

AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 6, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Laster

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 - NOVEMBER 7, 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 41A

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2014:
 - Position Two - **DEBRA BLACKLOCK-SLOAN**, reappointment
 - Position Four - **EDIE ARCHER**, appointment
 - Position Six - **ROMULO TIM CISNEROS**, reappointment
 - Position Eight - **ROB D. HELLYER**, reappointment

2. RECOMMENDATION from Fire Chief to authorize the Fire Chief to execute the Texas Forest Service Helping Hands Program Donor Form to donate decommissioned surplus firefighting equipment, supplies or other materials to the Texas Forest Service

AGENDA - NOVEMBER 7, 2012 - PAGE 2

MISCELLANEOUS - continued

3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for Annual Consolidated Water Quality Fee for FY13 - \$1,413,410.89 - Enterprise Fund

PROPERTY - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of 57 Off Memorial Apartments, L.P. (J. Frederick Welling, General Partner), for abandonment and sale of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey, Parcel SY12-110 - **DISTRICT C - COHEN**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 6

5. **AIRGAS SOUTHWEST, INC** for Gases (Industrial, Medical and Specialty) for Various Departments - 3 Years with two one-year options - \$1,646,495.42 - General, Enterprise, Fleet Management and Other Funds
6. APPROVE spending authority to purchase Hardware and Fasteners from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **FASTENAL COMPANY** - \$326,400.00 - General, Enterprise and Other Funds - 16 months with 3 one-year options

ORDINANCES - NUMBERS 7 through 41A

7. ORDINANCE **AMENDING CHAPTER 47, ARTICLE VII OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to water shortages; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability
8. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public street right-of-way of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard; vacating and abandoning the right-of-way to Central Park West, L.P., and Harris County Flood Control District, owners, in consideration of Central Park West, L.P.'s conveyance to the City of Houston, Texas, of a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of a fee-owned City of Houston parcel, two right-of-way easements for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to Central Park West, L.P.'s northern property line, payment to the City of \$33,745.00, and other consideration, Parcels SY13-007, SY13-016, AY13-072A, AY13-072B and CY13-002 - **DISTRICT A - BROWN**
9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public street right-of-way of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west 203 feet, in the American General Center Section One Addition, Harris County, Texas; vacating and abandoning the right-of-way to American General Life Insurance Company and Knickerbocker Corporation, abutting owners, in consideration of their payment to the City of \$721,752.00 and other consideration, Parcels SY12-076A, SY12-076B and SY12-094 - **DISTRICT C - COHEN**

ORDINANCES - continued

10. ORDINANCE amending City of Houston Ordinance Nos. 2010-372 passed May 12, 2010, 2011-281 passed April 25, 2011, and 2012-353 passed April 25, 2012, as amended, which approved and authorized the submission of the 2010 Consolidated Plan, and the 2011 and 2012 Annual Action Plans, respectively, to the United States Department of Housing and Urban Development, including grant applications for the Community Development Block Grant Program, among others \$10,000,000.00 - Grant Fund
11. ORDINANCE approving and authorizing substantial amendment to the Neighborhood Stabilization Program ("NSP3") grant application, authorized pursuant to City of Houston Ordinance No. 2011-134, to reallocate funds among various activities - \$1,000,000.00 - Grant Fund
12. ORDINANCE approving and authorizing substantial amendment to the Neighborhood Stabilization Program ("NSP1") grant application authorized pursuant to City of Houston Ordinance No. 2008-1051, as amended, to reallocate \$1,510,900 in NSP1 Funds to a new "demolition" activity - **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; H - GONZALEZ; I - RODRIGUEZ and K - GREEN**
13. ORDINANCE amending Ordinance No. 2012-506 to approve and authorize the reconstruction of two additional single family homes by **ALTURA HOMES DFW, LP** and to provide an additional \$204,026.90 of Community Development Block Grant (Disaster Recovery) Funds for the additional homes - **DISTRICTS D - ADAMS and H - GONZALEZ**
14. ORDINANCE approving and authorizing third amendment to the contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Base Station
15. ORDINANCE appropriating \$859,360.00 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department
16. ORDINANCE authorizing the implementation of vehicle registration holds by the Municipal Courts Department for outstanding warrants for failure to pay a fine for traffic moving violations ("Scofflaw Services"); approving and authorizing an Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF MOTOR VEHICLES** for Scofflaw Services; providing a maximum contract amount - 5 Years - \$102,331.00 - General Fund
17. ORDINANCE amending Ordinance No. 2009-0071 (Passed on February 4, 2009) to increase the maximum contract amount for contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** for Tariff Services for the Houston Information Technology Services - \$3,800,000.00 - Central Service Revolving Fund
18. ORDINANCE approving and authorizing first amendment to the contract between the City of Houston and **LIBERTY TIRE RECYCLING, LLC** for Used and Scrap Tires Disposal Services for the Solid Waste Management Department (Approved by Ordinance No. 2008-0043)
19. ORDINANCE amending Ordinance No. 2011-0142 (Passed by City Council February 23, 2011), as amended, to increase the maximum contract amount for contract with **SET ENVIRONMENTAL, INC** for Handling and Disposal of Hazardous Materials for Various Departments - \$2,299,660.00 - General, Enterprise, Fleet Management and Other Funds

ORDINANCES - continued

20. ORDINANCE consenting to the addition of 24.042 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, of Fort Bend County, Texas for inclusion in its district
21. ORDINANCE consenting to the addition of 42.42 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district
22. ORDINANCE approving and authorizing second amendment to Lease Agreement between **BEECHNUT SHOPPING CENTER, LP.**, a Texas Limited Partnership, as landlord, and the City of Houston, Texas, as tenant, for the leased space at 12660 Beechnut Street, Houston, Harris County, Texas - **DISTRICT F - HOANG**
23. ORDINANCE appropriating \$3,783,845.00 out of Parks Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Moody Park Community Center; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT H - GONZALEZ**
24. ORDINANCE amending Ordinance No. 2012-0365 to correct a clerical error in the Outline Agreement Number for the construction contract for Kingwood Lift Station No. 21 Renewal and Replacement relating to the Engineering and Testing Services Contract - **DISTRICT E - SULLIVAN**
25. ORDINANCE appropriating \$297,000.00 out of Metro Projects Construction DDSRF, awarding contract to **PERSONAL CARE, INC dba DEWALT CONSTRUCTION COMPANY** for Work Order Clearing and Grubbing; 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 CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF
26. ORDINANCE appropriating \$4,089,173.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PORTLAND UTILITIES CONSTRUCTION COMPANY, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contact documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
27. ORDINANCE appropriating \$3,049,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **MCKINNEY CONSTRUCTION COMPANY, INC** for Water Line Replacement in Beamer Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contact documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS**

ORDINANCES - continued

28. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **CYPRESS FOREST PUBLIC UTILITY DISTRICT**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CYPRESS FOREST PUBLIC UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within Cypress Forest Public Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
29. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53** and certain area located in the vicinity of Harris County Municipal Utility District No. 53, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Harris County Municipal Utility District No. 53; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 53 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
30. ORDINANCE approving and authorizing the second amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** and certain area located in the vicinity of Harris County Municipal Utility District No. 221 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Harris County Municipal Utility District No. 221; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 221 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
31. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 468 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

ORDINANCES - continued

32. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 133 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

33. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 47**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 47** and certain area located in the vicinity of Harris County Fresh Water Supply District No. 47, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Harris County Fresh Water Supply District No. 47; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Fresh Water Supply District No. 47 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

34. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 118 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

35. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 239**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 239** and certain area located in the vicinity of Harris County Municipal Utility District No. 239, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Harris County Municipal Utility District No. 239; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 239 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

ORDINANCES - continued

36. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 374**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 374** and certain area located in the vicinity of Harris County Municipal Utility District No. 374 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Harris County Municipal Utility District No. 374; imposing the Sales and Use Tax of the City of Houston in the area within Harris County Municipal Utility District No. 374 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

37. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119** and certain area located in the vicinity of Montgomery County Municipal Utility District No. 119 in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Montgomery County Municipal Utility District No. 119; imposing the Sales and Use Tax of the City of Houston in the area within Montgomery County Municipal Utility District No. 119 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

38. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24** and certain area located in the vicinity of Northwest Harris County Municipal Utility District No. 24, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Northwest Harris County Municipal Utility District No. 24; imposing the Sales and Use Tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 24 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

39. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**
 - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32** and certain area located in the vicinity of Northwest Harris County Municipal Utility District No. 32 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of Northwest Harris County Municipal Utility District No. 32; imposing the Sales and Use Tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 32 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

ORDINANCES - continued

40. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** and certain area located in the vicinity of West Harris County Municipal Utility District No. 2, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of West Harris County Municipal Utility District No. 2; imposing the Sales and Use Tax of the City of Houston in the area within West Harris County Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter
41. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11** and certain area located in the vicinity of West Harris County Municipal Utility District No. 11, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a Regulatory Plan for certain areas in the vicinity of West Harris County Municipal Utility District No. 11; imposing the Sales and Use Tax of the City of Houston in the area within West Harris County Municipal Utility District No. 11 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 42 through 46

42. ORDINANCE relating to the Fiscal Affairs of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)**; approving the Fiscal Year 2013 Operating Budget for the Authority and the Fiscal Years 2013-2017 Capital Improvements Budget for the Zone - **DISTRICTS A - BROWN and G - PENNINGTON**
POSTPONED BY MOTION #2012-761, 10/24/12
This was Item 19 on Agenda of October 24, 2012
43. ORDINANCE terminating the cable television franchise granted to **TVMAX HOUSTON, L.P.** by City of Houston, Texas Ordinance No. 2005-582, as amended by Ordinance No. 2010-559
POSTPONED BY MOTION #2012-763, 10/31/12
This was Item 1A on Agenda of October 31, 2012

MATTERS HELD - continued

44. ORDINANCE amending Ordinance No. 2011-0043 to increase the maximum contract amount for contract between the City of Houston and **CROWN PACIFIC, INC (Formerly Crown Relocations)** for Moving and Storage of Household Goods for the Housing and Community Development Department; approving and authorizing first amendment to the contract \$200,000.00 - CDBG Fund - **TAGGED BY COUNCIL MEMBERS ADAMS and BURKS**
This was Item 17 on Agenda of October 31, 2012
45. ORDINANCE approving and authorizing first amendment to an agreement between the City of Houston and the **DRESSER, INC** for Blower Replacement Parts and Repair Services for the Department of Public Works & Engineering (Ordinance 2007-1212)
TAGGED BY COUNCIL MEMBERS DAVIS and HOANG
This was Item 18 on Agenda of October 31, 2012
46. ORDINANCE appropriating \$419,164.00 out of Parks Consolidated Construction Fund; awarding construction contract to **CARRERA CONSTRUCTION, INC** for Dow Park Basketball Court and Pavilion Restorations at various locations; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS D - ADAMS; H - GONZALEZ; I - RODRIGUEZ and K - GREEN**
TAGGED BY COUNCIL MEMBER BROWN
This was Item 20 on Agenda of October 31, 2012

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Hoang 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



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

NOV 07 2012

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY:

date

October 17, 2012

COUNCIL MEMBER:

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Section 33-211 of the Code of Ordinances, City of Houston, Texas, I am appointing or reappointing the following individuals to the Houston Archaeological and Historical Commission of the City of Houston, subject to Council confirmation:

Debra Blacklock-Sloan, reappointment to Position Two, for a term to expire March 1, 2014;
Edie Archer, appointment to Position Four, for a term to expire March 1, 2014;
Romulo Tim Cisneros, reappointment to Position Six, for a term to expire March 1, 2014; and
Rob D. Hellyer, reappointment to Position Eight, for a term to expire March 1, 2014.

