds to construct an additional minimum of 11 new single-family homes.

Houston Habitat currently has a contract with the City to acquire, rehabilitate/construct approximately 17 foreclosed, abandoned, and/or vacant homes, with \$1,430,549 of Neighborhood Stabilization Program funds.

Houston Habitat has already built and sold 16 of the 17 homes under the contract. Therefore, the Department recommends approval of an amendment to the Houston Habitat for Humanity NSP1 agreement appropriating \$1,000,000 of Homeless and Housing Bond Funds for the construction of additional single family homes in the Fifth Ward.

All homes are sold to families earning 50% to 120% of the area median income. Houston Habitat offers financing to homebuyers with payments lower than average rent, allowing families to build equity in their homes. Proceeds from home sales will remain with Houston Habitat to be used to build more affordable housing for future homeowners.

This item was presented to The Housing, Sustainable Growth and Development Committee on August 21, 2012.

NR:EP:JN:CL

- cc: City Secretary
 Controller's Office
 Finance Department
 Legal Department
 Mayor's Office

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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NR

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase Agreement between The City of Houston (Seller) and Tejano Center for Community Concerns, Inc. (Buyer) for the sale of 0.3067 acres of land and improvements located at 6901 Brownwood Street also known as Tejano Center (Parcel SY11-069).

Page
1 of 1

Agenda Item

16

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

Origination Date
8/16/12

Agenda Date
AUG 22 2012

DIRECTOR'S SIGNATURE:
Scott Minnix *Scott Minnix 8/16/12*

Council District affected: H

For additional information contact:
Jacquelyn L. Nisby Phone: 832-393-8023

Date and identification of prior authorizing Council action:
Motion No. 2011-0562; July 13, 2011

RECOMMENDATION: Approve and authorize a Purchase Agreement between The City of Houston (Seller) and Tejano Center for Community Concerns, Inc. (Buyer) for 0.3067 acres of land and improvements located at 6901 Brownwood Street, for a purchase price of \$38,000.00 (Parcel SY11-069).

Amount and Source Of Funding: Revenue: \$38,000.00

Finance Budget:

SPECIFIC EXPLANATION: By Motion 2011-0562, City Council declared Parcel SY11-069 surplus and authorized its sale. The property is a 13,360 square foot tract of land and building located at 6901 Brownwood Street. The Tejano Center for Community Concerns, Inc. (Tejano Center) has leased the property from the City since April 7, 1993. The current lease commenced on September 10, 2007 and expires on September 9, 2012 at a monthly rental of \$150.00.

Tejano Center is a Texas non-profit corporation that operates affordable housing programs, counseling offices for Housing Counseling Needs, a food distribution center, repair and rehab programs and other community-based services. Tejano Center desires to acquire the land and improvements to continue the delivery of community services to the citizens of Houston, for a purchase price of \$38,000.00. Tejano Center will enter into a Development Agreement, under which they must develop the property in a way that will benefit the general public and own and operate the non-profit facility for a period of at least ten years. Additionally, Tejano Center cannot sell, assign, lease, convey or otherwise transfer the property during this time period.

This sale is in accordance with Section 272.001 (b) (4) of the Texas Local Government Code, which permits a political subdivision to sell real property to an independent foundation for development under terms specified by the City, and is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.

Therefore, the General Services Department recommends approval of a Purchase Agreement with Tejano Center for Community Concerns, Inc. for the above-described land and improvements for a purchase price of \$38,000.00. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to Tejano Center.

The net proceeds will be directed to the Enterprise Fund.

SM:HB:JLN:RB:npb

xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell and Bill Boaz

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 135

General Services Department:

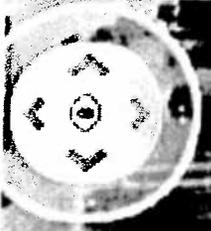
Humberto Bautista
Humberto Bautista, P.E.
Assistant Director

Hershe St

6901 Brownwood St, Houston, TX

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SUBJECT: Sealed bid sale of the former Frank Branch Library, 6440 West Belfort Street, Parcel SY9-058.		Page 1 of 1	Agenda Item 17
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FROM (Department or other point of origin): General Services Department	Origination Date 8/9/12	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE: Scott Minnix <i>8/9/12</i> <i>Scott Minnix</i>	Council District affected: K
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For additional information contact: Jacquelyn L. Nisby <i>JN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Motion 2011-0079; dated February 2, 2011
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RECOMMENDATION: Accept the highest bid for the sealed bid sale of the former Frank Branch Library, 6440 West Belfort Street, **Parcel SY9-058**, and approve and authorize a Special Warranty Deed conveying the property to the highest bidder.

Amount and Source Of Funding: Revenue - \$162,000.00	Finance Budget:
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SPECIFIC EXPLANATION: On February 2, 2011, Motion 2011-079, City Council declared **Parcel SY9-058** surplus and authorized the sealed bid sale to the highest bidder over the established minimum amount. Impact Health Services, a Texas nonprofit corporation, submitted the highest bid in the amount of \$162,000.00.

Therefore, the General Services Department recommends that City Council accept the highest bid in the amount of \$162,000.00 and authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying **Parcel SY9-058** to Impact Health Services. The sale is subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.

The net proceeds of this sale will be deposited in the General Fund.

SM:HB:JLN:WW:ww
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby

REQUIRED AUTHORIZATION CUIC ID# 25 WW 23

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		
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Wainfleet Ln

Benning Dr

Southwood Ln

Sanford Rd

6440 W Belfort Ave, Houston, TX

Gallo Dr

Sandpiper Dr

Belfort St

W Belfort Ave

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Sealed bid sale of the former Vinson Branch Library, 3100 West Fuqua Street, Parcel SY9-057		Page 1 of 1	Agenda Item <i>18</i>
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FROM (Department or other point of origin): General Services Department	Origination Date <i>8/9/12</i>	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE: Scott Minnix <i>8/9/12</i> <i>Scott Minnix</i>	Council District affected: K
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For additional information contact: Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Motion 2011-0079; February 2, 2011
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RECOMMENDATION: Accept the highest bid for the sealed bid sale of the former Vinson Branch Library, 3100 West Fuqua Street, **Parcel SY9-057**, and approve and authorize a Special Warranty Deed conveying the property to the highest bidder.

Amount and Source Of Funding: Revenue - \$150,000.00	Finance Budget:
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SPECIFIC EXPLANATION: On February 2, 2011, Motion 2011-079, City Council declared **Parcel SY9-057** surplus and authorized the sealed bid sale to the highest bidder over the established minimum amount. AAA Treasure International Company, a Texas corporation, submitted the highest bid in the amount of \$150,000.00. During the due diligence period, AAA Treasure International Company requested to have the deed issued in the name of their affiliated Texas non-profit corporation, The National Association of Minority Mineral Owners.

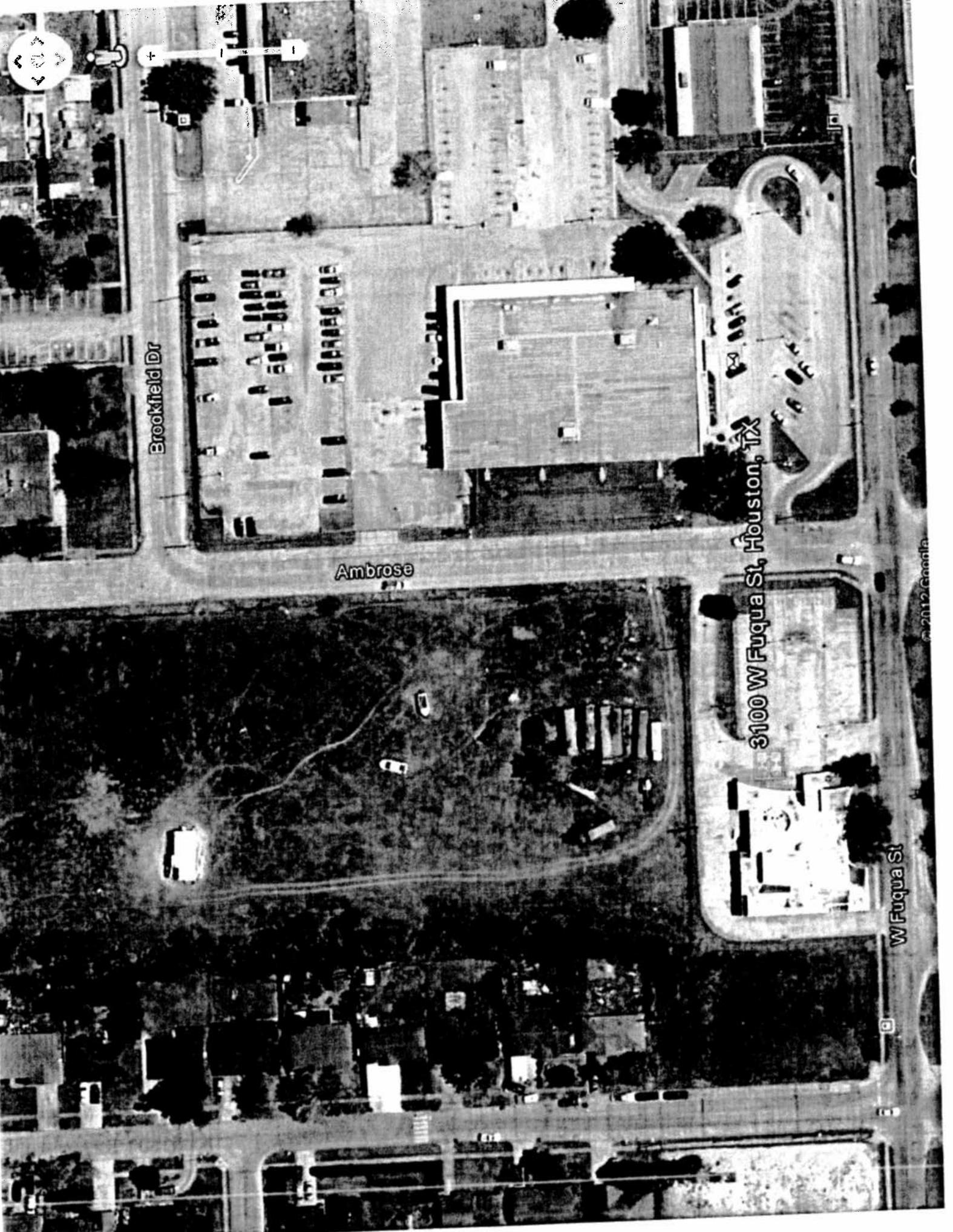
Therefore, the General Services Department recommends that City Council accept the highest bid in the amount of \$150,000.00 and authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying **Parcel SY9-057** to The National Association of Minority Mineral Owners. The sale is subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.

The net proceeds of this sale will be deposited in the General Fund.

SM:HB:JLN:WW:ww
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby

REQUIRED AUTHORIZATION CUIC ID# 25 WW 24

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		
--	--	--



Brookfield Dr

Ambrose

3100 W Fuqua St, Houston, TX

W Fuqua St

© 2012 Google

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9405

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600010513 for an Automated Time and Attendance System for the Administration and Regulatory Affairs Department/S46-E23596-A1

Category #
4

Page 1 of 1

Agenda Item

19

FROM (Department or other point of origin):

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

Origination Date

August 9, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

Don Pagel Phone: (713) 837-7656
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:
Ord. No # 2010-0555; Passed 7/7/2010

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$6,840,306.08 to \$7,350,456.48 for the contract between the City of Houston and Kronos, Inc. for an automated time and attendance system for the Administration and Regulatory Affairs Department.

Maximum Contract Amount Increased by: \$510,150.40

Finance Budget

\$510,150.40 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The Directors of the Administration & Regulatory Affairs Department (ARA) and Information Technology Department (ITD) recommend that City Council approve an amending ordinance to increase the maximum contract amount between the City of Houston and Kronos, Inc. from \$6,840,306.08 to \$7,350,456.48 for an automated time and attendance system (ATAS) for the Administration and Regulatory Affairs Department (ARA). The ARA Director may terminate this contract at any time upon 30-days written notice.

The contract was awarded on July 7, 2010 by Ordinance No. 2010-0555 for a five-year term in the original amount of \$6,840,306.08. Expenditures as of July 16, 2012 totaled \$2,098,057.28. The increase to the maximum contract amount is necessary to allow the contractor to continue providing ongoing hosting services for the citywide automated time and attendance system for three additional years.

The original contract approved by City Council required the contractor to provide hosting services for the initial two years of the contract term. The City designed the contract in this manner to allow the project teams to focus on what was a very large and complex ATAS implementation, while creating a distinct future decision point as to whether or not hosting services should continue to be provided by a third party. The Directors of the ARA and ITD agree that this contract should be amended to require that an additional three years of hosting services be provided by the contractor.

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to implement and host a fully automated time and attendance system that will allow City departments to track and monitor the attendance, and pay for its employees and contracted personnel.

This contract was awarded with a 24% M/WBE participation goal; Kronos, Inc. is currently achieving 22.45% of the required M/WBE goal. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

ARA included funding for this service extension in its FY13 Central Services Revolving Fund budget, and discussed this service extension at its FY13 Departmental Budget Presentation to City Council on June 6, 2012.

Buyer: Eric Alexander

REQUIRED AUTHORIZATION

Information Technology Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9467

Subject: Ordinance awarding a contract to Lone Star College System (LSCS) for paramedic training services for the Houston Fire Department

Category #
1 & 4

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

Origination Date

August 01, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

[Handwritten Signature]

Council District(s) affected
All

For additional information contact:

Beda Kent Phone: (832) 394-6748
Neil Depascal Phone: (832) 394-6755

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt and Ordinance approving and authorizing a contract between the City of Houston and Lone Star College System (LSCS) for paramedic training services for the Houston Fire Department.