Résumés are attached for your review.

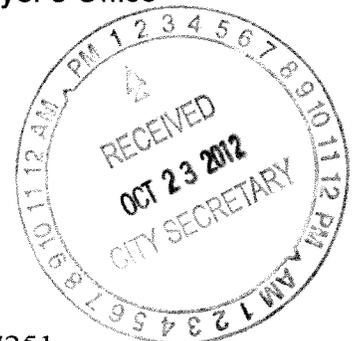
Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Marlene L. Gafrick, Director, Planning and Development
Ms. Minnette Boesel, Mayor's Assistant for Cultural Affairs, Mayor's Office



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9484

Subject: A Motion authorizing the Fire Chief to execute the Texas Forest Service Helping Hands Program Donor Form when the Fire Chief desires to donate decommissioned surplus firefighting equipment, supplies or other materials to the Texas Forest Service.

Category #
6

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Agenda Item

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FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

Origination Date

August 23, 2012

Agenda Date

NOV 07 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)

City Council to approve a Motion authorizing the Fire Chief to execute the Texas Forest Service Helping Hands Donor Form when the Fire Chief desires to donate decommissioned surplus firefighting equipment, supplies or other materials to the Texas Forest Service.

No funding required

Finance Budget

✓

SPECIFIC EXPLANATION:

Article III Section 52i of the Texas Constitution authorizes the City to donate surplus equipment, supplies, or other materials used in fighting fires to the Texas Forest Service. The Texas Forest Service, based on need, may redistribute the equipment, supplies or other materials to rural volunteer fire departments around the State.

The 75th Texas Legislature (House Bill 680) created the Helping Hands Program to provide relief of all liability to industry, business, cities and others who donate surplus fire and emergency equipment. The Texas Forest Service transfers all ownership rights, responsibilities, and authority for the equipment to the receiving department. There are no costs to the Houston Fire Department associated with donations to the Texas Forest Service Helping Hands Program.

Currently, HFD donates surplus firefighting equipment and other materials only to Houston's Sister Cities on a first come first served basis. HFD recently upgraded certain electronic equipment due to improved technology and to meet NFPA standards. Unfortunately, this type of equipment isn't supported by our Sister Cities. In order to ensure continued usage of this valuable equipment, HFD seeks to donate to the Texas Forest Service Helping Hands Program to support area volunteer firefighters in rural departments and municipalities. In addition, the Texas Forest Service recertifies the breathing apparatus to manufacturer's specifications before it is made available to an authorized group, an item that would otherwise be destroyed.

Therefore, the Fire Chief requests that City Council approve a Motion authorizing the Fire Chief to execute the Texas Forest Service Helping Hands Donor Form when the Fire Chief desires to donate decommissioned surplus firefighting equipment, supplies or other materials to the Texas Forest Service. HFD will continue to evaluate all requests for donated equipment as surplus equipment becomes available.

REQUIRED AUTHORIZATION

Finance Department:

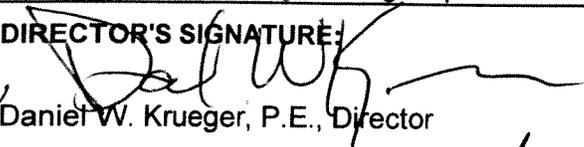
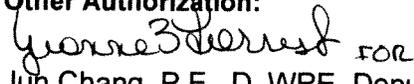
Other Authorization:

KC *[Handwritten Signature]*

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

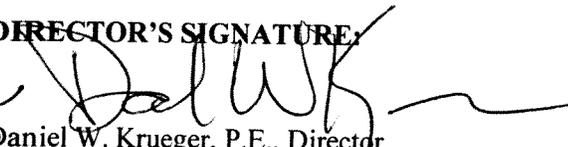
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|---|--|--|-----------------------------------|
| SUBJECT: Texas Commission on Environmental Quality (TCEQ)'s Annual Consolidated Water Quality (CWQ) fee for FY13 | | Page 1 of 1 | Agenda Item # 3 |
| FROM (Department or other point of origin): Public Works and Engineering Department | | Origination Date 11/1/12 | Agenda Date NOV 07 2012 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | | Council District affected: All | |
| For additional information contact: Jason A. Iken, P.E. Phone: 832-395-4989 Senior Assistant Director | | Date and identification of prior authorizing Council action: October 27, 2010 CM 2010-0757; October 26, 2011 CM 2011-0802 | |
| RECOMMENDATION: Authorize payment of the TCEQ invoice for \$1,413,410.89 for the annual Consolidated Water Quality (CWQ) fee for the City's wastewater treatment plants. | | | |
| Award Amount: \$1,413,410.89 Water and Sewer System Operating Fund No.8300 <i>10/25/12</i> | | | |
| SPECIFIC EXPLANATION: This is a request to authorize payment of an invoice received from the Texas Commission on Environmental Quality (TCEQ) for annual Consolidated Water Quality (CWQ) fee that applies to the City of Houston's wastewater treatment plants. The current invoice covers the period from <i>September 1, 2012 to August 31, 2013 corresponding to TCEQ's fiscal year 2013.</i> The annual assessment is based on the discharge permits for each wastewater treatment plant. The fee rate schedule is found in TCEQ's regulations, - Title 30, Texas Administrative Code (TAC), Chapter 21: Water Quality Fees, Section 21.3 Fee Assessment. This became effective July 30, 2009 and is adjusted annually based on the consumer price index. The revenue resulting from the Consolidated Water Quality Fee pays TCEQ's expenses to inspect wastewater treatment facilities and to enforce the provisions of the Texas Water Code. It also funds comprehensive monitoring of water quality for each river basin, conducted under the Texas Clean Rivers Program. The TCEQ fee increased from \$1,357,963.55 in FY12 to 1,413,410.89 in FY13 due to the consumer price index. Recommend that Council approve the Department of Public Works and Engineering's request to pay TCEQ the invoiced amount of \$1,413,410.89. DWK:JC:JAI:WS:nsh cc: Howard Hilliard Susan Bandy, CPA Gary Norman Marta Crinejo | | | |
| LTS No. Finance Department | | CUIC# 20JAI461 | |
| Other Authorization: | | Other Authorization:  Jun Chang, P.E., D. WRE, Deputy Director Public Utilities Division | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-------------------------------------|-------------------------------|
| SUBJECT: Request for the abandonment and sale of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey. Parcel SY12-110 | Page <u>1</u> of <u>2</u> | Agenda Item # 4 |
|--|-------------------------------------|-------------------------------|

| | | |
|--|--|---------------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/1/12 | Agenda Date NOV 07 2012 |
|--|--|---------------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: C  Key Map: 492L |
|--|--|

| | |
|---|---|
| For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: |
|---|---|

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey. **Parcel SY12-110**

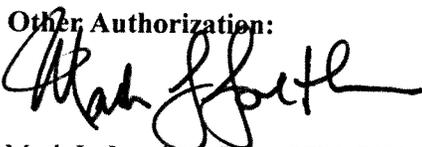
| | |
|---|--|
| Amount and Source of Funding: Not Applicable | |
|---|--|

SPECIFIC EXPLANATION:
Tracy Youngblood, Brown and Gay Engineers, Inc., 10777 Westheimer Road, Suite 400, Houston, Texas 77042, on behalf of 57 Off Memorial Apartments, L.P. (J. Frederick Welling, General Partner), requested the abandonment and sale of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey. 57 Off Memorial Apartments, L.P., the property owner, plans to construct a four-to-five-story 280-unit apartment complex in the location of the subject easement.

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

1. The City abandon and sell a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

| | |
|-------------------------|----------------|
| z:\tp\sy12-110.rca1.doc | CUIC #20TP9303 |
|-------------------------|----------------|

| REQUIRED AUTHORIZATION | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division |

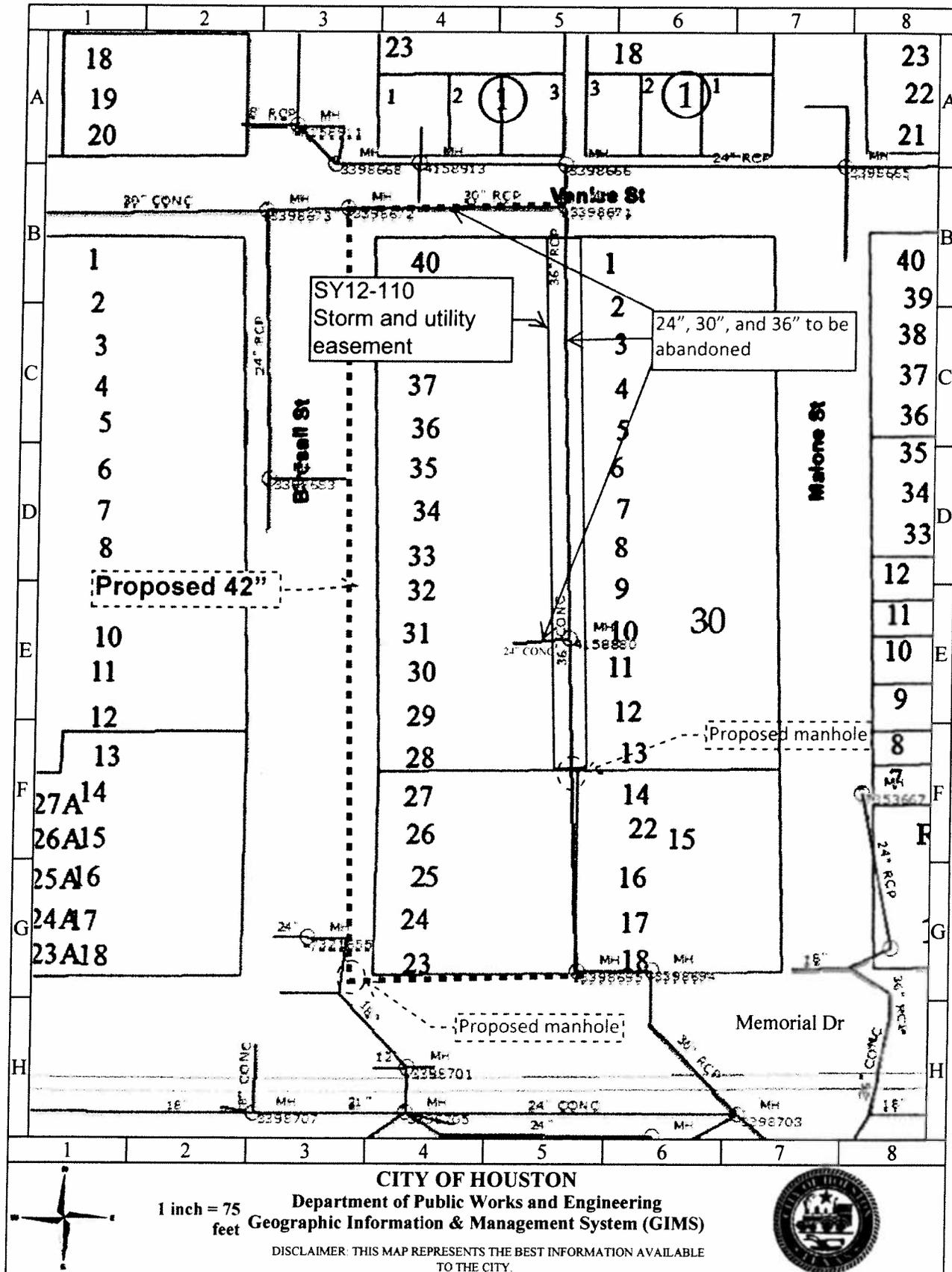
| | | | |
|--------------|--|---|-------------------------------------|
| Date: | Subject: Request for the abandonment and sale of a ±139-square-foot portion of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey. Parcel SY12-110 | Originator's Initials  | Page <u>2</u> of <u>2</u> |
|--------------|--|---|-------------------------------------|

3. The applicant be required to: (a) cut, plug, and abandon the 36-inch storm sewer line within Block 30, Rice Military Addition, from manhole #3398671 to the south property line of Lot 28, (b) construct a new manhole at the proposed terminus of the 36-inch storm sewer line at the south property line of Lot 28, (c) cut, plug, and abandon the 30-inch storm sewer line in Venice Street, from manhole #3398671 to manhole #3398672, (d) cut, plug, and abandon the 24-inch storm sewer line within Block 30, Rice Military Addition, from manhole #4158880 to its terminus, (e) construct a new manhole at the intersection of Birdsall Street and Memorial Drive, (f) construct a new 42-inch storm sewer line, from manhole #3398671 to manhole #3398672. The storm water within this proposed section must flow from east to west, (g) construct a new 42-inch storm sewer line, from manhole #3398672 in Venice Street to the proposed manhole in the intersection of Birdsall Street and Memorial Drive, (h) construct a new 42-inch storm sewer line, from the proposed manhole in the intersection of Birdsall Street and Memorial Drive to manhole #3398695, and (i) complete all of the foregoing items at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (storm sewer) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interest is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

DWK:NPC:tp

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

Abandonment and sale of a 15-foot-wide storm sewer and utility easement, from Venice Street to the south property line of Lot 28, located within Block 30, Rice Military Addition, out of the John Rinerman Survey. Parcel SY12-110



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9436

Subject: Formal Bids Received for Gases (Industrial, Medical and Specialty) for Various Departments
S36-S24264

Category #
4

Page 1 of 2

Agenda Item

FROM (Department or other point of origin):

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

Origination Date

September 11, 2012

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Airgas Southwest, Inc. on its low overall bid in an amount not to exceed \$1,646,495.42 for industrial, medical, and specialty gases for various departments.

Estimated Spending Authority: \$1,646,495.42

Finance Budget

- \$ 674,469.23 General Fund (1000)
- \$ 65,841.08 Fleet Management Fund (1005)
- \$ 96,797.20 Laboratory Operations and Maintenance Fund (2008)
- \$ 5,642.12 Stormwater Fund (2302)
- \$ 34,906.10 Dedicated Drainage and Street Renewal Fund (2310)
- \$ 11,560.82 HAS-Revenue Fund (8001)
- \$ 757,278.87 PWE - W & S System Operating Fund (8300)
- \$1,646,495.42 TOTAL**

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Airgas Southwest, Inc. on its low overall bid in an amount not to exceed \$1,646,495.42 for industrial, medical, and specialty gases for various departments. It is further requested that authorization be given to make purchases, as needed, for a thirty-six (36) month period, with two one-year options to extend. This award consists of various types of gases such as acetylene, argon, helium, carbon dioxide and nitrogen; and cylinder rentals, replacements, and refurbishments to be used by the Houston Airport System, and the Public Works and Engineering, Parks and Recreation, Health and Human Services, Fleet Management, Solid Waste Management, Fire and Police Departments for welding, pipe cutting, and water lab and quality control testing.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight (8) prospective bidders downloaded the solicitation document from SPD's e-bidding website, and five (5) bids were received as detailed below:

| <u>Company</u> | <u>Total Amount</u> |
|---|--|
| 1. Professional Welding Supply, Inc. – Bid #1 | \$ 217,866.25 (Partial Bid/Higher Unit Price) |
| 2. Air Liquide Healthcare America Corporation | \$ 557,486.16 (Partial Bid) |
| 3. Air Liquide America Specialty Gases | \$1,112,701.43 (Partial Bid/Higher Unit Price/Conditioned Bid) |
| 4. Airgas Southwest, Inc. | \$1,646,495.42 |
| 5. Professional Welding Supply, Inc. – Bid #2 | \$2,628,970.67 |

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

| | | | |
|--------------------|--|--------------------------------|-------------|
| Date: 9/11/2012 | Subject: Formal Bids Received for Gases, Industrial, Medical and Specialty for Various Departments S36-S24264 | Originator's Initials VK | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

Group I, Item No. 22 is not being awarded. The Department determined that this item is no longer needed.

- The disparity between Airgas Southwest, Inc.'s bid and Professional Welding Supply, Inc.'s bid exist primarily because Professional Welding Supply, Inc. bid higher unit prices for items it identified as volatile, and the pricing included allowances for unforeseen rate increases and surcharges. Airgas Southwest Inc.'s representative stated that its bid includes all costs associated with providing the commodity as specified in the bid specification. Based on the aforementioned, Strategic Purchasing and the Departments are confident that the recommended company can provide the specified items for the price bid.

Hire Houston First:

The proposed award 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 supplier does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

Buyer: Valerie Player-Kaufman

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

Estimated Spending Authority

| Department | FY2013 | Out Years | Total |
|------------------------------|----------------------|-----------------------|-----------------------|
| Fleet Management | \$ 4,016.71 | \$ 18,066.87 | \$ 22,083.58 |
| Houston Airport System | \$ 2,312.64 | \$ 9,248.18 | \$ 11,560.82 |
| Fire | \$ 122,637.55 | \$ 490,550.22 | \$ 613,187.77 |
| Police | \$ 7,682.88 | \$ 30,731.50 | \$ 38,414.38 |
| Health and Human Services | \$ 19,359.44 | \$ 77,437.76 | \$ 96,797.20 |
| Public Works and Engineering | \$ 168,316.91 | \$ 673,267.68 | \$ 841,584.59 |
| Solid Waste Management | \$ 867.68 | \$ 3,470.70 | \$ 4,338.38 |
| Parks and Recreation | \$ 3,705.74 | \$ 14,822.96 | \$ 18,528.70 |
| TOTAL | \$ 328,899.55 | \$1,317,595.87 | \$1,646,495.42 |



CITY OF HOUSTON

Public Works and Engineering
Department

Interoffice

Correspondence

To: Deputy Director
Affirmative Action Division

Tony Henshaw, Manager
Small Business Development

From: Assistant Director
Materials Management Branch

Date: November 28, 2011

Subject: MWBE Participation Form/Review

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

I am requesting a MWBE goal below 11% (To be completed by Department): Yes No

I am requesting a revision of the MWBE Goal: Yes No Original Goal: 3% New Goal: 0% RDG

If requesting a revision, how many solicitations were received: N/A

Solicitation Number: S23946 Estimated Dollar Amount: \$812,741.90 Goal On Last Contract: 3%

Anticipated Advertisement Date: 12/8/2011 Solicitation Due Date: 1/5/2012 Was Goal met: Yes No

If goal was not met, what did the vendor achieve: Based on the Contract Management: Subcontractor List attached 0% was achieved.

Name and Intent of this Solicitation: Gases, Industrial, Medical and Specialty

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

It is recommended that the MWBE subcontracting goal be waived for this Gases, Industrial, Medical and Specialty contract. The Office of Business Opportunity met with the contractor and it appears there are limited subcontracting opportunities for this contract.

Concurrence

Deb Stewart
Deb Stewart
PWE/MMB Contract Mgmt Section

Robert Gallegos
Robert Gallegos, Assistant Director
Office of Business Opportunity

David Gdernesey
David Gdernesey
Assistant Director

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9381

Subject: Spending Authority to Purchase Hardware and Fasteners from the State of Texas Procurement and Support Services Contract for Various Departments S35-24282

Category #
4

Page 1 of 2

Agenda Item

6

FROM (Department or other point of origin):

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

Origination Date

November 01, 2012

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve spending authority to purchase hardware and fasteners from the State of Texas Procurement and Support Services Contract in an amount not to exceed \$326,400.00 for various departments.

Estimated Spending Authority: \$326,400.00

Finance Budget

\$250,000.00 PWE-Water & Sewer System Operating Fund (8300)
\$ 67,500.00 General Fund (1000)
\$ 3,800.00 Parks-Golf Special Revenue Fund (2104)
\$ 2,100.00 Park Special Revenue Fund (2100)
\$ 3,000.00 Houston Emergency Center Fund (2205)
\$326,400.00 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve spending authority to purchase hardware and fasteners from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program in an amount not to exceed \$326,400.00 for various departments and that authorization be given to make purchases using purchase orders and the City's Purchasing Card, as needed, from the State contract supplier Fastenal Company, for a 16-month period with 3 one-year options to extend. This contract will be used by the Houston Emergency Center for building/construction maintenance and facility caretaking; the Parks and Recreation Department will use these items (doors, locks, brackets, tape, oil, connectors, and etc.) for the up keep of warehousing, motors and pumps; the Police Department will use these items (locks, brackets, doors and etc.) for warehouse and storeroom facility maintenance, and the Public Works & Engineering Department will utilize these items (brackets, connectors and locks) on fluoride water tanks.

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

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 a Cooperative Purchasing Agreement for this purchase.

Buyer: John Dearmon

Attachment: M/WBE Zero-Percentage goal document approved by the Office of Business Opportunity.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date:
11/1/2012

Subject: Spending Authority to Purchase Hardware and Fasteners
from the State of Texas Procurement and Support Services Contract
for Various Departments S35-24282

Originator's
Initials
JD

Page 2 of 2

Estimated Spending Authority

| Department | FY13 | Out Years | Total |
|----------------------------|---------------------|----------------------|---------------------|
| Public Works & Engineering | \$ 50,000.00 | \$ 200,000.00 | \$250,000.00 |
| Houston Emergency Center | \$ 200.00 | \$ 2,800.00 | \$ 3,000.00 |
| Police | \$ 10,000.00 | \$ 40,000.00 | \$ 50,000.00 |
| Parks and Recreation | \$ 3,800.00 | \$ 19,600.00 | \$ 23,400.00 |
| Total | \$ 64,000.00 | \$ 262,400.00 | \$326,400.00 |

PWE SERVICE & SUPPLY CONTRACTS

To: Tony Henshaw
PWE Small Business Development

Date of Request: April 5, 2012

From: Mary Williams

Subject: MWBE PARTICIPATION GOAL
REQUEST/WAIVER FOR FASTENAL
COMPANY UTILIZING THE TXMAS-11-
51V020 CONTRACT FOR HARDWARE
AND FASTNERS

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 0% (New Contract)

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

Solicitation Number: _____ Estimated Dollar Amount: \$ 250,000.00

Anticipated Advertisement Date: _____ Solicitation Due Date: _____

Goal on Last Contract: _____ Was Goal Met? Yes No

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

Name and Intent of this Solicitation:

Vendor: Fastenal Company. Intent is to purchase hardware and industrial supplies for the Public Works and Engineering Department.

The department has identified another major supply chain that would allow additional flexibility to competitively shop for the best value thus resulting in further cost savings to the city. Currently PW&E is buying from Grainger, Home Depot and MSC.

PWE SERVICE & SUPPLY CONTRACTS

Concurrence:

Mary Williams
Buyer

Mary Williams
Division Manager

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

M. Murray
MMB Assistant Director

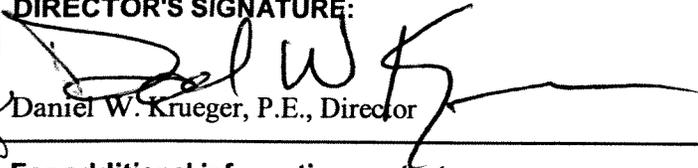
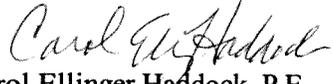
FOR SMALL BUSINESS DEVELOPMENT GROUP USE ONLY

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

M. Murray
MARSHA MURRAY

| | | | |
|---|--|---|-----------------------------------|
| SUBJECT: Ordinance amending Chapter 47, Article VII of the City of Houston Code of Ordinances relating to Water Shortages | | Page 1 of 2 | Agenda Item # 7 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 11/1/12 | Agenda Date NOV 07 2012 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | | Council District affected: All C14 | |
| For additional information contact:  Carol Ellinger Haddock, P.E. Phone: (832) 395-2686 | | Date and identification of prior authorizing Council action: Ordinance Number 01-753 – August 8, 2001 | |

RECOMMENDATION: (Summary)
It is recommended that City Council adopt an ordinance amending Chapter 47, Article VII of the City of Houston Code of Ordinances relating to Water Shortages.