Maximum award amount \$910,000

Finance Budget

\$162,000 General Fund (Fund 1000)

SPECIFIC EXPLANATION:

The Houston Fire Department requests City Council to approve and adopt an Ordinance awarding a one year contract with automatic renewal for two successive one year terms to Lone Star College System (LSCS) in an amount not to exceed \$910,000 to provide paramedic training services to the Houston Fire Department.

LSCS provides an educational program recognized by the Texas Department of State Health Services for the Emergency Medical Services Professions. LSCS is accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) and known for its National Registry of Emergency Medical Technicians Texas pass percentage rate. LSCS was not only the lowest bidder of the four prospective institutions, but will meet the needs of the Houston Fire Department by providing the flexibility of class sizes and pricing.

The scope of work requires LSCS to provide the training, equipment and materials at their facility for the duration of the training. HFD is planning to process sixty firefighters for FY13 at an estimated cost of \$162,000 using budgeted General Fund dollars.

Estimated Spending Authority

FY13	Out-Years	Total Amount
\$162,000	\$748,000	\$910,000

Hire Houston First: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

cc: Kenny Chin *KC*

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

[Handwritten Signature]

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9478

Subject: Approve an Ordinance authorizing the execution of an agreement between the City of Houston and Genesys Works for participation of high school student interns in various City Departments

Category #
4

Page 1 of 2

Agenda Item

22

FROM (Department or other point of origin):

Charles T. Thompson
Chief Information Officer
Information Technology

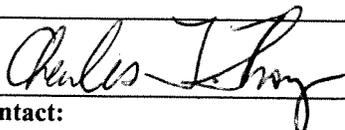
Origination Date

August 13, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE



Council District(s) affected
All

For additional information contact:

Somayya Scott

Phone: (832) 393-0082

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approval of an ordinance authorizing the execution of an agreement between the City of Houston and Genesys Works for participation of six (6) high school student interns to assist in various functions within Information Technology, Solid Waste, General Services and Office of Business Opportunity.

Finance Budget

Amount & Source of Funding: \$100,000.00. General Fund (1000)

SPECIFIC EXPLANATION:

The Chief Information Officer recommends approval of an agreement between the City of Houston and Genesys Works for student interns to provide services to various City Departments. The term of this agreement is for two (2) years with three (3) automatic one (1) year renewal periods.

Genesys Works is a nonprofit 501(c)(3) corporation. The program mentors non-college bound students into positions as corporate interns, where they work half days during senior year in high school, exposing them to opportunities in Information Technology, Accounting and/ or Engineering Drafting. This approach has successfully achieved 95% of their participants to be college bound and 75% have either graduated or continue to be enrolled in a college program. This success has gotten the national recognition at the White House where they were featured at the inauguration of the Office of Social Innovation. The mission is to enable economically disadvantaged high school students to enter and thrive in the economic mainstream by providing them the opportunity to receive the knowledge and work experience required to succeed as professionals. The interns will be performing one or more functions in the fields of general engineering, drafting, accounting and information technology support.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MDT

Date:
8/13/2012

Subject: Approve an Ordinance authorizing the execution of an agreement between the City of Houston and Genesys Works for participation of high school student interns in various City Departments

Originator's
Initials
JB

Page 2 of 2

Listed below is the fee schedule for the hourly rates that will be paid to Genesys for the intern services. The amount of \$100,000.00 listed above is for the first year's funding only. Additional funding would require further Council action. This schedule shall remain into effect for the duration of this agreement. The City will not pay for more than 1,000 hours for each Intern in any 12 month period.

Fee Schedule

Category	Hourly Rate
Information Technology	\$19.00 / hr
Engineering / Drafting	\$18.00 / hr
Accounting	\$15.00 / hr

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.

This item was presented at the August 14, 2012 Transportation Technology and Infrastructure Committee.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an Ordinance Awarding a Contract for the Maintenance, Modification and Service of the Municipal Courts Department's Integrated Case Management System (ICMS).

Category #

Page 1 of 1

Agenda Item#

23

FROM: (Department or other point of origin):
Municipal Courts Department

Origination Date
August 15, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE:

Barbara E. Hartle, Director and Presiding Judge

Barbara E. Hartle

Council Districts affected:

ALL

For additional information contact:

Rex Billings

Phone: (713) 247-8781

Gwendolyn Goins

Phone : (713) 247-4114

Date and identification of prior authorizing Council Action:

Ord. #2008-806 Sept. 10, 2008

Motion #2011-0645 Aug. 17, 2011

RECOMMENDATION: It is recommended that City Council approve an ordinance awarding a contract to CourtView Justice Solutions, Inc. as the sole source provider of maintenance, modification and service of proprietary software used to operate the Municipal Courts Department's ICMS.

Spending Authority:

\$2,355,000.00

Finance Budget:

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

\$1,050,000.00 General Fund - (1000)

\$1,305,000.00 Technology Fee Fund - (2207)

SPECIFIC EXPLANATION:

The City of Houston Municipal Courts Department is the largest fine-only court system in the United States. Its operations involve the interaction of six City Departments, processing over one million cases annually. In September of 2008, under the terms of a Compromise and Settlement Agreement with the previous vendor, Maximus, Inc., the City engaged CourtView Justice Solutions, Inc. to be paid on a time and materials basis to perform proprietary work capped at \$3 million dollars to support the ICMS system. The term of this settlement was for three years (September 10, 2008 through September 10, 2011) with the option of extending for a fourth year. In August of 2011, Council approved Motion No. 2011-0645 allowing the City to exercise the one year option to extend the term of the settlement and obtain a fourth year license to continue receiving support and use of the CourtView ICMS through September 10, 2012. Due to ongoing needs to sustain the ICMS, the Municipal Courts Department recommends execution of a one year contract with two optional years with CourtView Justice Solutions Inc., until its new Court System Management And Resource Technology system (CSMART) is complete. We estimate that three years will be sufficient time to complete the implementation of CSMART and bridge the Court's case management system to the new technology.

Under the proposed contract, the contractor shall provide labor, material, and supervision necessary to maintain, modify and service the CourtView Justice Solution aspects of the ICMS in addition to day-to-day systems and database administration support, as requested by the City. The City shall make any and all additional service requests using a Change Order. All work performed by the contractor, including but not limited to day-to-day systems and database administrative work, shall be on a time and materials basis (the hourly rates include the time necessary to travel to Houston, Texas and return to the original location). The Director may terminate this Agreement at any time by giving 30 days written notice to contractor. In the event of such a termination, the City shall be granted a prorated rebate on the annual license fee of \$350,000.

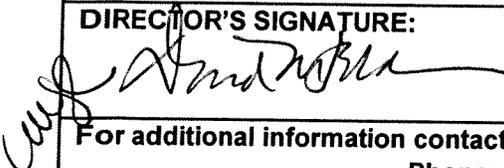
This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the vendor is a sole source. The proposed contract is exempt from MWBE Ordinances as well because there's no divisible work. Lastly, the contract is exempt from the Pay or Play Ordinance as compliance with the program would cause an unreasonably adverse impact on the City's ability to obtain services or an unreasonably adverse financial impact on the City.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization

SUBJECT: An Ordinance Approving and Authorizing a Contract for Legal Services with Rogers, Morris & Grover, L.L.P. and Allocating \$100,000.00		Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Legal Department		Origination Date 8/16/12	Agenda Date AUG 22 2012
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: Andrea Chan Phone: 832-393-6480		Date and identification of prior authorizing Council action: none	
RECOMMENDATION: (Summary) Approve and Authorize the Contract for Legal Services with Rogers, Morris & Grover, L.L.P.			
Amount and Source of Funding: \$100,000.00 (Initial Allocation) \$150,000.00 (Maximum Contract Amount, including Renewals) Fund 1004, Property & Casualty Fund			
SPECIFIC EXPLANATION: The City and a HPD officer have been sued as the result of an incident that occurred on December 24, 2010. The lawsuit was filed in federal court and styled Civil Action No. 4:11-cv-01592, <i>Michael Young, et al. v. Green, et al.</i> , in the United States District Court for the Southern District of Texas, Houston Division. The lawsuit alleges the use of excessive force against several of the plaintiffs. It has become necessary for the City to retain outside counsel to represent its interests in the lawsuit, separate and apart from the officers' representation due to a conflict of interest. Rogers, Morris & Grover, L.L.P. has considerable expertise in representing municipalities in lawsuits brought alleging civil rights violations. Rogers, Morris & Grover, L.L.P. commence representation of the City under City of Houston Purchase Order Number 4500151600 for \$50,000.00 issued on November 17, 2011. The Legal Department believes that the case is likely to be disposed of on summary judgment in the City's favor but also anticipates the likelihood of appeal in that event. An additional \$100,000 is needed to address representation through appeal.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

REQUEST FOR COUNCIL ACTION

RCA# 9466

TO: Mayor via City Secretary

Subject: Approve an Ordinance Authorizing a Second Amendment to Contract No. 4600009722 for Security Guard Services for the City of Houston
S30-T22865-A2

Category #
4

Page 1 of 1

Agenda Item

25

FROM (Department or other point of origin):

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

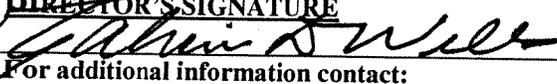
Origination Date

July 30, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

CWS


Council District(s) affected
All

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord Nos. 2009-572; Pass 6/17/09 & 2011-444; 6/8/11

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a second amendment to the contract between the City of Houston and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) to amend the fee schedule for security guard services for the City of Houston.

No Additional Funding Required

Finance Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a second amendment to the contract between the City of Houston and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) to amend the fee schedule to correct an error in the first amended fee schedule.

The contract was awarded on June 17, 2009 by Ordinance No. 2009-572 for a three-year term, with two one-year options in the amount of \$42,718,060.52; and on June 8, 2011, by Ordinance No. 2011-444 passed on June 8, 2011, a first amendment was authorized by City Council to amend the contract fee schedule. Expenditures as of July 27, 2012 totaled \$20,898,846.

The scope of work requires the contractor to provide all personnel, management, supervision, transportation, equipment, and incidentals necessary to provide professional security guard services for the General Services, Public Works & Engineering, Parks and Recreation, Municipal Courts and Houston Police Departments' facilities. The contractor is also required to monitor security cameras, screen persons entering the aforementioned facilities, secure facilities, and report any incident involving injury, fire, or criminal activity or threats.

This contract was awarded with a 25% M/WBE participation goal and G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) is currently achieving 28.07% of the required M/WBE goal. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Richard Morris

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9387

Subject: Approve an Ordinance Awarding a Contract for Aerial and Ground Ladder and Testing Services for the Houston Fire Department S30-L24086

Category #
4

Page 1 of 2

Agenda Item

26

FROM (Department or other point of origin):

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

Origination Date

May 29, 2012

Agenda Date

AUG 22 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

For additional information contact:

Neil Depascal Phone: (832) 394-6755
Douglas Moore Phone: (832) 393-8724

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance awarding a contract to Structural Technology, Inc., on its low bid meeting specifications in an amount not to exceed \$244,941.20 for aerial and ground ladder inspection and testing services for the Houston Fire Department.

Maximum Contract Amount: \$244,941.20

Finance Budget

\$244,941.20 - General Fund (1000)

SPECIFIC EXPLANATION:

The Chief of the Houston Fire Department and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year contract with two one-year options, to Structural Technology, Inc., on its low bid meeting specifications, in an amount not to exceed \$244,941.20 for aerial and ground ladder inspection and testing services for the Houston Fire Department (HFD). The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. Diversified Inspection/ITL	\$233,400.00 (Did Not Meet Specifications)
2. Structural Technology, Inc.	\$244,941.20

The scope of work requires the contractor to provide all tools, equipment, labor, materials, supervision, and transportation necessary to inspect, test, and certify HFD's aerial and ground ladders. The aerial ladder inspection and testing shall include a complete visual and nondestructive inspection; load, drift and waterway tests; and any other inspection or test required by the current edition of NFPA Standard 1914. The ground ladder inspection and testing shall include a complete visual inspection; ultrasonic, dye penetrant and hardness tests, as well as, any other inspection or test required by the current edition of NFPA Standard 1932. Currently, the Department has 46 aerial ladder trucks and 30,000 feet of ground ladders in its inventory.

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.

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor does not meet the requirements of Hire Houston First; no Hire-Houston First firms were within three percent.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

[Signatures]

Other Authorization:

NDT

Date: 5/29/2012	Subject: Approve an Ordinance Awarding a Contract for Aerial and Ground Ladder and Testing Services for the Houston Fire Department S30-L24086	Originator's Initials RM	Page 2 of 2
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Estimated Spending Authority

Department	FY 2013	Out Years	Total
Houston Fire Department	\$11,300.00	\$233,641.20	\$244,941.20

Buyer: Richard Morris

Attachment: MWBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity.



Memorandum

To: Carlecia D. Wright, Director
 Mayor's Office of Business Opportunity

From: Cc: Robert Gallegos
 Terry A. Garrison, Chief
 Houston Fire Department

Date: January 5, 2012

Subject: MWBE Participation Waiver Request

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

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

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

If requesting a revision, how many solicitations were received:

Solicitation Number: NA__ Estimated Dollar Amount: \$270,000 Goal on Last Contract: 0% *RDC*

Anticipated Advertisement Date: 2/4/12 Solicitation Due Date: 2/24/12 Was Goal met: Yes No

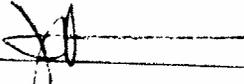
If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation: The contract will be to provide aerial and ground ladder inspection for the Houston Fire Department.