Amount and Source of Funding: N/A

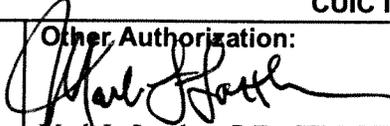
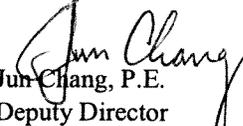
SCOPE/JUSTIFICATION

On August 8, 2001, the Houston City Council adopted an ordinance relating to the institution of temporary potable water reduction measures in response to water shortages due to stress to the water delivery system, drought or emergencies.

The ambiguities in the current Ordinance became apparent during the drought of 2011. The lack of rainfall, high temperatures and unusually high number of water main breaks resulted in total system demand at record levels dropping lake levels, and pumpage of groundwater above projections. Residents were unclear how to comply with restrictions as Stages 1 and 2 were implemented. Combined reservoir storage supply triggered City declaration of Stage 2 measures. Further, it was apparent that measures associated with escalating stages may not be sufficiently effective.

Revisions to this ordinance include temporary prohibitions, restrictions, encouraged actions and enforcement provisions that will address voluntary and mandatory reductions in water use for all customers during periods of water shortages. The revisions address issues with clarity, perceived fairness, effectiveness of measures and avoidance of unintended consequences. These amendments are consistent with the Texas Commission on Environmental Quality's (TCEQ) Drought Contingency Plan requirements found in Title 30, Texas Administrative Code, Chapter 288. These amendments are also consistent with Section 11.039 of the Texas Water Code. These amendments support the City's efforts to address water shortages and enhance the implementation of the ordinance.

PWE proposed ordinance revisions were posted online and presented to the Transportation, Technology and Infrastructure Committee on 05/31/12. Subsequent to this presentation, there were public comment periods from 6/6/12 to 6/27/12 and from 7/24/12 to 8/17/12. PWE received nearly 175 comments submitted by individuals, organizations and contract customers. Presentations were made to the Super Neighborhood Alliance, the East Harris County Manufacturers' Association and the Water Conservation Task Force. Additionally, focused meetings were held with representatives of the Texas Nursery and Landscapers' Association, the East Harris County Manufacturers' Association and Regional Water Authorities.

| | | |
|-------------------------------|---|---|
| REQUIRED AUTHORIZATION | | CUIC ID# 20IPB024A |
| Finance Department: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division | Other Authorization:  Jun Chang, P.E. Deputy Director Public Utilities Division |

SUBJECT:

Ordinance amending Chapter 47, Article VII of the City of Houston Code of Ordinances relating to Water Shortages

**Originator's
Initials**

CEH

**Page
2 of 2**

SCOPE/JUSTIFICATION, Continued

PWE considered the input received and presented proposed ordinance changes to the Transportation, Technology and Infrastructure Committee on 9/12/12. The proposed revisions to the existing ordinance are as follows:

- Reconciling definitions to other sections of Chapter 47
- Improving stages as a management framework to create progressive response stages
- Clarifying criteria for stages
- Clarifying steps to declare, progress and rescind stages
- Establishing measurable goals for reductions within each stage
 - Decrease system peaking due to irrigation restrictions
 - Establish rationing as a last resort to reduce use across all customer types
- Establishing priority for reduction in use
 - Outdoor Use is reduced first (non-essential)
 - Indoor/production uses not impacted until Stage 4
- Clarifying violations, enforcement and affirmative defenses
- Strengthening enforcement tools

MLL:CEH:RHB

C: Marta Crinejo, Candice Gambrell, Ceil Price

East Harris County } *Making Good.* MANUFACTURERS ASSOCIATION

October 19, 2012

East Harris County Manufacturers' Association (EHCMA)
PO Box 728
Baytown, TX 77521

Mr. Daniel W. Krueger
Director, Public Works & Engineering
City of Houston
P.O. Box 1562
Houston, TX 77251-1562

Re: EHCMA Support Letter for Proposed City Ordinance, Chapter 47, Article VII, Water Shortages

Dear Mr. Krueger:

The purpose of this letter is to recognize and thank Mayor Parker, the Department of Public Works (PWE), and the City Council for their leadership, cooperation, and attention during the effort to create a revised water ordinance. The comments provided by the East Harris County Manufacturers' Association's (EHCMA) in its July 24, 2012 letter have been addressed. PWE's efforts were both effective, and inclusive, of the practical operational knowledge of the EHCMA member facilities. The process led by the PWE was also open and cordial. Because of this, the resulting revised ordinance is much improved, more practical, and more efficient.

EHCMA represents a majority of the refining and petrochemical manufacturing industry throughout East Harris County and along the Houston Ship Channel. We have greater than 130 member facilities from approximately 88 companies and represent approximately 300,000 direct and indirect jobs. Our organization is dedicated to promoting and protecting the health, safety, security, environment, and economic well-being of the petrochemical, refining, and manufacturing industry, its employees, and the communities in which we operate.

As you know, the City of Houston provides water throughout the region, well beyond the City limits, and provides water to EHCMA member companies along the Ship Channel. Water is vital to our member company facility operations. We use water in the manufacturing processes, for pollution control, and for emergency response purposes. Without water industry would be unable to continue its operations and contributions to the economic growth and stability of the region. Therefore, ensuring the prudent management of water in the area and conserving water to ensure that our needs are met equitably are top priorities for EHCMA and its member companies. Consequently, EHCMA also has a vested interest in the proposed revisions to the City of Houston water ordinance, Chapter 47, Article VII, addressing Water Shortages.

We commend the City of Houston for its inclusive approach with EHCMA and other stakeholders and for taking proactive steps to learn from the lessons of the 2011 drought by addressing identified opportunities for improvement in the City Code and implementing policies and procedures accordingly. We feel EHCMA added value to this process by helping PWE understand some of our unique needs. In turn, PWE was helpful and beneficial in addressing many of those concerns in the ordinance, and explaining the need for the City of Houston positions. EHCMA stands ready to continue to assist the City of Houston and PWE during the establishment of practices and procedures for the Chapter 47 ordinance, and to help in any other way as is appropriate in these endeavors.

On behalf of EHCMA, we sincerely appreciate the opportunity to provide comments on this important ordinance.

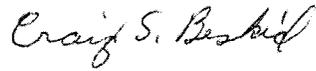
Proposed City Ordinance, Chapter 47, Article VII, Water Shortages

Mr. Daniel W. Krueger, Director, Public Works & Engineering, City of Houston, P.O. Box 1562, Houston, TX 77251-1562

East Harris County Manufacturers Association

If you have any comments or questions in response to this letter, please contact me at (281) 334-9091 or craigbeskid@ehcma.org, or Marise Textor, Chair, EHCMA Environmental Committee, at (713) 840-2410 or marise.textor@tpcgrp.com.

Sincerely,



Craig Beskid
Executive Director,
East Harris County Manufacturers Association

CHAPTER 47 - WATER AND SEWERS

ARTICLE VII - WATER SHORTAGES

Disposition Table

| OLD Section | Caption | NEW Section |
|-------------------------|----------------------------------|-------------|
| Div. 1 | In General | N/A |
| Sec. 47-241 | Definitions | Sec. 47-249 |
| Sec. 47-242 | Penalties | Sec. 47-257 |
| Sec. 47-243 | Affirmative defenses | Sec. 47-258 |
| Sec. 47-244 | Administrative policy | Sec. 47-250 |
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| Secs. 47-247– 47-250 | Reserved | N/A |
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CHAPTER 47 - WATER AND SEWERS

ARTICLE VII - WATER SHORTAGES

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Chapter 47

WATER AND SEWERS

ARTICLE VII. WATER SHORTAGES

DIVISION 1. GENERAL

Sec. 47-~~249~~244. Definitions.

As used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates another meaning:

~~*Aesthetic water use* means use of water for ornamental, decorative, or scenic purposes such as fountains, reflecting pools, and water gardens.~~

Agricultural use has the same meaning as provided in section 47-89 of this Code.

Authorized governmental use means the use of city water by a governmental entity to flush any water line for public health and safety purposes, wet any surface for the purpose of testing for leaks in buildings or structures, or alleviate any conditions threatening the life, safety, or welfare of the public, including fire suppression.

~~*Average water production* means the city's daily average combined surface water and groundwater production during a three-day period.~~

Available treatment capacity means a calculation of how much city water can be produced and distributed by the city's functioning operations.

~~*Average water pressure* means the 24-hour average of pressure readings at representative pressure points within the city's water distribution system.~~

Baseline usage means the average of the highest city water usage by non-residential customers during three consecutive months within the 12-month period immediately preceding the declaration of:

- (1) a stage two, three, or four water shortage period, whichever occurs first; or
- (2) an emergency water shortage period.

City treated water distribution system includes, but is not limited to, any and all infrastructure used to convey, store, or deliver city water that has been processed to make it fit for its desired end use.

City water means water obtained directly or indirectly from infrastructure owned or operated by the city.

City water supply system includes, but is not limited to, any and all infrastructure used to convey, treat, store, or deliver city water.

Current water production means the city's daily combined surface water and groundwater production averaged over the most recent three-day period.

Combined total storage of surface water supply means the aggregate volume of water available to the city from reservoirs as calculated from the current elevations that are measured by the United States Geological Survey.

~~Combined reservoir storage supply~~ means the combined quantity of water stored at a point in time in Lake Houston, Lake Conroe and Lake Livingston (city share of storage only).

~~Conservation~~ means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that supply is conserved and made available for future or alternative uses.

~~Customer~~ means any person receiving treated water service from the city's water system for whom (or for which) a meter has been installed. A person served by more than one meter is considered a separate customer for each meter has the same meaning as provided in section 47-61 of this Code.

Even-numbered street address means water service addresses ending in 0, 2, 4, 6, or 8 or ending in a fraction, letter, unit or suite number and 0, 2, 4, 6, or 8. For purposes of this definition, locations without addresses and customers having multiple street addresses that are served by the same water meter shall be deemed to have an even-numbered street address.

~~Irrigation~~ means the use of water for the moistening and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and esplanades.

~~Major customer~~ means the city's 100 largest water customers by volume of treated water consumed during the preceding calendar year.

Multifamily residential customer has the same meaning as provided in section 47-61 of this Code.

~~Non-essential water use means use of water:~~

- ~~(1) For irrigation;~~
- ~~(2) To wash any motor vehicle, motorbike, boat, airplane, or other self-propelled vehicle or trailer;~~
- ~~(3) To wash down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area;~~
- ~~(4) To wash buildings or structures for purposes other than immediate fire protection;~~
- ~~(5) To flush gutters or permit water to run or accumulate in any gutter or street;~~
- ~~(6) To fill, re-fill, or add to any indoor or outdoor swimming pool, spa, or whirlpool; or~~
- ~~(7) From hydrants for construction purposes or any other purpose except fire fighting; subject to the affirmative defenses provided in section 47-243 of this Code, as applicable.~~

Non-residential customer has the same meaning as provided in section 47-61 of this Code.

Odd-numbered street address means water service addresses ending in 1, 3, 5, 7, or 9 or ending in a fraction, letter, unit or suite number and 1, 3, 5, 7, or 9.