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

The scope of services has no potential for M/WBE participation due to the fact that The Houston Fire Department would like the MWDBE percentage for the Aerial and Ground Ladder Inspection to remain the same at zero percent goals. Under the NFPA 1932 stringent standards, we came back with zero results in performing a search through SAP and online (<https://b2gnow.mwdbe.com/>) using key words "Ladder and Inspection." Therefore the Houston Fire Department is requesting from the Mayor's Office of Business Opportunity approval of a Zero (0%) percent goal for the above-referenced agreement.

Concurrence:



 Fire Chief


 Robert Gallegos, Assistant Director

Office of Business Opportunity



 Deputy Director



 Carlecia D. Wright, Director

Office of Business Opportunity

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



REQUEST FOR COUNCIL ACTION

RCA# 9427

TO: Mayor via City Secretary

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Live Homework Assistance for the Houston Public Library/S44-T24248

Category #
4

Page 1 of 2

Agenda Item

27

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

Origination Date
July 24, 2012

Agenda Date
AUG 22 2012

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Roosevelt Weeks Phone: (832) 393-1400
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance awarding a contract to Brainfuse, Inc., in an amount not to exceed \$855,000.00 for live homework assistance for the Houston Public Library.

Maximum Contract Amount: \$855,000.00

Finance Budget

\$855,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:
The Director of the Houston Public Library and the City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Brainfuse, Inc., in an amount not to exceed \$855,000.00 for live homework assistance for the Houston Public Library (HPL). The City Purchasing Agent and/or the HPL Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment and supervision necessary to administer "live homework assistance" sessions to citizens in over 41 neighborhood libraries citywide. Additionally, the contractor will be required to provide online tutorial assistance in English and Spanish for students K-12, and/or college introductory in a variety of subjects to include math, science, social studies and English. Finally, the contractor shall be available to provide tutorial assistance 360 days per year.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-eight prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from the following: Brainfuse, Inc. and Tutor.com, Inc. The evaluation committee consisted of three evaluators from HPL. The proposals were evaluated based upon the following criteria:

- Functionality and Services to be Provided
- Expertise
- Fees
- Financial Strength
- Conformance to RFP Request

Brainfuse, Inc. received the highest overall score.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

1m

act

Date: 7/24/2012	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Live Homework Assistance for the Houston Public Library/S44-T24248	Originator's Initials JT	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 contractor provides health benefits to eligible employees in compliance with City policy.

Hire Houston First:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor does not meet the requirements as a Hire Houston First company because they are not classified as a City and/or Local Business; and no Hire Houston First firms were within five percent of the total RFP score.

Attachment: M/WBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity.

Buyer: Douglas Moore

Estimated Spending Authority

DEPARTMENT	FY13	OUT YEARS	TOTAL
Library	\$143,000.00	\$712,000.00	\$855,000.00



CITY OF HOUSTON

Library Department
RECEIVED

Interoffice

Correspondence

MAR 28 2012

To: Ms. Carlecia D. Wright
Director,
Office of Business Opportunity

OBO

From: Mr. Roosevelt Weeks
Deputy Director,
Library Administration

Date: 3/27/2012

Subject: **REQUEST FOR MWBE WAIVER**
On Live Homework Assistance

The Houston Public Library (HPL) is requesting a waiver on MWBE requirement on the Live Homework Assistance contract. The current contract does not have a MWBE requirement.

The Houston Public Library is requesting a waiver because there is no opportunity for MWBE participation as there is no local vendor to provide the services, the previous contract did not have a MWBE component, services will be provided online and there are only two know providers.

Please contact Richard Barchue at 832-393-1558 or myself at 832-393-1327 for any additional information.

Handwritten signature of Mr. Roosevelt Weeks in cursive.

Mr. Roosevelt Weeks
Deputy Director, Library Administration

Handwritten signature of Ms. Carlecia D. Wright in cursive.

Ms. Carlecia D. Wright
Director, Office of Business Opportunity

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9361

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600007785 for Submersible Pump Repair Services for the Public Works and Engineering Department / S30-L22069-A1

Category #
4

Page 1 of 1

Agenda Item

28

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

Origination Date
July 25, 2012

Agenda Date
AUG 22 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

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

Date and Identification of prior authorizing Council Action:
Ord. 2007-0813, 07/03/07

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$3,600,000.00 to \$4,100,040.00 for the contract between the City of Houston and Pumps of Houston, Inc., for submersible pump repair services for the Public Works and Engineering Department.

Maximum Contract Amount Increased by: \$500,040.00

Finance Budget

\$500,040.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommends that the City Council approve an amending ordinance to increase the maximum contract amount from \$3,600,000.00 to \$4,100,040.00 for the contract between the City of Houston and Pumps of Houston, Inc., for submersible pump repair services for the Public Works and Engineering Department (PWE).

The contract was awarded on July 3, 2007 by Ordinance No. 2007-0813 for a three-year term, with two one-year options in the original amount of \$3,600,000.00. Expenditures as of July 25, 2012 totaled \$2,959,639.58. The increased spending authority is necessary to allow continued submersible pump repair services for PWE until the new contract is awarded. Due to PWE's reassessment of the current contract specifications, additional time was needed to ensure that the new bid specifications for submersible pump repair services met the overall objective of PWE. The additional funds requested shall sustain PWE through the end of the contract term (October 22, 2012).

The scope of work requires the contractor to provide all equipment, facilities, labor, materials, parts, supervision and transportation necessary to disassemble, inspect, and rewind or recondition the submersible pump motors, and reassemble and test the units. In addition, the contractor inspects and cleans components and parts before rewinding or reconditioning the pumps. At the completion of repairs, the contractor balances and tests the rotors and impellers at their full voltage to ensure that the pumps are performing at an optimal level.

This contract was awarded with a 3% M/WBE participation goal. Pumps of Houston, Inc. is currently achieving 2.91% of the required M/WBE goal. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Greg Hubbard

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MS

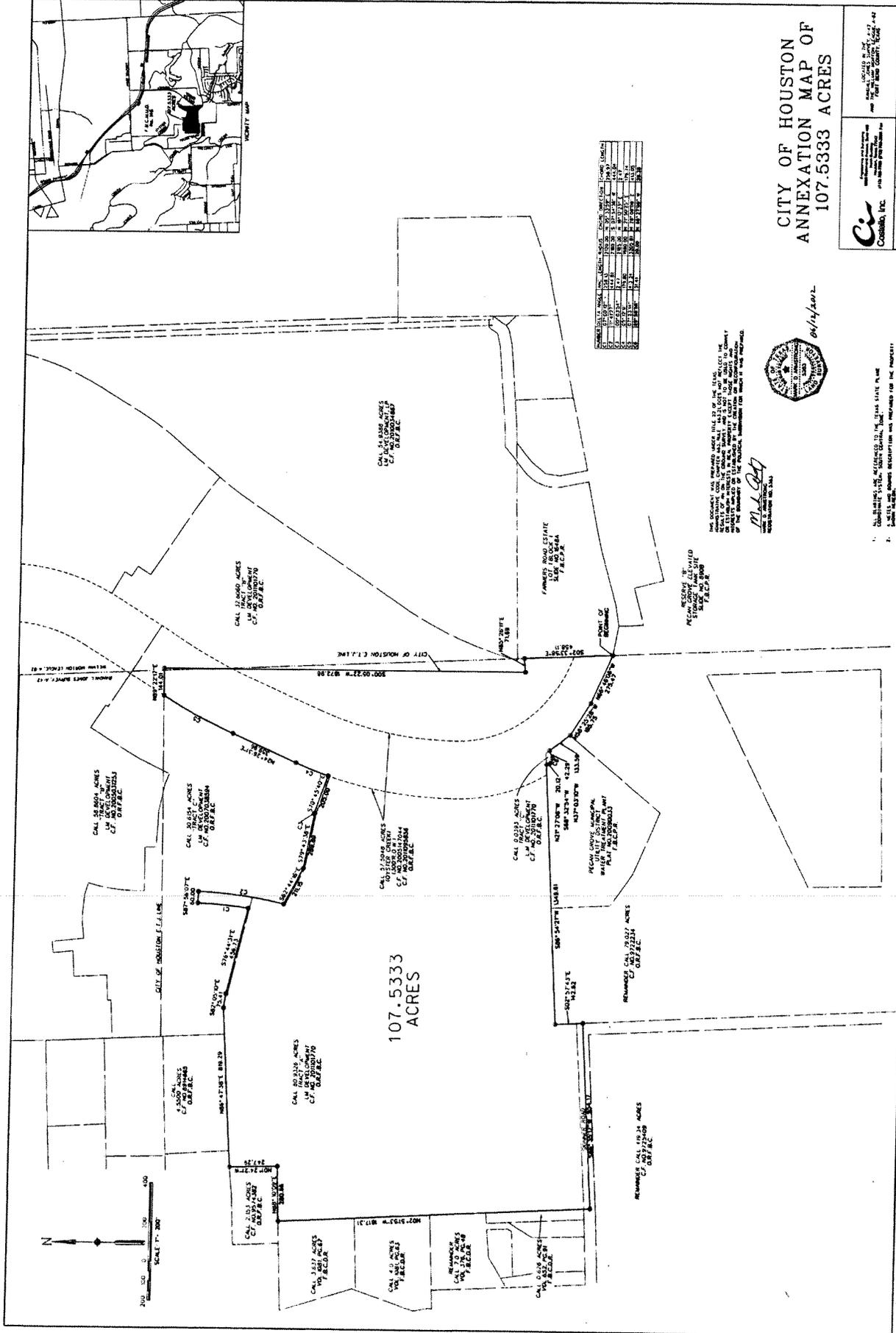
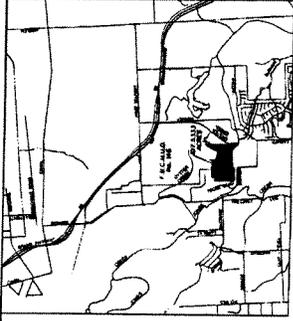
15

SUBJECT: Ordinance adding 107.5333 acres of land to the City of Houston's ETJ		Category #	Page 1 of 1	Agenda Item # 29
FROM (Department or other point of origin): Marlene L. Gafrick Department of Planning and Development		Origination Date August 15, 2012		Agenda Date AUG 22 2012
DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>		Council District affected: ETJ		
For additional information contact: Nicole Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That Council pass an ordinance adding 107.5333 acres of land to the City of Houston's ETJ				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: A municipality's Extra Territorial Jurisdiction (ETJ) is an area of land surrounding its corporate limits in which the municipality has the authority to regulate development and has some authority regarding the creation and expansion of utility districts. While the boundaries of an ETJ are established in accordance with state law, a municipality may, from time to time, release territory from its ETJ or accept petitions from property owners to extend the boundaries to include their property. The City of Houston is currently in receipt of one such petition from LM DEVELOPMENT, LP. LM DEVELOPMENT, LP owns 107.5333 acres of land located in Fort Bend County, immediately beyond the City of Houston's existing ETJ. It is currently undeveloped. The petitioner is requesting that the City of Houston accept the territory into its ETJ, and subsequently allow its inclusion into an existing utility district. By doing so, the City of Houston will allow the utility district to finance development on such property. It is expected that the development plans include single-family residential properties with a small amount of commercial development. Including the property in Houston's ETJ benefits the City by allowing for development, providing for consistent regulatory standards and street patterns, and allowing the efficient provision of utility services. There is no fiscal impact to the city in accepting this property into the city's ETJ. The Public Works and Engineering Department is in support of this action. Copy Marta Crinejo Sameera Mahendru Anna Russell				
Finance Director:		Other Authorization:		Other Authorization:

copy

AK

26



NO.	AREA	ACRES	PERCENT
1	LOT 1	1.234	1.148
2	LOT 2	1.567	1.453
3	LOT 3	1.890	1.761
4	LOT 4	2.123	1.970
5	LOT 5	2.456	2.283
6	LOT 6	2.789	2.596
7	LOT 7	3.123	2.909
8	LOT 8	3.456	3.222
9	LOT 9	3.789	3.535
10	LOT 10	4.123	3.848
11	LOT 11	4.456	4.161
12	LOT 12	4.789	4.474
13	LOT 13	5.123	4.787
14	LOT 14	5.456	5.100
15	LOT 15	5.789	5.413
16	LOT 16	6.123	5.726
17	LOT 17	6.456	6.039
18	LOT 18	6.789	6.352
19	LOT 19	7.123	6.665
20	LOT 20	7.456	6.978
21	LOT 21	7.789	7.291
22	LOT 22	8.123	7.604
23	LOT 23	8.456	7.917
24	LOT 24	8.789	8.230
25	LOT 25	9.123	8.543
26	LOT 26	9.456	8.856
27	LOT 27	9.789	9.169
28	LOT 28	10.123	9.482
29	LOT 29	10.456	9.795
30	LOT 30	10.789	10.108
31	LOT 31	11.123	10.421
32	LOT 32	11.456	10.734
33	LOT 33	11.789	11.047
34	LOT 34	12.123	11.360
35	LOT 35	12.456	11.673
36	LOT 36	12.789	11.986
37	LOT 37	13.123	12.299
38	LOT 38	13.456	12.612
39	LOT 39	13.789	12.925
40	LOT 40	14.123	13.238
41	LOT 41	14.456	13.551
42	LOT 42	14.789	13.864
43	LOT 43	15.123	14.177
44	LOT 44	15.456	14.490
45	LOT 45	15.789	14.803
46	LOT 46	16.123	15.116
47	LOT 47	16.456	15.429
48	LOT 48	16.789	15.742
49	LOT 49	17.123	16.055
50	LOT 50	17.456	16.368



08/14/2008

**CITY OF HOUSTON
ANNEXATION MAP OF
107.5333 ACRES**

City of Houston
Engineering Department
1001 Fannin Street, Suite 1000
Houston, Texas 77002
Phone: 713-895-2000
Fax: 713-895-2001
www.houstontx.gov

DATE: 08-12-2008
SCALE: 1"=200'

THIS DOCUMENT WAS PREPARED UNDER TITLE 23 OF THE STATE OF TEXAS, CHAPTER 201, SUBCHAPTER A, AND IS NOT TO BE USED TO CONVEY ANY INTEREST IN REAL PROPERTY UNLESS IT IS ACCOMPANIED BY THE ORIGINAL SURVEY INSTRUMENT AND A COPY OF THE INSTRUMENT HAS BEEN FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.