Outdoor use means the use of city water for:

- (1) Aesthetic purposes, including ornamental, decorative, or scenic devices located outside a structure, including but not limited to fountains, reflecting pools, and water gardens;
- (2) Irrigation, including the wetting and maintaining of planted areas, whether publicly or privately owned, including but not limited to lawns, gardens, golf courses, parks, athletic fields, public rights-of-way, and esplanades; notwithstanding the foregoing, for purposes of section 47-252 of this Code only, outdoor use for irrigation shall not include water administered by an individual human holding a hose with a diameter of one inch or less, a bucket, watering can or other similar device; or

- (3) Other purposes that occur outside a structure, including but not limited to washing motor vehicles and other self-propelled vehicles and trailers; washing any impervious surface, including but not limited to sidewalks, driveways, parking lots, playing surfaces, buildings or structures; foundation watering; and filling or adding to any swimming pool, spa, or whirlpool.
- (4) Outdoor use shall not include the required use of city water to (i) alleviate conditions threatening life, safety, or welfare of the public, including without limitation, fire suppression and emergency response; or (ii) comply with federal, state, or local laws or regulations.

Residential customer has the same meaning as provided in section 47-61 of this Code.

Single-family residential customer has the same meaning as provided in section 47-61 of this Code.

~~Water means waters contained in or flowing through any portion of the city's treated water system.~~

~~Water shortage period means the period of time during which any water shortage declaration is in effect.~~

Sec. 47-250244. Administrative policyprocedures.

~~The director is authorized to may establish administrative policyprocedures relating to the implementation of this article. A copy of the policyprocedures shall be available for inspection in the offices of the utility official for inspection and may be purchased at the fees prescribed by law on the department's website.~~

- (1) The director shall establish a water information management plan that includes provisions to be implemented during each water shortage period. The director may use water billing statements, news and social media, and other sources to disseminate information regarding voluntary or mandatory water use measures to be imposed during each water shortage period for all customers and to advise customers that additional restriction measures may be imposed should water shortage periods escalate as provided by this article.
- (2) The directors of each department in the city shall prepare department-specific water use reduction plans that will achieve the same or greater level of reduction in water use for each declared water shortage period and shall submit the plans to the director on January 1 of each year. The water use reduction plans shall be implemented immediately upon the

declaration of any water shortage period and shall remain in effect until the conclusion of the water shortage period.

Sec. 47-246. ~~_____ Incentive program.~~

~~The director is authorized to sponsor on behalf of the city an incentive program under which the department will award certificates to customers who decrease their water usage during a water shortage period. The certificates shall be of a type that will be honored at no cost to the city for price reductions or other benefits at participating retail establishments.~~

DIVISION 2. SHORTAGES AND EMERGENCIES

Sec. 47-251. Stage one water shortage; abnormal conditions; voluntary restrictions targeted to reduce overall water use by five percent.

(a) ~~A stage one water shortage is a period of time that begins when the director determines that the water supply or delivery system is under stress because of lower than average annual rainfall, temperatures that are higher or lower than normal, or other circumstances~~ finds that the city's water supply system is under stress because of lower than average annual rainfall, temperatures that are higher or lower than normal, or other circumstances.

(b) ~~The director's designation declaration, which may cover all or only part a portion of the city's water supply system, shall be in writing and filed with the city secretary. The declaration shall state that the city's overall water use reduction goal during a stage one water shortage is five percent. A stage one water shortage ends when the director finds that the abnormal conditions leading to the declaration either no longer exist, have been mitigated, or have been escalated, and the director files a written declaration to that effect with the city secretary.~~

(c) City departments' water use reduction plans shall be implemented immediately upon the declaration of a stage one water shortage period and shall remain in effect until the conclusion of the water shortage period.

(bd) ~~During a stage one water shortage, the director shall institute a water information management program. The director may use water billing statements, media, and other sources to disseminate information regarding conservation measures to be taken, including, but not limited to the following: unless otherwise stated in the declaration, all customers are requested to take the following voluntary water use restriction measures:~~

- (1) ~~Requesting that customers insulate water pipes rather than running water to protect pipes from freezing;~~

- ~~(21) Requesting that customers eCheck for and repair all leaks, dripping faucets, and running toilets, and that customers utilize water conservation measures such as displacement bags, lowflow shower heads and leak detection tablets;~~

- ~~(3) Requesting customers to limit irrigation to the hours between 12:01 a.m. and 10:00 a.m. or between 8:00 p.m. and midnight on no more than two days per week in conformity with the following schedule:
 - ~~a. Sundays and Thursdays for customers with even-numbered street addresses; and~~
 - ~~b. Saturdays and Wednesdays for customers with odd-numbered street addresses;~~~~

- ~~(4) Requesting major customers to make voluntary reductions in water consumption;~~

- (2) Check for and correct excessive irrigation or uncorrected leaks that result in city water leaving the customer's property by drainage onto adjacent properties or public or private roadways or streets or gutters; and

- (3) Irrigate between 7:00 p.m. and 5:00 a.m. of the following day on no more than two days per week in conformity with the following schedule:
 - a. Sundays and Thursdays for single-family residential customers with even-numbered street addresses; and
 - b. Saturdays and Wednesdays for single-family residential customers with odd-numbered street addresses; and
 - c. Tuesdays and Fridays for all other customers.

- ~~(5) Instituting a water use reduction program for city departments, including but not limited to:
 - ~~a. Establishing a ten percent water consumption reduction goal for all city departments;~~
 - ~~b. Ensuring that city irrigation systems do not wastewater;~~
 - ~~c. Discontinuing of water main flushing during this period except to protect life or health;~~
 - ~~d. Discontinuing washing of city vehicles during this period; and~~~~

- ~~(6) Advising customers that mandatory measures may be imposed if the water shortage period continues.~~

Sec. 47-252. Stage two water shortage; severe conditions; certain mandatory restrictions targeted to reduce overall water use by ten percent.

(a) A stage two water shortage is a period of time that begins when, upon the recommendation of the director, the mayor declares a stage two water shortage upon finding that one or more of the following conditions exist that may impact all or a portion of the city's water supply system:

- ~~(1) Combined reservoir total storage of surface water supply is approximately less than 24 months' surface water supply for a period of ten consecutive days based on a calculated projection of monthly production of city water that includes historic production and information provided by customers;~~
- ~~(2) Combined total storage of surface water supply is less than 16 months, based on a calculated projection of current water production for the most recent 24-hour period;~~
- ~~(23) Average Current water production is 80 percent of the combined pumpage available treatment capacity of the treated ground water and surface water system for a period of three consecutive days; or~~
- ~~(4) Loss of approximately 20 percent of available treatment capacity; or~~
- ~~(35) Average wWater pressure within the city's treated water distribution system is readings of 45 pounds per square inch or less throughout all or material portions of the city's treated water distribution system.~~

~~(b) The declaration, may cover all or only a part portion of the city's water supply system, and shall be in writing and filed with the city secretary. The declaration shall state that the city's overall water use reduction goal during a stage two water shortage is ten percent. A stage two water shortage ends when the mayor declares, based on the recommendation from the director, finds that the severe conditions leading to the declaration have ceased to either no longer exist, have been mitigated, or have been escalated for a period of between three and ten days, taking into consideration weather reports, the condition of the water system, and associated factors, and the director files a written declaration to that effect with the city secretary.~~

~~(c) City departments' water use reduction plans shall be implemented immediately upon the declaration of a stage two water shortage period and shall remain in effect until the conclusion of the water shortage period.~~

~~(bd) During a stage two water shortage, customers are required to unless otherwise stated in the declaration, all classes of customers are subject to mandatory restrictions of outdoor use. During a stage two water shortage, outdoor use shall be unlawful with the exception of the following time periods as specified in the declaration:~~

~~(1) Repair detectible water leaks within 72 hours of discovery; and~~

~~(2) Limit outdoor irrigation to the hours between 12:01 a.m. and 10:00 a.m. or between 8:00 p.m. and midnight on no more than two days per week in conformity with the following schedule:~~

~~a. Sundays and Thursdays for customers with even-numbered street addresses; and~~

~~b. Saturdays and Wednesdays for customers with odd-numbered street addresses.~~

~~(1) Between 7:00 p.m. and 5:00 a.m. of the following day on no more than two days per week in conformity with the following schedule:~~

~~a. Sundays and Thursdays for single-family residential customers with even-numbered street addresses; and~~

~~b. Saturdays and Wednesdays for single-family residential customers with odd-numbered street addresses; and~~

~~c. Tuesdays and Fridays for all other customers; or~~

~~(2) Between 7:00 p.m. and 5:00 a.m. of the following day on no more than one day per week in conformity with the following schedule:~~

~~a. Saturdays for single-family residential customers with odd-numbered addresses;~~

~~b. Sundays for single-family residential customers with even-numbered addresses; and~~

~~c. Tuesdays for all other customers.~~

~~(c) During a stage two water shortage, the director shall institute a water use reduction program for city departments, including but not limited to:~~

~~(1) Establishing a ten percent water consumption reduction goal for all city departments;~~

~~(2) Ensuring that city irrigation systems do not wastewater;~~

~~(3) — Discontinuing of water main flushing except to protect life or health; and~~

~~(4) — Discontinuing washing of city vehicles.~~

(e) Any outdoor water use that results in city water leaving the customer's property by drainage onto adjacent properties or public or private roadways or streets or gutters shall be unlawful.

Sec. 47-253. Stage three water shortage; extreme conditions; mandatory reductions targeted to reduce overall water use by 20 percent.

(a) A stage three water shortage is a period of time that begins when, upon the finding of the director of an extreme shortage and the recommendation of the mayor, the city council declares a stage three water shortage upon finding that one or more of the following conditions exist that may impact all or a portion of the city's water supply system:

(1) Combined ~~reservoir total~~ storage of surface water supply is approximately less than 18 months ~~surface water supply for a period of ten consecutive days based on a calculated projection of monthly production of city water that includes historic production and information provided by customers;~~

(2) Combined total storage of surface water supply is less than 12 months, based on a calculated projection of current water production for the most recent 24-hour period;

(23) Average ~~Current~~ water production is 85 percent of the ~~combined pumpage available treatment capacity of the treated groundwater and surface water system for a period of three consecutive days; or~~

(4) Loss of approximately 25 percent of available treatment capacity; or

(35) Average ~~w~~Water pressure within the city's treated water distribution system is readings of 40 pounds per square inch or less throughout all or material portions of the city's treated water distribution system.

(b) The declaration may cover all or a portion of the city's water supply system and shall be in writing and filed with the city secretary. The declaration shall state that the city's overall water use reduction goal during a stage three water shortage is 20 percent. A stage three water shortage ends when, upon the recommendations of the director and the mayor, the city council finds that the extreme conditions leading to the declaration either no longer exist, have been mitigated, or have been escalated, and the city council files a written declaration to that effect with the city secretary.

(c) City departments' water use reduction plans shall be implemented immediately upon the declaration of a stage three water shortage period and shall remain in effect until the conclusion of the water shortage period.

(bd) During a stage three water shortage, all provisions of section 47-252 of this Code shall apply. In addition, aesthetic water use is unlawful outdoor use shall be unlawful except that customers may use city water to continue production and protect inventory of their primary business products.

(e) Immediately upon the declaration of a stage three water shortage, the city may claim force majeure to all of its existing water service contracts consistent with the terms of such water service contracts and in accordance with applicable state law.

Sec. 47-254. Stage four water shortage; exceptional conditions; mandatory rationing of city water targeted to reduce overall water use by 35 percent.