M. J. [Signature]
REGISTERED PROFESSIONAL ENGINEER
NO. 12345
STATE OF TEXAS

1. THIS DOCUMENT IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE ORIGINAL SURVEY INSTRUMENT AND A COPY OF THE INSTRUMENT HAS BEEN FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.
2. THIS DOCUMENT IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE ORIGINAL SURVEY INSTRUMENT AND A COPY OF THE INSTRUMENT HAS BEEN FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 131.6733 acres of land to Fort Bend County Municipal Utility District No. 146 (Key Map No. 566-A)	Page 1 of 1	Agenda Item # 29A
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 8/16/12	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE <i>DW Krueger</i> Daniel W. Krueger, P.E.	Council District affected: "ETJ"
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For additional information contact: <i>ML Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 131.6733 acres of land to Fort Bend County Municipal Utility District No. 146 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 146 has petitioned the City of Houston for consent to add 131.6733 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Skinner Lane, Oyster Creek and Farmer Road. The district desires to add 131.6733 acres, thus yielding a total of 825.0891 acres. The district is served by the Fort Bend County Municipal Utility District No. 146 Wastewater Treatment Plant. The other district served by this plant is Fort Bend County Municipal Utility District No. 194. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 146 is Oyster Creek which flows into Flat Bank Creek then into the Brazos River and finally into the Gulf of Mexico.

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

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

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

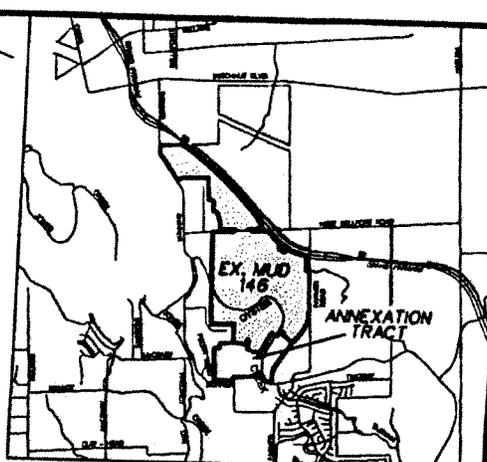
REQUIRED AUTHORIZATION 20UPA143

Finance Department	Other Authorization: <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	Other Authorization:
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SKINNER LANE

GRAND PARKWAY



VICINITY MAP

WEST BELLFORT ROAD

EXISTING
F.B.C.M.U.D. No. 146
693.4158 ACRES

OYSTER CREEK

FARMER ROAD

FARMER ROAD

131.6733 ACRE
ANNEXATION TRACT

SKINNER LANE



Engineering and Surveying
9990 Richmond Avenue, Suite 450
North Building
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax

**EXHIBIT
FORT BEND COUNTY MJD 146
PROPOSED 131.6733ACRE
ANNEXATION TRACT**

DRAWN BY: MA	DATE: 10-17-2011	SCALE: 1"=1600'
CHECKED BY:	JOB NO: 2006-209-360	146EX.DGN

20 KPA 143



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
3/20/12

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 131.6733 acres to Fort Bend County MUD No. 146 under the provisions of Chapters 49 and 50 Texas Water Code.

Lynne Humphries
Attorney for the District

Attorney: Lynne Humphries, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6406

Engineer: Costello, Inc.

Address: 9990 Richmond Ave., Suite 450, N. Bldg., Houston, TX Zip: 77042 Phone: 713-783-7788

Owners: LM Land Development, LP

Address: c/o Trend Development, Inc., Three Riverway, Suite 120, Houston, TX Zip: 77056 Phone: 713-623-2466

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

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Fort Bend
Survey see attached page Abstract see attached page

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

North of: Skinner Lane East of: Skinner Lane
South of: Oyster Creek West of: Farmer Road

WATER DISTRICT DATA

Total Acreage of District: 693.4158 Existing Plus Proposed Land 825.0891

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

Single Family Residential 100% Multi-Family Residential

Commercial Industrial Institutional

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

Sewage Treatment Plant Name: Fort Bend County MUD146 Wastewater Treatment Plant

NPDES/TPDES Permit No: 14455-001 TCEQ Permit No:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.30

Ultimate Capacity (MGD): 1.35

Size of treatment plant site: 6.90 square feet/acres.

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

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

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

Total permitted capacity: 0.75

MGD of (Regional Plant).

Name of District: FBCMUD No. 146

MGD Capacity Allocation 1.02

or property owner(s)

Name of District: FBCMUD No. 194

MGD Capacity Allocation 0.33

Water Treatment Plant Name: FBCMUD No. 146 Water Plant 1

Water Treatment Plant Address: 2150 Idle Wind, Richmond, TX 77469

Well Permit No: FBSC Permit No.16142

Existing Capacity:

Well(s): 1,500 GPM

Booster Pump(s): 2,700 GPM

Tank(s): 0.27 MG

Ultimate Capacity:

Well(s): 1,500 GPM

Booster Pump(s): 4,500 GPM

Tank(s): 0.55 MG

Size of Treatment Plant Site: 2.22 acre

square feet/acres.

Comments or Additional Information: The district has two water plants. See additional page 2



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0

Ultimate Capacity (MGD): 0

Size of treatment plant site: 0 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0 MGD.

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

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

Total permitted capacity: 0

MGD of (Regional Plant).

Name of District: FBCMUD No. 146

MGD Capacity Allocation 0

or property owner(s)

Name of District: FBCMUD No. 194

MGD Capacity Allocation 0

Water Treatment Plant Name: FBCMUD No. 146 Water Plant 2

Water Treatment Plant Address: 21125 Morton Road, Richmond, TX 77469

Well Permit No: FBSC Permit No.16143

Existing Capacity:

Well(s): 350

GPM

Booster Pump(s): 1,050

GPM

Tank(s): 0.078

MG

Ultimate Capacity:

Well(s): 350

GPM

Booster Pump(s): 1,050

GPM

Tank(s): 0.078

MG

Size of Treatment Plant Site: 0.37 acre

square feet/acres.

Comments or Additional Information: _____

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

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 10.7508 acres to Harris County Fresh Water Supply District No. 61 (Key Map No. 369-T, W)	Page 1 of 1	Agenda Item # 30
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE <i>Daniel W. Krueger, P.E.</i>	Council District affected: "ETJ"
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For additional information contact: <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 10.7508 acres of land to Harris County Fresh Water Supply District No. 61 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Fresh Water Supply District No. 61 has petitioned the City of Houston for consent to add 10.7508 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of FM 1960 W, North Eldridge Parkway, Cypress North Houston Road and Jones Road. The district desires to add 10.7508 acres, thus yielding a total of 1,811.8790 acres. The district is served by the Hastings Green Wastewater Treatment Plant No. 2. The other district served by this plant is Harris County Municipal Utility District No. 248. The nearest major drainage facility for Harris County Fresh Water Supply District No. 61 is White Oak Bayou which flow to Buffalo Bayou and then to the Houston Ship Channel.

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

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

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
 Bill Zrioka Deborah McAbee Carl Smitha

REQUIRED AUTHORIZATION

20UPA156

Finance Department

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

Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
6/4/12 JAC

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 10.7508 acres to Harris County FWSD No. 61 under the provisions of 49 and 54 Texas Water Code.

Sara L. Anderson
Attorney for the District

Attorney: Sara J. Anderson - Smith, Murdaugh, Little & Bonha

Address: 1100 Louisiana St, Ste 400, Houston, TX Zip: 77002 Phone: 713/652-6500

Engineer: William G. Rosenbaum - Lockwood, Andrews & Newnam

Address: 2925 Briarpark., Suite 500, Houston, TX Zip: 77042 Phone: 713/266-6900

Owners: Southwestern Bell Telephone Company

Address: 1 Bell Center Rm 36 Saint Louis, MO Zip: 63101-3004 Phone: 281-356-8555

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

LOCATION

INSIDE CITY

OUTSIDE CITY

Survey James Morgan

NAME OF COUNTY (S) Harris
Abstract 789

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

North of: FM 1960 W

East of: North Eldridge Parkway

South of: Cypress North Houston Rd.

West of: Jones Rd.

WATER DISTRICT DATA

Total Acreage of District: 1801.1282

Existing Plus Proposed Land 1811.8790

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

Single Family Residential 0

Multi-Family Residential 0

Commercial 100

Industrial 0

Institutional 0

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

Sewage Treatment Plant Name: Hastings Green Wastewater Treatment Plant No. 2

NPDES/TPDES Permit No: WQ0010876002

TCEQ Permit No: WQ0010876002

Owners: Beck, John A. and Masten, James L.
Address: 11300 MF 19630 W Zip: 77065-3605 Phone: 281/469-5222

Location

Outside City Harris County

Survey Finely McNaughton Abstract 553

Geographic Location

North of:	<u>FM 1960 W</u>	East of:	<u>Fallbrook Dr</u>
South of:	<u>Cypress N Houston Rd</u>	West of:	<u>Jones Rd</u>



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 3.0

Ultimate Capacity (MGD): 4.5

Size of treatment plant site: 6.0 ac square feet/acres.

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

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

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

Total permitted capacity: 3.0

MGD of (Regional Plant).

Name of District: HCFWSD #61

MGD Capacity Allocation 1.7

or property owner(s)

Name of District: HCMUD #248

MGD Capacity Allocation 0.5

Water Treatment Plant Name: Hastings Green Water Plant No. 2

Water Treatment Plant Address: Greenwater Dr.

Well Permit No: 124963-7 and 125540

Existing Capacity:

Well(s): 5300

GPM

Booster Pump(s): 9150

GPM

Tank(s): 2.59

MG

Ultimate Capacity:

Well(s): 8000

GPM

Booster Pump(s): 15150

GPM

Tank(s): 3.09

MG

Size of Treatment Plant Site: 6 ac.

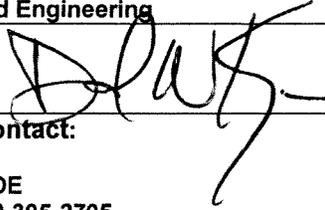
square feet/acres.

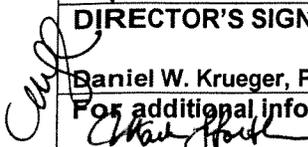
Comments or Additional Information: _____

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 5.3345 acres of land to Harris County Municipal Utility District No. 65 (Key Map No. 444-R)	Page 1 of 1	Agenda Item # 31
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date AUG 22 2012
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: "ETJ"
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 5.3345 acres of land to Harris County Municipal Utility District No. 65 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 65 has petitioned the City of Houston for consent to add 5.3345 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of I-10, Katy Fort Bend Road, Morton Road and SH 99. The district desires to add 5.3345 acres, thus yielding a total of 506.4895 acres. The district is served by the Williamsburg Regional Sewage Authority Wastewater Treatment Plant. The other districts served by this wastewater treatment plant are: Harris County Municipal Utility District No's. 61, 62, 63, 64, West Harris County Municipal Utility District No's 2, 5, and Westside Ventures, Ltd. The nearest major drainage facility for Harris County Municipal Utility District No. 65 is Mason Creek which flows to Buffalo Bayou and finally into the Houston Ship Channel.