(a) A stage four water shortage is a period of time that begins when, upon the finding of the director of an exceptional shortage, and the recommendation of the mayor, the city council declares a stage four water shortage upon finding that one or more of the following conditions exist that may impact all or a portion of the city's water supply system:

- (1) Combined reservoir total storage of surface water supply is approximately less than 12 months surface water supply for a period of a ten consecutive days, based on a calculated projection of monthly production of city water that includes historic production and information provided by customers;
- (2) Combined total storage of surface water supply is less than six months, based on a calculated projection of current water production for the most recent 24-hour period;
- (23) Average Current water production is 90 percent of the combined pumpage available treatment capacity of the treated groundwater and surface water system for three consecutive days; or
- (34) Average wWater pressure within the city's treated water distribution system is readings of 35 pounds per square inch or less throughout all or material portions of the city's treated water distribution system.

(b) The declaration may cover all or a portion of the city's water supply system and shall be in writing and filed with the city secretary. The declaration shall state that the city's overall water use reduction goal during a stage four water shortage is 35 percent. A stage four water shortage ends when, upon the recommendations of the director and the mayor, the city council finds that the exceptional conditions leading

to the declaration either no longer exist or have been mitigated, and the city council files a written declaration to that effect with the city secretary.

(c) City departments' water use reduction plans shall be implemented immediately upon the declaration of a stage four water shortage period and shall remain in effect until the conclusion of the water shortage period.

(bd) During a stage four water shortage, all provisions of sections 47-252 and 47-253 of this Code shall apply. In addition, non-essential water use is unlawful the following acts or omissions shall be unlawful:

- (1) All outdoor use;
- (2) Use of more than 4,000 gallons of city water per month by single-family residential customers;
- (3) Use of more than 4,000 gallons of city water per month (used per unit, as provided in section 47-71 of this Code) by multifamily residential customers; and
- (4) For all customers other than residential customers, failure to reduce use of city water by 15 percent of baseline usage, or any other percentage if recommended by the director and adopted by city council in the stage four water shortage declaration.

(e) During a stage four water shortage, the director may authorize a ten percent rate reduction for water usage to customers for reductions of city water use by 20 percent or more than those restrictions set forth in subsection (d), except that the ten percent rate reduction shall not be available to customers whose average monthly usage during the preceding 12-month period was less than 4,000 gallons. The rate reduction for water usage shall be effective for the duration of the existing water shortage period.

(f) Immediately upon the declaration of a stage four water shortage, the city may claim force majeure to all of its existing water service contracts consistent with the terms of such water service contracts and in accordance with applicable state law.

~~(c) During a stage four water shortage, as required for the public health and safety of the citizens and consistent with the city's contracts and state law, the mayor may reduce or terminate water service to customers in the following sequence:~~

- ~~(1) Public and private schools, colleges, and universities and outdoor customers.~~
- ~~(2) Contract customers, industrial customers, and commercial customers.~~

~~(3) Residential customers.~~

~~(4) Public or private health facilities and custodial care homes.~~

Sec. 47-255. Emergency water shortage.

(a) An emergency water shortage is a period of time that begins when the director finds that there is an imminent threat to the capability of the city's water supply system to provide adequate service to assure the health or safety of the public, such as may result from a natural disaster, act of war or terrorism, or catastrophic system accident or failure. The declaration of a water emergency must be subsequently ratified within ten days following its declaration by the city council. An emergency water shortage ends when, upon the recommendation of the director, the city council finds that the conditions leading to the declaration no longer exist.

(b) During an emergency water shortage all provisions of sections 47-252, 47-253, and 47-254 shall apply.

~~**Sec. 47-256. Wholesale water customers.**~~

~~In the event of a water shortage diminishing the supply of water for wholesale water customers, the department shall curtail pro rata water deliveries to all affected customers in accordance with section 11.039 of the Texas Water Code. The department shall include in each wholesale water contract a requirement that, in the event of a water shortage, water will be distributed according to the requirements of section 11.039 of the Texas Water Code.~~

DIVISION 3. ENFORCEMENT

Sec. 47-256245. Variances.

(a) The utility official may grant in writing a temporary variance for an otherwise prohibited water use if the utility official determines that:

~~(1) Failure to grant the variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection of the public or of the person requesting the variance immediately threatening the life, safety, welfare, or fire protection of the public, the person requesting the variance, or the environment, or and one or more of the following conditions are met:~~

~~(2) The petitioner applicant cannot comply with the prohibition for technical reasons; or~~

(23) The ~~petitioner~~ applicant agrees to implement alternative methods that will achieve the same or a greater level of reduction in water use ~~;~~ or

~~(3) The director determines that the variance will best serve the health, welfare, and safety of the public, taking into consideration the hardships imposed upon the petitioner and the effects upon other customers.~~

(b) ~~Requests~~ An application for a variances shall be filed made in writing with the utility official and shall include the following:

(1) Name and address of the ~~petitioner~~ applicant;

(2) Purpose of water use;

(3) Specific provision(s) of the ~~plan~~ this article from which the ~~petitioner~~ applicant is requesting relief;

(4) A detailed statement as to how the specific provision(s) of the ~~plan~~ this article adversely affects the ~~petitioner~~ applicant or what damage or harm will occur to the ~~petitioner~~ applicant or others if ~~petitioner~~ the applicant complies with the ~~plan~~ this article;

(5) Description of the relief requested;

(6) Period of time for which the variance is sought;

(7) Alternative water use restrictions or other measures the ~~petitioner~~ applicant is taking or proposes to take to conform to the ~~city's water shortage plan~~ provisions of this article and the compliance date; and

(8) Other pertinent information reasonably required by the utility official to determine whether the criteria of subsection (a) have been met.

(c) No variance shall be retroactive or otherwise justify any violation of the prohibitions hereunder occurring prior to the issuance of the variance. A variance is valid for ~~all stages of the same water shortage period, only the declared water shortage period in existence at the time of issuance and but~~ shall expire at the conclusion of the existing water shortage period. If the conclusion of the existing water shortage period is immediately followed by a newly declared water shortage period, consisting of either more or less threatening conditions, a new application for a variance must be filed in accordance with subsection (b) of this section. Notwithstanding the foregoing, a variance may be applied retroactively if issued to a residential customer who is a member of a family consisting of five or more persons living in a single residential unit served by a single water meter.

Sec. 47-257242. Penalties

~~Whenever in this article an act is prohibited or declared to be unlawful or whenever the doing of any act is required or the failure to do any act is prohibited, violation shall be punishable upon conviction by a fine in accordance with the following schedule:~~

- ~~(1) If city personnel have previously provided a written notification to the violator, and the violator has not previously been convicted of violating any provision of this article:
 - ~~a. A fine of exactly \$150.00, if the violation is of section 47-252;~~
 - ~~b. A fine of exactly \$250.00, if the violation is of section 47-253;~~
 - ~~c. A fine of exactly \$600.00, if the violation is of section 47-254 or 47-255.~~~~

- ~~(2) If the violator has on one occasion been previously convicted of violating any provision of this article:
 - ~~a. A fine of exactly \$250.00, if the violation is of section 47-252;~~
 - ~~b. A fine of exactly \$450.00 if the violation is of section 47-253;~~
 - ~~c. A fine of exactly \$1,000.00, if the violation is of section 47-254 or 47-255.~~~~

- ~~(3) If the violator has on two or more occasions been previously convicted of violating any provision of this article:
 - ~~a. A fine of not less than \$350.00 nor more than \$2,000.00, if the violation is of section 47-252;~~
 - ~~b. A fine of not less than \$500.00 nor more than \$2,000.00, if the violation is of section 47-253;~~
 - ~~c. A fine of not less than \$1,000.00 nor more than \$2,000.00, if the violation is of section 47-254 or 47-255.~~~~

~~Each day that any violation continues shall constitute and be punishable as a separate offense.~~

(a) With the exception of customers with water service contracts, in accordance with section 54.001 of the Texas Local Government Code, any person who violates any provision of this article shall be guilty of an offense and upon conviction

thereof, shall be punished by a fine of not less than \$100 nor more than \$2,000 for each violation. Each act of city water use in violation of this article shall constitute and be punishable as a separate offense. Each day that any violation continues shall constitute and be punishable as a separate offense. Unless another penalty is specifically provided by this Code or by state law, the penalty for violation of any provision of this article shall be as follows:

- (1) For violations of section 47-252 (stage two water shortage), the department may issue a written warning to a customer for a first-time violation. Any subsequent violations are subject to a fine of \$100 to \$2,000.

- (2) For violations of section 47-253 (stage three water shortage), the department may issue a written warning to a customer for a first-time violation. Any subsequent violations are subject to a fine of \$500 to \$2,000. Additionally, the director may monitor the water account of any customer who has been convicted of a violation of section 47-253. Daily monitoring may continue through the end of the existing water shortage period. The director may turn off city water if a customer has violated the authorized water use during a stage three water shortage on three separate instances within a 30-day period. Water service may be reinstated to a customer after a termination only upon a) payment of all applicable fines and any outstanding water service charges; and b) agreeing to the maximum rate in existence, regardless of the customer's billing rate class, for all future water service provided during the 12 months immediately following the termination and filing such agreement in writing with the department.

- (3) Violations of section 47-254 (stage four water shortage) are subject to fines of \$1,000 to \$2,000. Additionally, all customers exceeding the allowed water usage during a stage four water shortage by ten percent or more shall pay a 20 percent surcharge for the current and two subsequent billing periods. The director may also turn off city water if a customer has exceeded the authorized water use during a stage four water shortage on three separate instances within a 30-day period. Water service may be reinstated to a customer after termination only upon a) payment of all applicable fines and any outstanding water service charges; and b) agreeing to the maximum rate in existence, regardless of the customer's billing rate class, for all future water service provided during the 12 months immediately following the termination and filing such agreement in writing with the department.

(b) In the event that a customer with a water service contract engages in the unauthorized use of city water, the city shall have the right to pursue any and all rights and remedies allowed under existing contracts with customers, and any and all remedies allowed under Texas law.

Sec. 47-258243. Affirmative defenses

(a) It is an affirmative defense to prosecution under sections 47-252, 47-253, and ~~47-254, and 47-255~~ that the water use was:

- (1) Authorized by a variance issued under section 47-245 ~~256~~; or
- (2) ~~An authorized governmental use. Required to alleviate conditions threatening life, safety, or welfare of the public, including, without limitation, fire suppression.~~

~~(b) Additionally, it is an affirmative defense to prosecution under section 47-253 that the water use was:~~

- ~~(1) Applied to plants that had been planted or transplanted on the same day; or~~
- ~~(2) Applied to plants by use of a bucket, watering can, hand held hose (with or without a nozzle), or other method in which the actor directly and by use of hands continuously controlled the application of the water.~~

~~(c) Additionally, it is an affirmative defense to prosecution under sections 47-252 and 47-253 that the water use was:~~

- ~~(1) To flush water lines for public health and safety purposes.~~
- ~~(2) For municipal operations to wet any surface for the purpose of testing for leaks in buildings or structures;~~
- ~~(3) For municipal operations to wet any surface for the purpose of complying with air pollution laws;~~
- (4) For maintaining public gardens and arboretums of national, state, or regional significance when necessary to preserve specimens; or
- ~~(5) For commercial businesses that use water to maintain (but not expand) their primary business practices (e.g., commercial car and truck washes, nurseries, turf growers, water haulers, concrete pavers, etc.);~~
- ~~(6) To fill a swimming pool for the first time;~~
- ~~(7) To maintain the minimum depth of water in a swimming pool as required to maintain filtering function;~~
- ~~(8) For irrigation of the tee boxes and greens on a golf course; or~~

~~(9) For irrigation of a golf course that was planted with new grass within the eight weeks preceding the declaration.~~

(2) For agricultural use.

(c) It is an affirmative defense to prosecution under section 47-254 that the water use was:

(1) For the operation of a health care facility as defined in section 21-236 of this Code; however, no outdoor use by a health care facility is permitted during stage three and stage four water shortages; or

(2) For a multifamily residential customer that participates in an annual education program, approved by the utility official, that addresses at minimum water shortages.

SUBJECT: Ordinance authorizing the abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80. **Parcels SY13-007, SY13-016, AY13-072A, AY13-072B, and CY13-002**

Page
1 of 2

Agenda Item #

8

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

11/1/12

NOV 07 2012

DIRECTOR'S SIGNATURE:

Council District affected: A

AP

Daniel W. Krueger, P.E., Director

Key Map 448X/488B

For additional information contact:

Date and identification of prior authorizing Council Action:

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

C.M. 2012-0675 (09/12/12)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for a consideration of \$33,745.00 plus the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80. **Parcels SY13-007, SY13-016, AY13-072A, AY13-072B, and CY13-002**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

By Motion 2012-0675, City Council authorized the abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80. Central Park West, L.P., one of the abutting property owners, plans to construct a commercial development in the location of the subject street. Harris County Flood Control District (HCFCD), the other abutting owner, has agreed to the abandonment and sale of the subject street.

Central Park West, L.P. and Harris County Flood Control District have completed the transaction requirements, have accepted the City's offer, and have rendered payment in full.

LTS No. 3963

REQUIRED AUTHORIZATION

CUIC #20TP028

Finance Department:

Other Authorization:

Other Authorization:

Mark L. Loethen

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

| | | | |
|--------------|---|--|-------------------------------------|
| Date: | Subject: Ordinance authorizing the abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80. Parcels SY13-007, SY13-016, AY13-072A, AY13-072B, and CY13-002 | Originator's Initials JP | Page <u>2</u> of <u>2</u> |
|--------------|---|--|-------------------------------------|

The City will abandon and sell:

Parcel SY13-007 (Central Park West, L.P.)

12,314-square-foot right-of-way easement: \$95,064.00 (R)
Valued at \$7.72 per square foot

Parcel SY13-016 (HCFCD)

5,308-square-foot water main easement: \$40,978.00 (R)
Valued at \$7.72 per square foot

TOTAL ABANDONMENT AND SALE **\$136,042.00**

In exchange, Central Park West, L.P. will pay the balance due:

Cash \$33,745.00
Plus convey to the City out of Central Park West L.P.'s property

Parcel AY13-072A

285-square-foot right-of-way easement: \$2,200.00 (R)
Valued at \$7.72 per square foot

Parcel AY13-072B

420-square-foot right-of-way easement: \$3,242.00 (R)
Valued at \$7.72 per square foot

Parcel CY13-002

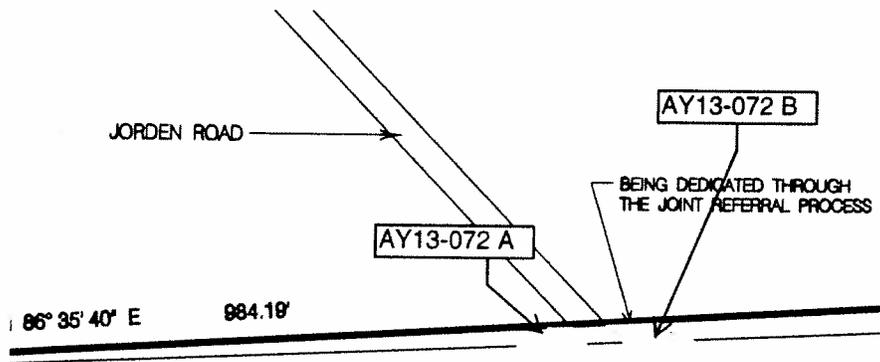
12,546-square-foot fee-owned parcel: \$96,855.00 (R)
Valued at \$7.72 per square foot

TOTAL CASH AND CONVEYANCES **\$136,042.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for a consideration of \$33,745.00 plus the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80.

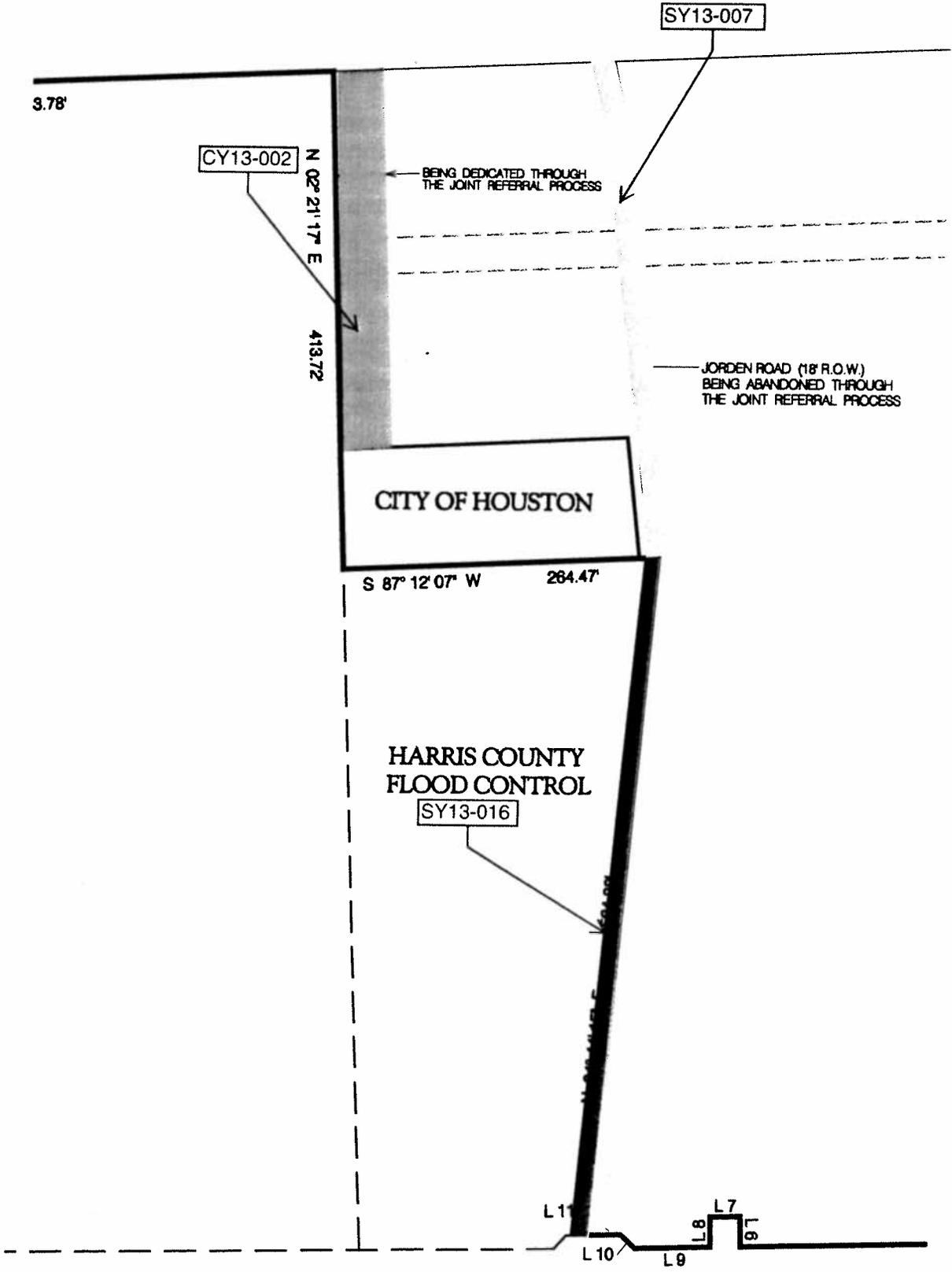
DWK: NPC: tp

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



PARCEL MAP

Abandonment and sale of Jordan Road, from Interstate 10 north to the southern right-of-way line of proposed Park Row Boulevard, in exchange for the conveyance to the City of: (1) a 40-foot-wide fee-owned parcel of land from the southern right-of-way line of proposed Park Row Boulevard south to the northern property line of the fee-owned City of Houston parcel of land and (2) two rights-of-way for the construction and widening of Jordan Road from the north right-of-way line of proposed Park Row Boulevard north to the northern property line of the applicant's property, all located in the Joel Wheaton Survey, A-80. **Parcels SY13-007, SY13-016, AY13-072A, AY13-072B, and CY13-002**



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west ±203 feet, all located in the American General Center Section One Addition, out of the John Austin Survey, A-1. **Parcels SY12-076A, SY12-076B, and SY12-094**

Page
1 of 2

Agenda Item #

9

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

11/1/12

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE:

Handwritten signature of Daniel W. Krueger

Daniel W. Krueger, P.E., Director

Council District affected: C

Handwritten signature: Bam

Key Map 493J

For additional information contact:

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

Handwritten initials: WSB, RUP

Date and identification of prior authorizing Council Action:

C.M. 2012-0594 (7/25/2012)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west ±203 feet, all located in the American General Center Section One Addition, out of the John Austin Survey, A-1. **Parcels SY12-076A, SY12-076B, and SY12-094**

Amount and

Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

By Motion 2012-0594, City Council authorized the subject transaction. American General Life Insurance Company (William Larry Mask, Vice President), and Knickerbocker Corporation (William Larry Mask, Vice President), plan to construct a multi-family residential complex in the location of the subject streets.

American General Life Insurance Company and Knickerbocker Corporation, have complied with the motion requirements, have accepted the City's offer, and have rendered payment in full.

Parcel SY12-076A

10,250-square-foot street: \$410,000.00
Valued at \$40.00 PSF

Parcel SY12-076B

5,997-square-foot street: \$239,880.00
Valued at \$40.00 PSF

Parcel SY12-094

1,250-square-foot street: \$50,000.00
Valued at \$40.00 PSF

Depreciated Value of asphalt street improvements \$21,872.00

TOTAL ABANDONMENTS

\$721,752.00

LTS No. 3994

CUIC #20BAM30

REQUIRED AUTHORIZATION

Finance Department

Other Authorization:

Other Authorization:

Handwritten signature of Mark L. Loethen

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

| | | | |
|--------------|--|--|-------------------------------------|
| Date: | Subject: Ordinance authorizing the abandonment and sale of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west ±203 feet, all located in the American General Center Section One Addition, out of the John Austin Survey, A-1. Parcels SY12-076A, SY12-076B, and SY12-094 | Originator's Initials <i>Bam</i> | Page <u>2</u> of <u>2</u> |
|--------------|--|--|-------------------------------------|