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

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

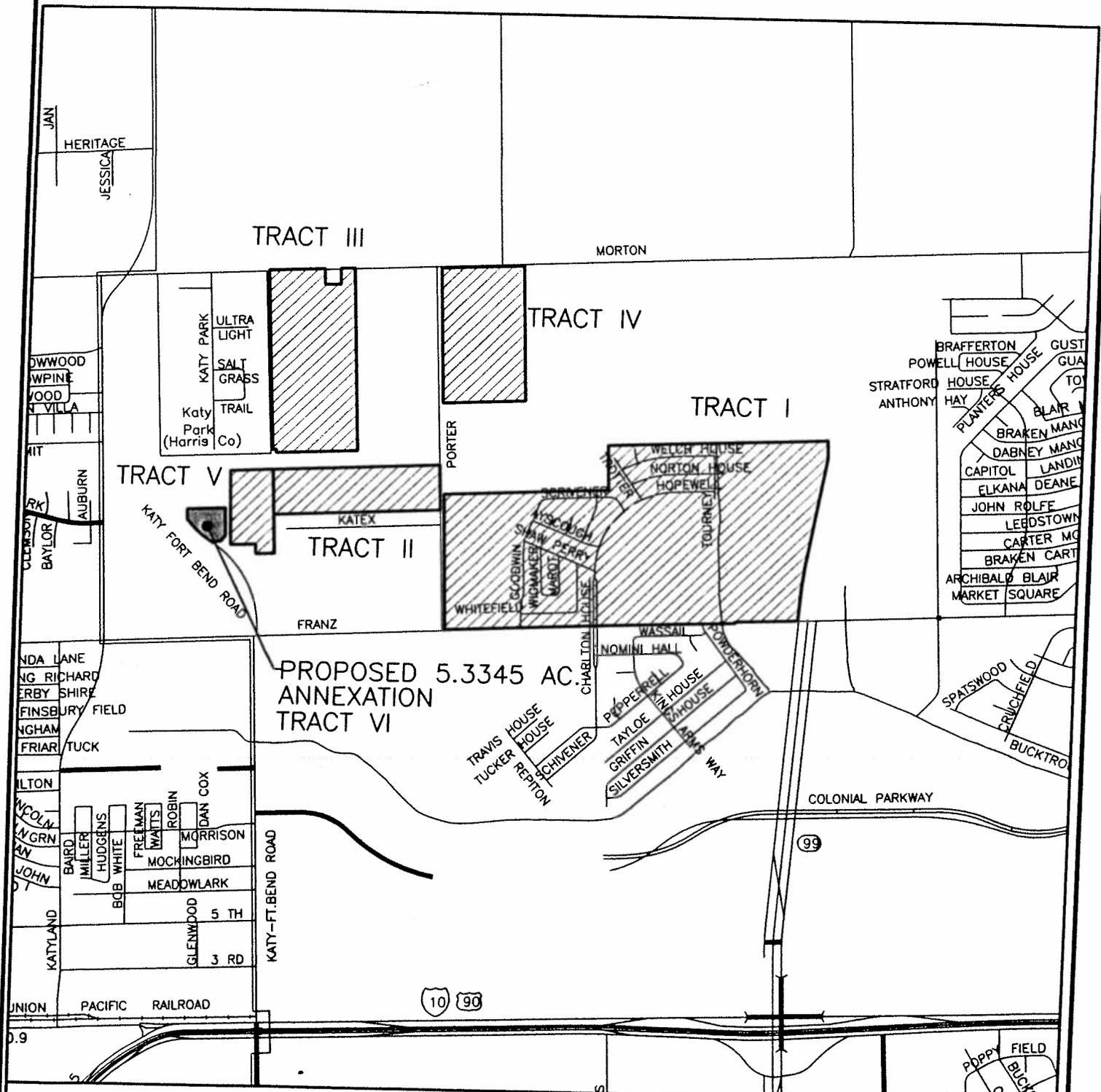
Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

REQUIRED AUTHORIZATION		20UPA163
Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	Other Authorization:

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65

Proposed Addition of 5.3345 Acres of Land
(Key Map Page No. 444R & 445N&P)



VICINITY MAP
N.T.S.

20 UPA 163 (1)



received
6/25/12 DJW

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 5.3345 acres to HCMUD No. 65 under the provisions of _____ Texas Water Code.

[Signature]
Attorney for the District

Attorney: Young & Brooks

Address: 10000 Memorial Dr. # 260 Houston Tx Zip: 77027 Phone: 713-951-0800

Engineer: EHRA Inc

Address: 10555 Westoffice Drive Houston Tx Zip: 77042 Phone: 713-784-4500

Owners: HCMUD 65

Address: 10000 Memorial Dr. # 260 Houston Tx Zip: 77027 Phone: 713-951-0800

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

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris
Survey H. & T.C. R.R. CO, SEC. 63 Abstract A-451

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

North of: I-10 East of: Katy Fort Bend Road
South of: Morton Road West of: SH 99

WATER DISTRICT DATA

Total Acreage of District: 501.1550 Existing Plus Proposed Land 506.4895

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

Single Family Residential 65 Multi-Family Residential N/A

Commercial 35 Industrial N/A Institutional N/A

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

Sewage Treatment Plant Name: Willimamsburg Regional WWTP

NPDES/TPDES Permit No: 11598-001 TCEQ Permit No: 11598-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 3.0

Ultimate Capacity (MGD): 0.541

Size of treatment plant site: 1.4 square feet/acres.

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

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

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

Total permitted capacity: 0.541151

MGD of (Regional Plant).

Name of District: HCMUD No 61

MGD Capacity Allocation .460

or property owner(s)

Name of District: HCMUD No. 62

MGD Capacity Allocation 0.403

Water Treatment Plant Name: HCMUD No. 65 Water Plant

Water Treatment Plant Address: 24439 Ayscough Lane, Katy Texas 77493

Well Permit No: 127188, Well No. 9467

Existing Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 3,900

GPM

Tank(s): .420

MG

Ultimate Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 3,900

GPM

Tank(s): .420

MG

Size of Treatment Plant Site: 0.78

square feet/acres.

Comments or Additional Information: _____

Sheet No. 2 of the Water District Consent Application Form Continuation

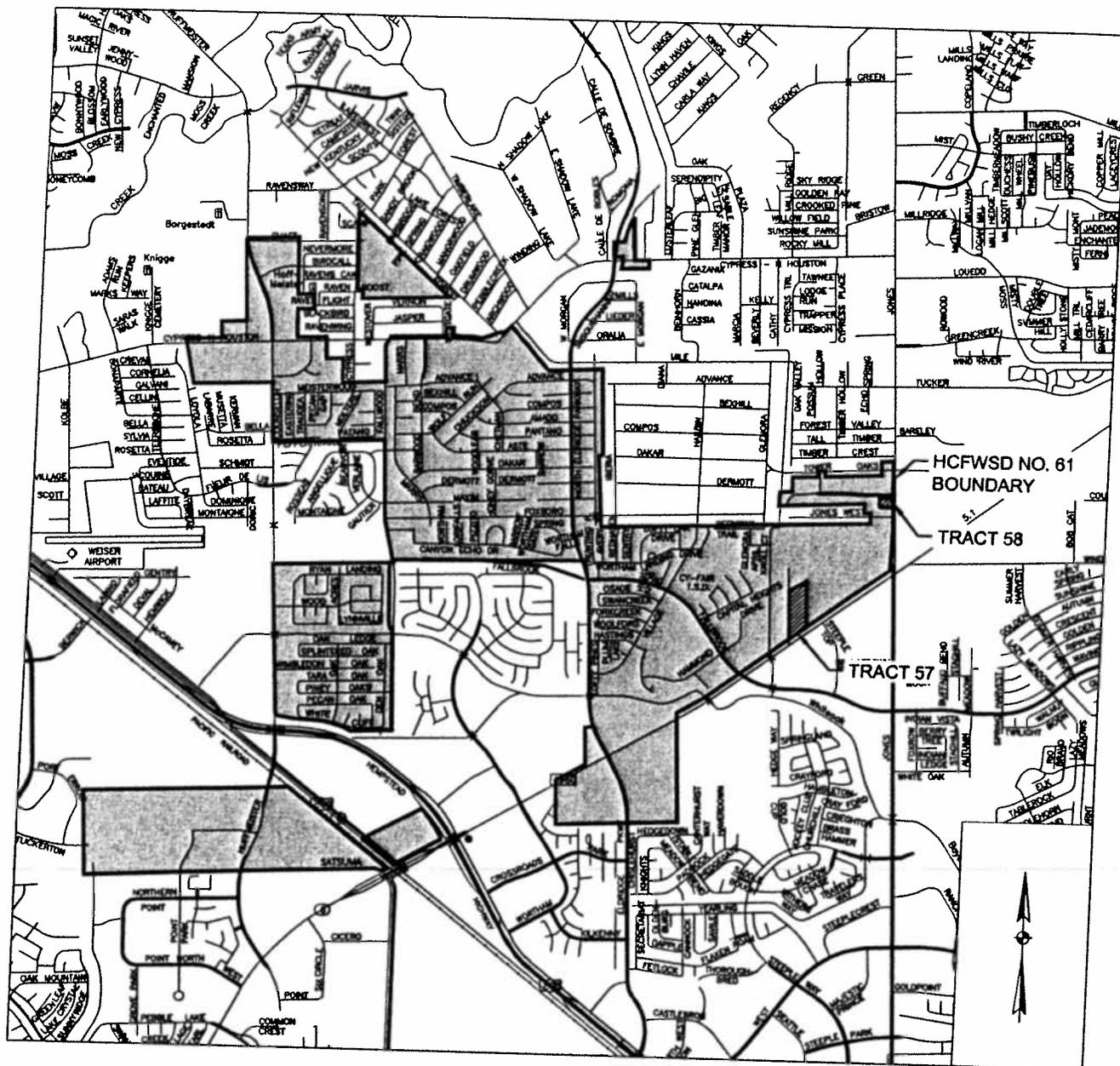
Name if District: HCMUD No. 63
MGD Capacity: 0.198365

Name if District: HCMUD No. 64
MGD Capacity: 0.445

Name if District: WHCMUD No. 2
MGD Capacity: 0.340

Name if District: WHCMUD No. 5
MGD Capacity: 0.302484

Name if District or property owner(s): Westside Ventures
MGD Capacity: 0.160

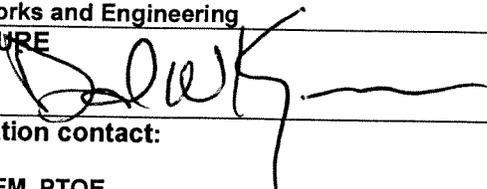


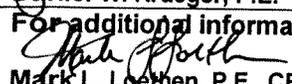
VICINITY MAP
 HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61
 KEY MAP NO. 368, 369 & 408
 N.T.S.

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

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 10.2179 acres of land to Harris County Municipal Utility District No. 65 (Key Map No. 444-R)	Page 1 of 1	Agenda Item # 32
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date: AUG 22 2012
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: "ETJ"
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
The petition for the addition of 10.2179 acres of land to Harris County Municipal Utility District No. 65 be approved.

Amount and Source of Funding:
NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 65 has petitioned the City of Houston for consent to add 10.2179 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of I-10, Katy Fort Bend Road, Morton Road and SH 99. The district desires to add 10.2179 acres, thus yielding a total of 516.7074 acres. The district is served by the Williamsburg Regional Sewage Authority Wastewater Treatment Plant. The other districts served by this wastewater treatment plant are: Harris County Municipal Utility District No's. 61, 62, 63, 64, West Harris County Municipal Utility District No's 2, 5, and Westside Ventures, Ltd. The nearest major drainage facility for Harris County Municipal Utility District No. 65 is Mason Creek which flows to Buffalo Bayou and finally into the Houston Ship Channel.

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

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

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee Carl Smitha

REQUIRED AUTHORIZATION 20UPA164

Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	Other Authorization:
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received
6/25/12

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 10.2179 acres to HCMUD No. 65 under the provisions of _____ Texas Water Code.

[Signature]
Attorney for the District

Attorney: Young & Brooks

Address: 10000 Memorial Dr. # 260 Houston Tx Zip: 77027 Phone: 713-951-0800

Engineer: EHRA Inc

Address: 10555 Westoffice Drive Houston Tx Zip: 77042 Phone: 713-784-4500

Owners: HCMUD 65

Address: 10000 Memorial Dr. # 260 Houston Tx Zip: 77027 Phone: 713-951-0800

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

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris
Survey H. & T.C. R.R. CO, SEC. 63 Abstract A-451

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

North of: I-10 East of: Katy Fort Bend Road
South of: Morton Road West of: SH 99

WATER DISTRICT DATA

Total Acreage of District: 506.4895 Existing Plus Proposed Land 516.7074

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

Single Family Residential 65 Multi-Family Residential N/A
Commercial 35 Industrial N/A Institutional N/A

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

Sewage Treatment Plant Name: Willimamsburg Regional WWTP

NPDES/TPDES Permit No: 11598-001 TCEQ Permit No: 11598-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 3.0

Ultimate Capacity (MGD): 0.541

Size of treatment plant site: 1.4 square feet/acres.

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

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

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

Total permitted capacity: 0.541151

MGD of (Regional Plant).

Name of District: HCMUD No 61

MGD Capacity Allocation .460

or property owner(s)

Name of District: HCMUD No. 62

MGD Capacity Allocation 0.403

Water Treatment Plant Name: HCMUD No. 65 Water Plant

Water Treatment Plant Address: 24439 Ayscough Lane, Katy Texas 77493

Well Permit No: 127188, Well No. 9467

Existing Capacity:

Well(s): 1,500 GPM

Booster Pump(s): 3,900 GPM

Tank(s): .420 MG

Ultimate Capacity:

Well(s): 1,500 GPM

Booster Pump(s): 3,900 GPM

Tank(s): .420 MG

Size of Treatment Plant Site: 0.78

square feet/acres.

Comments or Additional Information: _____

Sheet No. 2 of the Water District Consent Application Form Continuation

Name if District: HCMUD No. 63
MGD Capacity: 0.198365

Name if District: HCMUD No. 64
MGD Capacity: 0.445

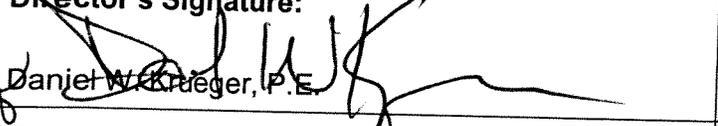
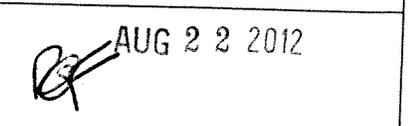
Name if District: WHCMUD No. 2
MGD Capacity: 0.340

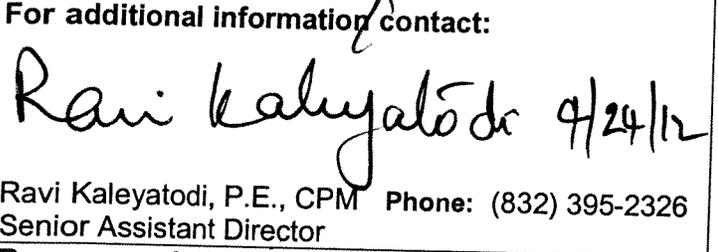
Name if District: WHCMUD No. 5
MGD Capacity: 0.302484

Name if District or property owner(s): Westside Ventures
MGD Capacity: 0.160

SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Civic Design Associates (previously Perspectiva Civic Design) and a Local Match to Texas Department of Transportation (TxDOT) for the Houston's Heritage Corridor, Bayou Trails West from San Jacinto Street to Stude Park, WBS No. N-000420-0016-3 and N-000420-0016-4 TxDOT CSJ 0912-71-505	Page 1 of 2	Agenda Item # 33
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From: (Department or Other Point of Origin) Department of Public Works and Engineering	Origination Date 8/9/12	Agenda Date AUG 22 2012
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Director's Signature:  Daniel W. Krueger, P.E.	Council District affected: H	AUG 22 2012 
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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: Ord. No. 2002-0073 Dated: 01/30/2002 Ord. No. 2010-0040 Dated: 01/20/2010 Ord. No. 2010-0530 Dated: 06/30/2010
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Recommendation: Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract and a Local Match.

Amount and Source of Funding: \$220,000.00 from Fund 4040 - METRO Projects Construction DDSRF. Original (previous) appropriations of \$441,700.00 from Street and Bridge Consolidated Construction Fund No. 437 and subsequent additional appropriation of \$39,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506, and \$850,200.00 for the Local Match to TxDOT from the METRO Projects Construction Fund No. 4040.

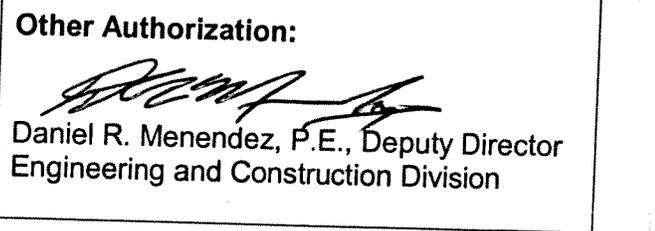
PROJECT NOTICE/JUSTIFICATION: This project is a part of the Houston Bikeway Program that provides connectivity to the Bikeway Network.

DESCRIPTION/SCOPE: The project consists of a reinforced concrete Hike and Bike Trail approximately 2.6 miles long with the retrofitting of two railroad bridges and a new pre-stressed concrete bridge. The project also includes retaining walls, accessibility ramps, signage, pavement markings, lighting conduit, storm drainage and landscaping.

The eligible costs of the project are 80% funded by the Federal Highway Administration through the Intermodal Surface Transportation Efficiency Act under the Transportation Enhancement, Congestion Mitigation and Air Quality Programs. The 20% local match funding is provided by the City of Houston. In addition to the local match, the City is responsible for paying 100% of all costs in excess of federal participation.

LOCATION: The trail is generally bounded by White Oak Drive on the north, Washington Avenue on the south, Studemont Street on the west and North Main Street on the east. Key Map grids: 493B, E, F, G, L and M.

REQUIRED AUTHORIZATION CUIC ID #20RF05

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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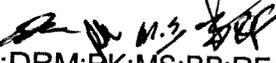
Date	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Civic Design Associates (previously Perspectiva Civic Design) and a Local Match to Texas Department of Transportation (TxDOT) for the Houston's Heritage Corridor, Bayou Trails West from San Jacinto Street to Stude Park WBS No. N-000420-0016-3 and N-000420-0016-4 TxDOT CSJ 0912-71-505	Originator's Initials 	Page 2 of 2
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PREVIOUS HISTORY AND SCOPE: On January 30, 2002, the original design services contract was approved by City Council under Ordinance No. 2002-0073. On January 20, 2010, a supplement to the professional services contract in the amount of \$39,000.00 was approved by Ordinance No. 2010-0040. On June 30, 2010, Ordinance No. 2010-0530 was approved appropriating \$850,200.00 for the local match and approval of the amended TxDOT Advance Funding Agreement. Construction started on September 20, 2010, but was interrupted by a Harris County Flood Control District de-silting project in January 2011. TxDOT and the City mutually agreed to suspend construction activities pending completion of the de-silting project. The contractor has incurred delays and claimed time suspension charges amounting to \$78,537.73. Construction change orders as a result of changed site conditions between the time of final design completion and the bid letting have been estimated at \$100,000.00. The consultant's effort for design changes resulting from the changed site conditions has been estimated at \$10,310.00. Additional funds are needed to complete the additional proposed services which were not budgeted.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will accomplish the following tasks: payment of an additional Local Match to TxDOT, payment of Design Services to the consultant and CIP Cost Recovery. The total requested appropriation is \$220,000.00 to be appropriated as follows: \$178,537.73 to TxDOT, \$10,310.00 to Civic Design Associates and \$31,152.27 for CIP Cost Recovery.

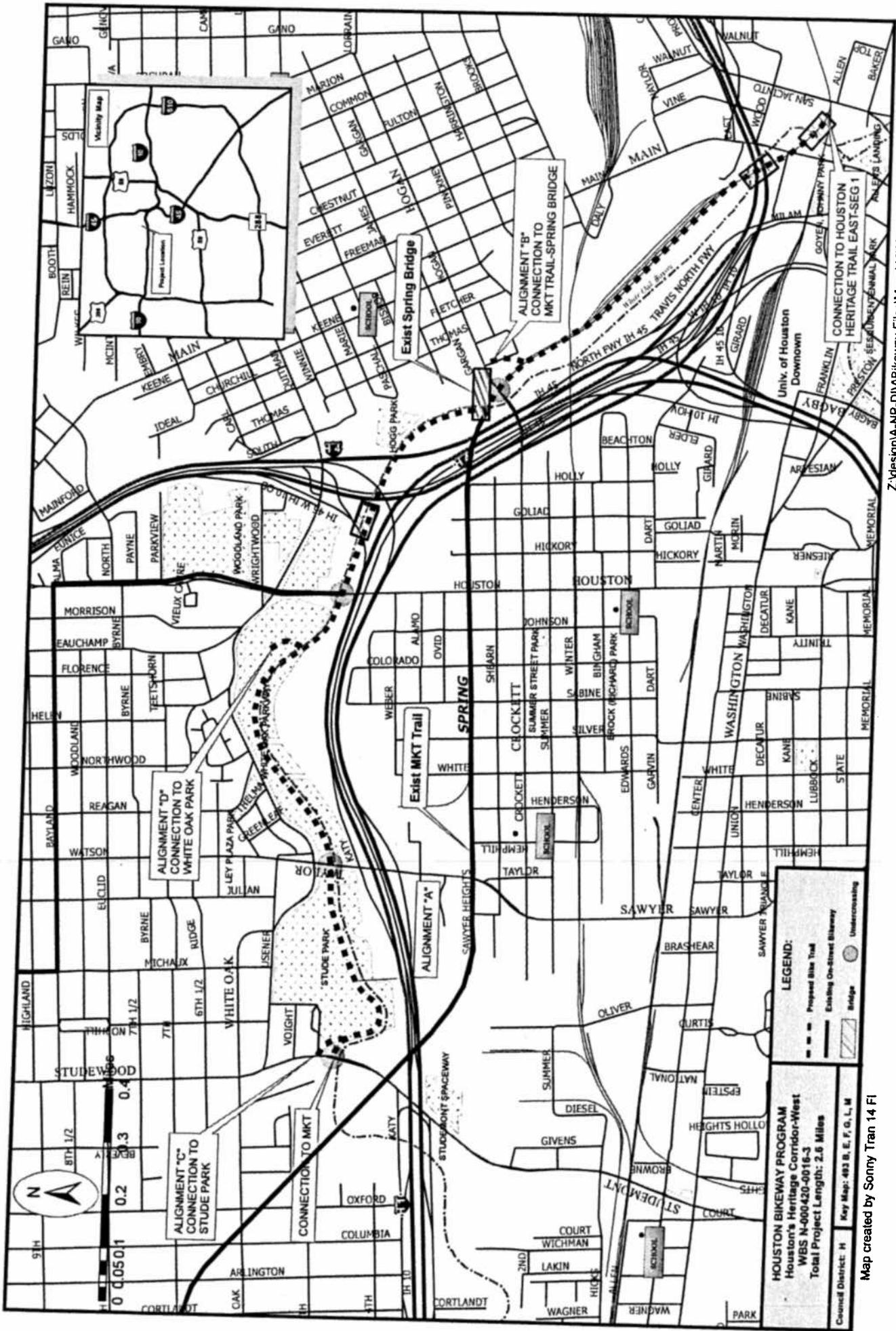
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractor. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract amount and subsequent appropriations totals \$436,989.66. The consultant has been paid \$417,679.16 (95.6%) to date. Of this amount, \$193,203.95 (46.26%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$447,299.66. The consultant previously satisfied the M/WBE goal established for this project.


DWK:DRM:RK:MS:BB:RF:mg

Z:\design\A-NP-DIV\Bikeway Files\Raymond\N-0420-16 Heritage Corridor Bayou Trail West\1.0 Design Contract\1.2 RCA\Construction\Revisions to 20RF05 04-12-12.doc

ec: File No. N-000420-016-4 (1.2 RCA)



Map created by Sonny Tran 14 FI

HOUSTON BIKEWAY PROGRAM
 Houston's Heritage Corridor-West
 WBS N-000420-0016-3
 Total Project Length: 2.6 Miles

Council District: H Key Map: 482 B, E, G, L, M

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Hirsch Road Paving and Drainage: Kelley to East Crosstimbers, WBS Numbers N-000617-0001-4, R-000500-0064-4 and S-000500-0064-4

Page 1 of 2

Agenda Item # 34

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

8/16/12

AUG 22 2012

DIRECTOR'S SIGNATURE:

Council District affected:

Daniel W. Krueger, P.E.

5/B,H

JK

For additional information contact:

Date and identification of prior authorizing Council action:

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

7/30/12

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds

Amount and Source of Funding:

Total of \$26,731,000.00 to be appropriated as follows:

\$18,314,084.00 from Fund 4042 - Street & Traffic Control & Storm Drainage DDSRF

\$4,417,346.00 from Fund 4040 - METRO Projects Construction DDSRF

\$3,999,570.00 from Fund 8500 - Water & Sewer System Consolidated Construction Fund

M.P. 8/15/2012

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement project (CIP) and is necessary to improve traffic circulation, enhance safety and provide drainage improvement in the service area.

DESCRIPTION/SCOPE: This project consists of the rehabilitation of approximately 6,500 linear feet of existing undivided two lane roadway to a four lane divided roadway per Major Thoroughfare Freeway Plan (MTFP) standards. The proposed project improvements include a four-lane divided concrete roadway with curbs, an underground storm sewer system to mitigate street flooding, new inlets, sidewalks, street lights and necessary utilities. The project will include a grade separation on Hirsch Road at the existing Union Pacific Railroad tracks. The contract duration for this project is 810 calendar days. This project was designed by Chiang, Patel & Yerby, Inc.

LOCATION: This section of Hirsch Road is generally located between Kelley Street on the south, East Crosstimbers Boulevard on the north, Eastex Freeway on the west and Lockwood Boulevard on the east. The project is located in Key Map Grids 454P and 454K.

BIDS: Bids were received on May 10, 2012. The three (3) bids are as follows:

Bidder

Bid Amount

- 1. Texas Sterling Construction Co. \$22,949,736.90
- 2. BRH - Garver Construction, L.P. \$24,189,617.50
- 3. Total Contracting Limited \$25,310,633.75

AWARD: It is recommended that this construction contract be awarded to Texas Sterling Construction Co. with a low bid of \$22,949,736.90 and addendum number 1 be made a part of this Contract.

REQUIRED AUTHORIZATION

CUIC ID#20SMC47

Finance Department:

Other Authorization:

Other Authorization:

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

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

PROJECT COST: The total cost of this project is \$26,731,000.00 to be appropriated as follows:

• Bid Amount	\$22,949,736.90
• Contingencies	\$ 1,147,500.00
• Engineering and Testing Services	\$ 435,000.00
• Construction Management	\$ 1,510,000.00
• CIP Cost Recovery	\$ 688,763.10

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

Construction Management Services will be provided by United Engineers, Inc. under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

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

M/WBE PARTICIPATION: The low bidder for Hirsch Road Paving and Drainage has submitted the following proposed program to satisfy the 7% MBE and 10% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Rosales R. Trucking	Hauling of Excavation	\$593,107.00	2.58%
2. El Dorado Paving Company, Inc.	Install Driveways	\$467,491.95	2.04%
3. Reliable Signal & Lighting Solutions, LLC	Electrical and Signals	\$420,071.40	1.83%
4. Tricon Precast, Ltd.	Supplier of Precast Panels	\$306,087.40	1.34%
TOTAL		\$1,786,757.75	7.79%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Boring & Tunneling Company of America, Inc., DBA BorTunCo	Boring & Tunneling	\$1,890,000.00	8.24%
2. Batterson, LLP	Street Striping	\$ 138,021.64	0.60%
3. Contractors Paving Supply, LLP	Construction Materials	\$ 80,750.00	0.35%
4. KMA Contractors Services, Inc.	Plumbing Supply	\$ 125,068.00	0.55%
5. Mickie Service Company, Inc.	Install Water TS & V	\$ 10,750.00	0.04%
6. Environmental Allies, G.P., Inc.	SWPPP	\$ 45,928.66	0.20%
7. Willow City Sign & Rail, Inc.	Install Guard Rail	\$ 19,050.00	0.08%
TOTAL		\$2,309,568.30	10.06%

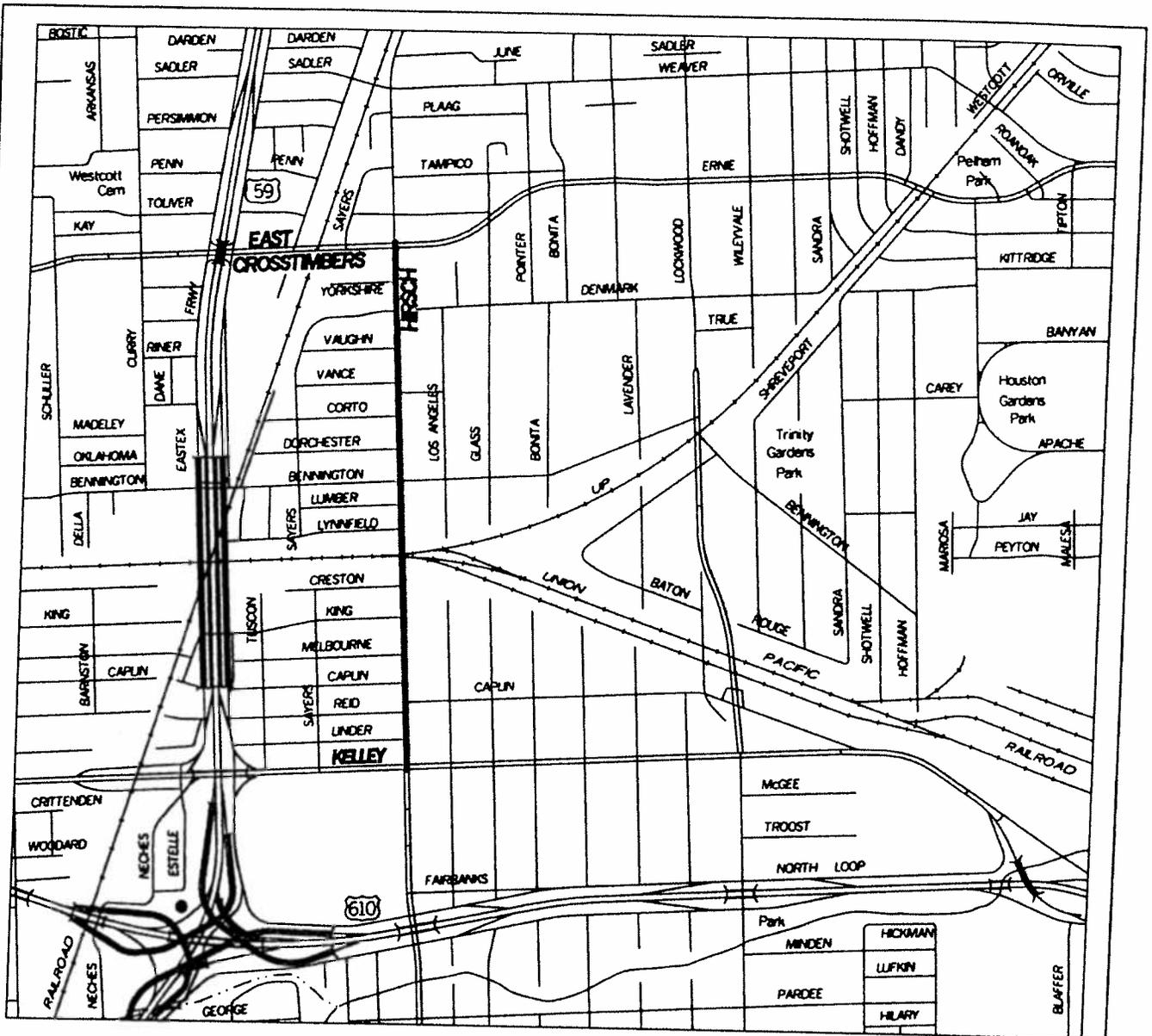
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:JHK:SMC

ec: File: N-000617-0001-4 (3.7 Construction RCA)

Z:\design\A-sw-div\A-SB-DIV\WPDATA\campagna\WBS617-construction\20SMC47.doc

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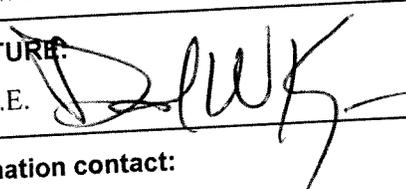
VICINITY MAP
FROM KELLEY ST. TO E. CROSTIMBERS BLVD.



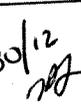
<p>CPY Chiang, Patel & Yerby, Inc. 2425 Briar Park Suite 858, Houston, TX, 77042 (713)532-1738, Fax (713)532-1734</p>	<p>CITY OF HOUSTON DEPARTMENT OF PUBLIC WORKS AND ENGINEERING</p>	
	<p>RECONSTRUCTION OF HIRSCH RD</p>	
<p>FROM KELLEY ST. TO E. CROSTIMBERS BLVD</p>	<p>FILE NO. SB9197</p>	<p>CITY OF HOUSTON PM</p>
<p>EXHIBIT B VICINITY MAP</p>	<p>GFS NO. 0617-01-02</p>	<p>STEVE CAMPAGNA, P.E.</p>
	<p>DRAWING SCALE</p>	<p>DATE</p>
	<p>NONE</p>	<p>07/08/2005</p>
		<p>SHEET NO. 1 OF 1</p>

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Contract Award for FY13 Water Distribution System Rehabilitation and Renewal WBS No. S-000MAO-0031-4		Category	Page 1 of <u>2</u>	Agenda Item # <u>35</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 8/16/12	Agenda Date AUG 22 2012	
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. 		Council District affected: All		
For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566		Date and identification of prior authorizing Council action: N/A		

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract, and allocate funds.

Amount and Source of Funding:
\$ 1,799,904.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY13) ^{7/30/12} 

SPECIFIC EXPLANATION: This project will provide for a work order based repair of water lines up to 16-inches in diameter in the distribution system on an emergency basis throughout the City.

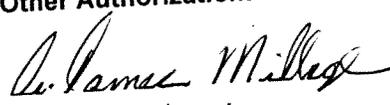
DESCRIPTION/SCOPE: Work shall include the repair, improvement and/or new installation of main water lines and service lines. The main lines range in diameter up to 16 inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The contract duration for this project is 365 calendar days. This is a work order based contract with projects assigned on an as-needed basis.

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

BIDS: Three (3) bids were received for this project on 05/17/12 as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. T Construction, LLC	\$1,652,289.30
2. D.L. Elliott Enterprises, Inc.	\$2,253,313.10
3. Metro City Construction, L.P.	\$2,842,778.75

CUIC#20AJM273 

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:  7/27/12	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division

Date	Subject Contract Award for FY13 Water Distribution System Rehabilitation and Renewal, WBS No. S-000MAO-0031-4	Originator's Initials	Page <u>2</u> of <u>2</u>
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AWARD: It is recommended that this construction Contract be awarded to T Construction, LLC with a low bid of \$1,652,289.30.

PROJECT COST: The total cost of this project is \$1,799,904.00 to be allocated as follows:

	<u>FY13</u>
• Bid Amount	\$1,652,289.30
• Contingencies	\$82,614.70
• Engineering Testing Services	<u>\$65,000.00</u>
	<u>\$1,799,904.00</u>

Alliance Laboratories, Inc. will provide Engineering Testing Services under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

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

M/WDBE PARTICIPATION: The low bidder has submitted the following proposed MWBE/SBE participation plan to satisfy the eleven percent (11%) MBE goal and nine percent (9%) SBE goal for this project:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
JT Utility Construction, LLC	Water Leaks and Concrete Repairs	\$ 148,706.04	9.0 %
MMG Contractors	Water Leaks and Concrete Repairs	\$ 90,875.92	5.5 %
Alcott, Inc.	Water Leaks and Concrete Repairs	\$ 90,875.92	5.5 %
	TOTAL	\$ 330,457.88	20.0 %

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

cc: Sam Lathrum
File No. WA 10873-07

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: First and second readings of an ordinance allowing the general purpose annexation of certain territory located on the northeast side of Lake Houston in the vicinity of Kingwood Drive and immediately northeast of the existing city limits	Category #	Page 1 of 1	Agenda Item # <i>36</i>
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FROM (Department or other point of origin): Planning and Development	Origination Date August 9, 2012	Agenda Date Aug. 22 & Sept. 26, 2012
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DIRECTOR'S SIGNATURE: <i>Martina K. Lopez</i>	Council District affected: E
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For additional information contact: Nicole Smothers Phone: 713-837-7856	Date and identification of prior authorizing Council action: July 3, 2012 – Ord. No. 2012-0626
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RECOMMENDATION: (Summary)
That council approve an ordinance allowing for the general purpose annexation of property located on the northeast side of Lake Houston in the vicinity of Kingwood Drive and immediately northeast of the existing city limits, extending the City's corporate limits to include the territory and adopting a service plan.

Amount and Source of Funding:	Finance Budget:
--------------------------------------	------------------------

SPECIFIC EXPLANATION:
The Planning Department received a petition from The Commons of Lake Houston, Ltd. requesting that the city annex for general purposes property located on the northeast side of Lake Houston in the vicinity of Kingwood Drive and immediately northeast of the existing city limits. The territory to be annexed consists of approximately 148 acres of undeveloped land owned entirely by the petitioner.

The Commons of Lake Houston plans to develop the area into 173 residential single family lots consisting of 37 waterfront homes and 136 non-waterfront homes with a total estimated anticipated taxable value of approximately \$55,840,000 at full build out in 2021.

There are currently no residents or qualified voters in the area to be annexed.

Annexation ordinances must be passed on two readings according to City Charter. The second reading of the annexation ordinance will be September 25, 2012. Following the second reading and adoption by council, the annexation will be complete.

This matter was heard by the Housing, Sustainable Growth and Development Committee on June 26, 2012, and the committee voted to recommend consideration of this item to the City Council. The Housing, Sustainable Growth and Development Committee functions as the Charter Ordinance Committee for purposes of annexation.

City Council held two public hearings on the matter: the first held on July 25, 2012 and the second on August 1, 2012. There was no public opposition to the annexation at those hearings. A service plan has been developed that defines not only the services to be provided by the City of Houston, but also the duties and obligations of The Commons of Lake Houston, Ltd.

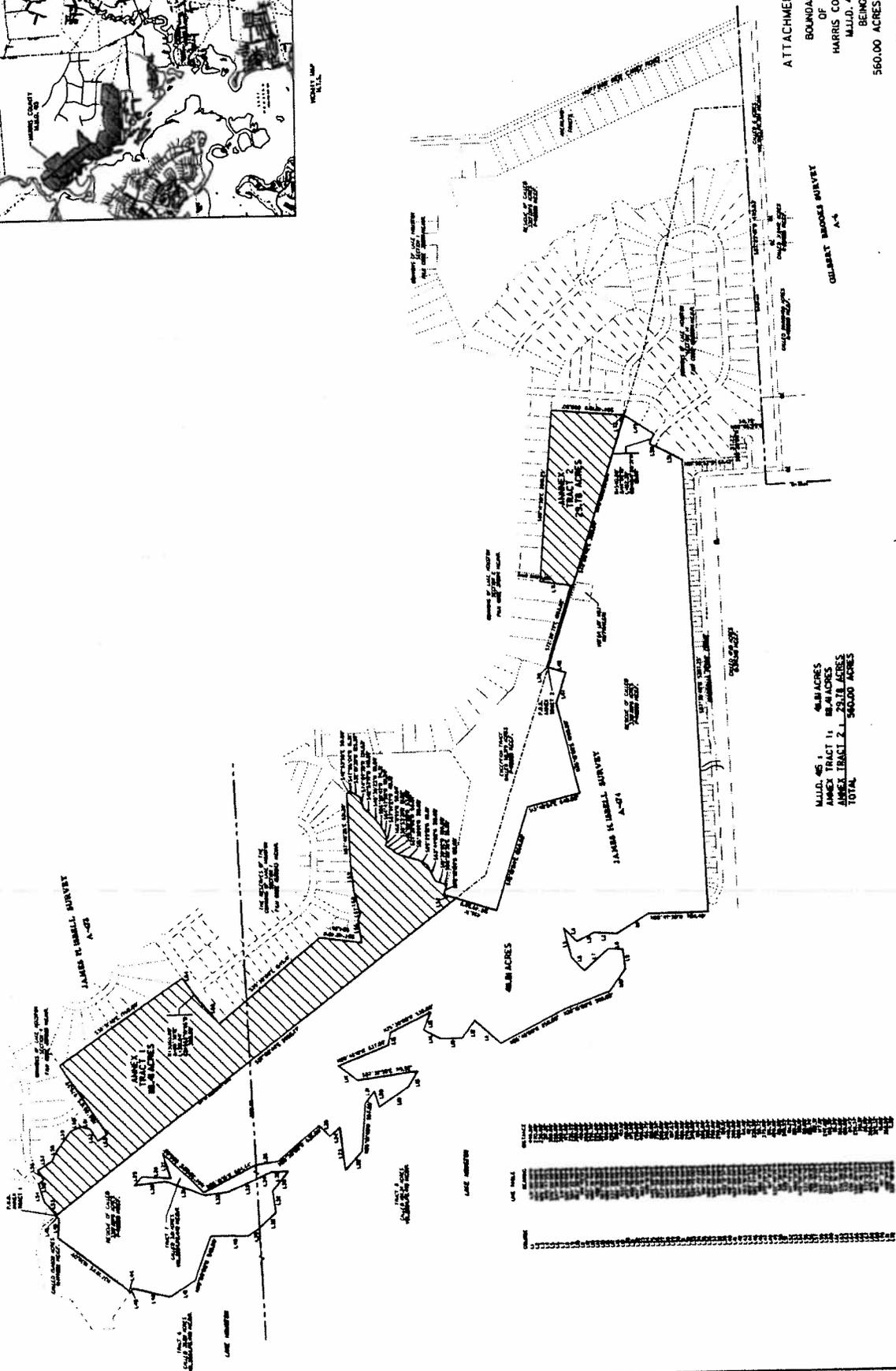
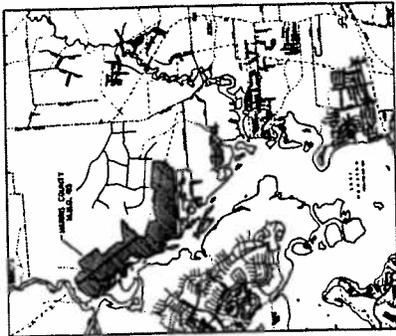
It is recommended that City Council approve with the first reading on August 22, 2012, and by subsequent council action, the second reading on September 25, 2012, to approve the annexation ordinance.

CC: Marta Crinejo, Agenda Director
David Feldman, City Attorney
Sameera Mahendru, City Legal
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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EXHIBIT A



ATTACHMENT "A"
 BOUNDARY
 OF
 HARRIS COUNTY
 M.J.D. 45
 BEING
 560.00 ACRES OF LAND
 SCALE 1" = 500'

M.J.D. 45 1 48.81 ACRES
 ANNEX TRACT 1 88.41 ACRES
 ANNEX TRACT 2 1.78 ACRES
 TOTAL 960.00 ACRES

THIS IS THE ORIGINAL SURVEY MAP OF THE
 HARRIS COUNTY BOUNDARY, M.J.D. 45, BEING
 560.00 ACRES OF LAND, AS SHOWN ON THE
 ATTACHED SURVEY MAPS, TRACTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

2012 Consensual Annexation Schedule
Commons of Lake Houston near Kingwood Drive
on the east side of Lake Houston

The City Council action items below in **bold** cannot be tagged due to the strict requirement that the annexation conclude within 90 days of the ordinance calling the public hearing as prescribed by §43.064 of the Local Government Code.

June 26: Annexation on the Agenda of the appropriate City Council Committee (Housing, Sustainable Growth and Development Committee chaired by Council Member Adams).

July 3: **Council action: Ordinance calling public hearings and directing the Department of Planning and Development to prepare a service plan.**

July 6 The proposed service plan must be placed in the City Secretary's Office for public inspection.

July 13: First publication of: the notices of the availability to the public of the service plan prepared by the Department of Planning and the notices of the first hearings on the proposed annexation.

July 20: Second publication of: the notices of the availability to the public of the service plan prepared by the Department of Planning and the notices of the first hearings on the proposed annexation.

July 25: **First public hearing on the proposed annexation in City Council Chambers.**

Aug 1: **Second public hearing on the proposed annexation in City Council Chambers.**

Aug 22: **First Reading of the Annexation Ordinance by City Council.**

Aug 25: Publication of the ordinance.

Sep 26: **Second reading of the Annexation Ordinance by City Council. City Council passes the annexation ordinance. The annexation Ordinance also adopts a service plan.**



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

To: Anna Russell
City Secretary

From: Jenn Char
Boards and Commissions

Date: August 16, 2012

Subject: **Houston Archaeological and
Historical Commission
Council Nominations**

gc 37
AUG 22 2012

NON-CONSENT AGENDA

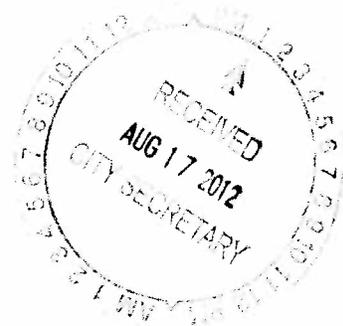
MISCELLANEOUS

Motion to set a date not less than seven (7) days from August 22, 2012, to receive nominations for Positions 10 and 12 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term that will end March 1, of the designated year, 2014.

Position 10	Ann Collum	March 1, 2012	Nominated by CM Rodriguez
Position 12	Charles J. Stava	March 1, 2012	Nominated by CM Gonzalez

/jsk

cc: Ms. Marta Crinejo





CITY OF HOUSTON
Office of the Mayor

Interoffice

Correspondence

38

JL

AUG 22 2012

To: Anna Russell
City Secretary

From: Jennifer Char, Director
Director of External Affairs

Date: August 17, 2012

Subject: **Animal Advisory Committee
Council Nominations**

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from August 22, 2012, to receive nominations for appointments to Positions One through Four for the Animal Advisory Committee Board of Directors, for the remainder of a two year term that will end December 31, 2013. Listed below are the current members.

Position	Requirements	Members	Nominated by
Position 1	Shall be a Texas Licensed Veterinarian	Taffi Tippit	CM Lovell
Position 2	Municipal or county officials	Chris Souders	CM Lovell
Position 3	A person whose duties include the daily operation of an animal shelter	Kappy Muenzer	CM Holm
Position 4	Officer or employee of an animal welfare organization	Neil Sackheim	CM Noriega

jc/jsk

cc: Ms. Marta Crinejo, Agenda Director



25

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<p>SUBJECT: Adopt an Ordinance approving Downtown Living Initiative - a Chapter 380 Economic Development Program for multi-family development in the eastern portion of downtown Houston and approving an agreement between the City and the Downtown Houston Management District for administration of the Program.</p>	<p>Page 1 of 1</p>	<p>Agenda Item # 39 / 4</p>
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<p>FROM (Department or other point of origin): Andrew F. Icken Chief Development Officer – Office of the Mayor</p>	<p>Origination Date 8/9/2012</p>	<p>Agenda Date AUG 15 2012 AUG 22 2012</p>
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<p>DIRECTOR'S SIGNATURE: <i>[Signature]</i></p>	<p>Council District affected: 1</p>
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<p>For additional information contact: Tim Douglass Phone: 832-393-0937</p>	<p>Date and identification of prior authorizing Council action:</p>
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RECOMMENDATION: (Summary)
Adopt an ordinance establishing the Downtown Living Initiative, a Chapter 380 Economic Development Program to provide economic incentives for multi-family residential development in the eastern portion of downtown Houston and approving an agreement between the City and the Downtown Houston Management District for administration of the Program by the District.

Amount and Source of Funding:

SPECIFIC EXPLANATION:
In 1989, the State legislature enacted Chapter 380 of the Local Government Code (“Chapter 380”) to create a mechanism that municipalities could use to grant or loan public funds for economic development purposes by creating one or more programs to promote economic development and stimulate business and commercial development within the municipality. Subsequently, by Ordinance No. 99-674, the City established the City of Houston Chapter 380 loan/grant program. The Administration now proposes to establish an additional Chapter 380 program to be known as the Downtown Living Initiative (the “Program”).

Recent studies by the Houston/Galveston Area Council and the Urban Land Institute indicate that the underdeveloped areas on the east side of downtown Houston (the “Target Area”), as shown on the attached map, have a strong potential market demand for residential units and that residential development in this area would support public investment in the area, such as the George R. Brown Convention Center, Discovery Green and the various sports venues. These studies, however, recognize that the difference between rental rates and land costs in the area create very difficult economics for residential development.

To assist in closing this gap, a Program is proposed that would offer an incentive to new multi-family residential projects in the Target Area that meet specified criteria:

- (1) the development meets design guidelines approved by the Houston Downtown Management District (“HDMD”)
- (2) the project can accommodate ground level retail uses
- (3) the project will support an enhanced pedestrian environment
- (4) the project will include public improvements as specified in the guidelines
- (5) the project has not received and will not receive any other or additional economic or development incentives or benefit provided by the City
- (6) the project owner enters into a standard form agreement, approved by the Chief Development Officer of the City, with HDMD relating to the project

A project meeting these criteria will receive an incentive of up to \$15,000 per residential unit, which is payable in the future from 75% of the incremental ad valorem taxes and HDMD assessments on the project until the earlier of the date when the total incentive has been paid or 15 years from the date the project receives a certificate of occupancy.

REQUIRED AUTHORIZATION

<p>Other Authorization:</p>	<p>Other Authorization:</p>	<p>Other Authorization:</p>
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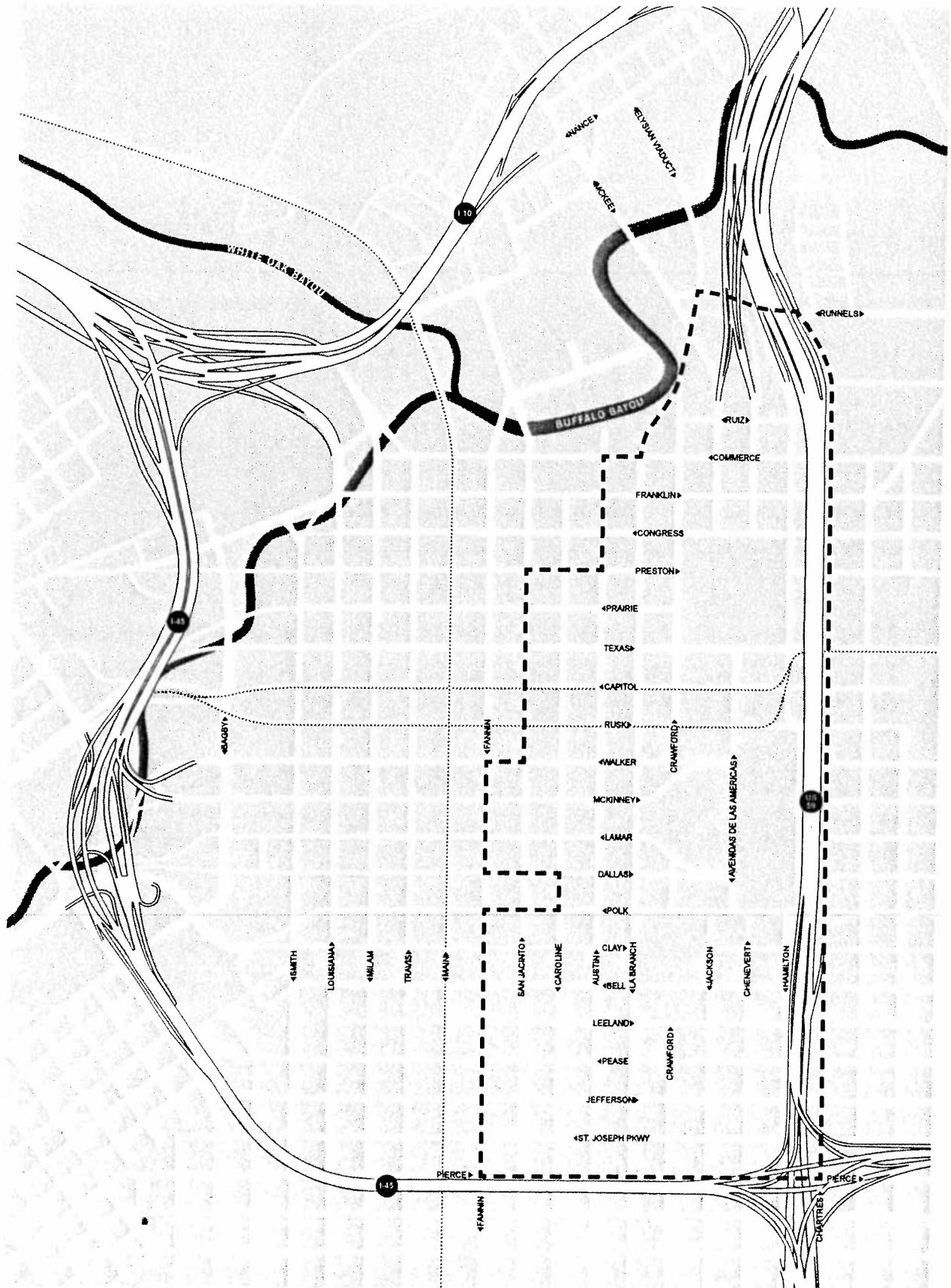
Date	SUBJECT:	Originator's Initials	Page of
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Chapter 380 authorizes the City to enter into agreements with other political subdivisions, such as HDMD, for the administration of a Chapter 380 program. The City and HDMD will enter into a Master Economic Development Program pursuant to which HDMD will administer the program and enter into individual development agreements with owners of qualifying projects. HDMD will calculate the annual incremental taxes from each project and invoice the City, whereupon the City will transfer the appropriate amount of taxes to HDMD for payment to the project owner.

To encourage immediate development in the Target Area in the short-term, the Program will be of limited duration. It will remain in effect until the earlier of June 30, 2016, or the commitment of owners of qualifying projects to construct an aggregate of 2,500 multi-family units in the Target Area.

This project was presented to the Housing, Sustainable Growth and Development Committee on July 30, 2012

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



Downtown Living Initiative
Chapter 380 Program Boundaries