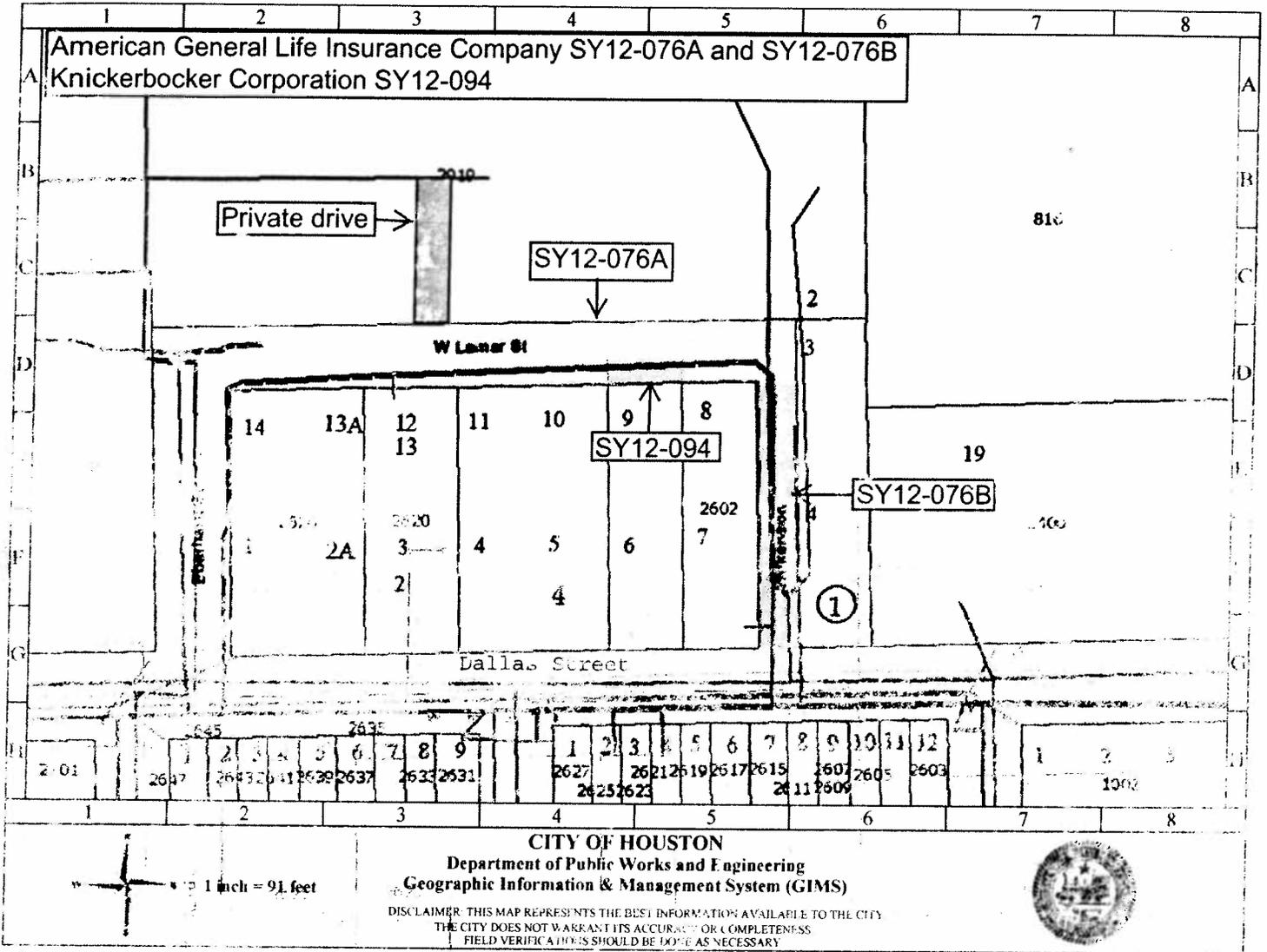
Therefore, it is recommended City Council approve an ordinance authorizing the sale of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west ±203 feet, all located in the American General Center Section One Addition, out of the John Austin Survey, A-1.

DWK: NPC: bam

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

PARCEL MAP

SUBJECT: Abandonment and sale of Wilkinson Street, from West Dallas Street north to its terminus, and West Lamar Avenue, from Wilkinson Street west ±203 feet, all located in the American General Center Section One Addition, out of the John Austin Survey, A-1. **Parcels SY12-076A, SY12-076B, and SY12-094**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing City of Houston to reallocate \$1,000,000 of NSP3 funding from Multifamily to Demolition and Single Family activities. **Category #** **Page 1 of 2** **Agenda Item # 1**

FROM: Neal Rackleff, Director
City of Houston, Housing and Community Development Department **Origination Date** 10/01/2012 **Agenda Date** NOV 07 2012

DIRECTOR'S SIGNATURE: *[Signature]* **Council District affected:** N/A

For additional information contact:
Veronica Chapa-Jones: Phone: (713) 868-8335
Brenda Scott: Phone: (713) 868-8484 **Date and identification of prior authorizing Council action:** Ord. # 2011-0134, 02/23/2011

RECOMMENDATION: Approval of an Ordinance authorizing City of Houston to reallocate \$1,000,000 of NSP3 funding from Multifamily to Demolition and Single Family activities.

Amount of Funding: **No Additional Funding Required** **Finance Budget:**

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
Neighborhood Stabilization Program 3 (NSP3)

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD) proposes to reallocate \$1,000,000 of Neighborhood Stabilization Program 3 (NSP3) funds from Multifamily to Single Family and Demolition activities. No feasible Multifamily projects could be accomplished within the budget and time frame of the NSP3 grant. By re-allocating the Multifamily funds, the City will be able to take advantage of both a one-time HUD waiver for increased demolition spending and increase funds available for affordable homes for low-income residents.

Recently, HCDD requested and received a waiver to exceed the 10% cap on expenses for demolition activities using NSP3 funds. The granted waiver enables the City to increase demolition spending by \$662,000, from \$338,000 to \$1,000,000, increasing the estimated number of properties to be demolished from 22 to 50. Demolition is a strategic and important activity that is an integral part of a broader comprehensive strategy to stabilize and improve the City's neighborhoods. Demolition of abandoned and dangerous properties will keep our communities healthy and safe.

Additionally, HCDD recommends increasing the Single Family Acquisition and Rehabilitation spending by \$338,000, from \$1,713,035 to \$2,051,035. This will enable more low-income Houstonians to achieve responsible home ownership. The budget revisions are as follows:

| Activity | Original Budget | Increase / (Decrease) | New Budget |
|------------------------|--------------------|-----------------------|--------------------|
| Multifamily Projects | \$1,000,000 | (-\$1,000,000) | |
| Single Family Projects | \$1,713,035 | \$338,000 | \$2,051,035 |
| Demolition | \$338,000 | \$662,000 | \$1,000,000 |
| Administration | \$338,000 | | \$338,000 |
| Total | \$3,389,035 | | \$3,389,035 |

Public notice of this proposed change was published in the Houston Chronicle and no comments were received. HCDD presented this item to the Committee on Housing, Sustainable Growth, and Development on October 16, 2012.

NR:VC-J:BS:PC

cc: City Secretary
Legal Department
City Attorney
Finance Department

REQUIRED AUTHORIZATION

Finance Director: **Other Authorization:** **Other Authorization:**

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

| | | | | |
|---|--|--|-----------------------------------|-------------------------|
| SUBJECT: An Ordinance authorizing the City to reallocate up to \$1,510,900 of Neighborhood Stabilization Program 1 funds to support demolition activities. | | Category # | Page 1 of 1 | Agenda Item # 12 |
| FROM: Neal Rackleff, Director Housing and Community Development | | Origination Date 9/5/12 | Agenda Date NOV 07 2012 | |
| DIRECTOR'S SIGNATURE: <i>Neal Rackleff</i> | | Council District affected: A,B,D,H,I and K | | |
| For additional information contact: Eta Paransky Phone: 713-868-8449 | | Date and identification of prior authorizing Council action: Ord. # 2008-1051, 11/25/2008 Ord. # 2009-1275, 12/15/2009 | | |

RECOMMENDATION: Approval of an Ordinance authorizing the City to reallocate up to \$1,510,900 of Neighborhood Stabilization Program 1 funds to support demolition activities.

Amount of Funding: No Additional Funding Required **Finance Budget:**

SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund
Neighborhood Stabilization Program 1 (NSP1)

SPECIFIC EXPLANATION:

The Housing and Community Development Department requests the reallocation up to \$1,510,900 of previously allocated, but unused Neighborhood Stabilization Program 1 (NSP1) funds to support demolition activities.

Initially, these NSP1 funds were allocated to several single family development entities to fund administration costs and construction of 40 single family homes. Due to market conditions, the single family housing market has become saturated and affordable homes have not sold at the pace anticipated. That said, several entities are not able to build and sell the originally contracted homes. Therefore, HCDD seeks to reallocate these funds to demolition activities which will help foster clean, safe neighborhoods for Houston's families. The reallocation of funds are as follows:

| | Original Budget | Proposed Changes | Revised Budget |
|---------------------------|-----------------|------------------|----------------|
| Single Family Projects | \$3,385,549 | (-\$1,180,900) | \$2,204,649 |
| Multifamily Project | \$8,802,425 | | \$8,802,425 |
| Demolition (New Category) | \$0 | \$1,510,900 | \$1,510,900 |
| Administration | \$1,354,219 | (-\$330,000) | \$1,024,219 |

Demolition is an approved NSP1 activity. Demolition of blighted and abandoned properties will help stabilize neighborhoods and encourage community development. Any additional unused NSP1 funds will also be expended on demolition activities.

Public notice of this proposed change was published in the Houston Chronicle, and no comments were received.

This item was originally presented to the Housing, Sustainable Development and Growth Committee on June 19, 2012.

NR:VC-J:BS:PC

- cc: City Secretary
- Legal Department
- City Attorney
- Finance Department

| REQUIRED AUTHORIZATION | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD12-133

SUBJECT: An Amendment to an Ordinance adding two additional individual contracts, not to exceed \$204,026.90, to Altura Homes DFW, LP for the demolition and reconstruction of two houses under the City's Single Family Disaster Recovery Reconstruction Program.

| | | |
|-------------------|-----------------------|--------------------------------|
| Category # | Page 1 of 2 | Agenda Item # 13 |
|-------------------|-----------------------|--------------------------------|

FROM: Neal Rackleff, Director
Housing and Community Development Department

| | |
|--------------------------------------|-----------------------------------|
| Origination Date 10/4/2012 | Agenda Date NOV 07 2012 |
|--------------------------------------|-----------------------------------|

DIRECTOR'S SIGNATURE: 

Council Districts affected:
D & H

For additional information contact:
Chris Butler: (713) 865-4196
Marc Eichenbaum: (713) 868-8369

Date and identification of prior authorizing Council action: Ord. # 2012-0506 5/30/2012

RECOMMENDATION: Approve to amend an Ordinance by adding two contracts, not to exceed \$204,026.90, to Altura Homes DFW, LP for the demolition and reconstruction of two houses under the City's Disaster Recovery Single Family Home Repair Program.

| | |
|---|------------------------|
| Maximum Contract Amount: \$204,026.90 | Finance Budget: |
|---|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Community Development Block Grant – Disaster Recovery (CDBG-DR)

SPECIFIC EXPLANATION:

On May 30, 2012, City Council approved an Ordinance appropriating funds for 28 individual contracts with Altura Homes DFW, LP, for the reconstruction of homes damaged by Hurricane Ike. The Housing and Community Development Department (HCDD) recommends that City Council amend that Ordinance by adding two contracts, totaling \$204,026.90 in Disaster Recovery funds, for the demolition and reconstruction of two additional houses by Altura Homes DFW, LP (the contractor selected as the "best respondent" to a Request for Proposals issued by HCDD). The funding includes:

| Amount | Activity |
|---------------------|---|
| \$185,479.00 | Demolition and Reconstruction Costs (Including labor and materials) |
| \$18,547.90 | Contingency reserve for unforeseen changes within the scope of work |
| \$204,026.90 | Total |

The scope of work for the reconstructed homes will require the contractor to provide all labor, materials, permits, drawings/plans, supervision, transportation, equipment and incidentals necessary to demolish, clean/remove debris and reconstruct the single family dwellings in accordance with Housing Quality Standards.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Ten (10) prospective proposers downloaded the solicitation document from SPD's e-bidding website. Proposals were received from Joshua Dade Contractors, Burghli Homes, General Contractor Services, Inc., Altura Homes DFW LP, SWMJ Construction, Inc., Traton Homes, American Homes, Sullivan Land Services, Excello and Baylor Asset Management. The proposals were evaluated based upon the following criteria:

- Price/Fee
- Expertise/Experience/Qualifications/Personnel
- Work Quality
- Financial Statements/Bonding Capacity
- Housing Unit Production Capacity/Proposed Operations/Equipment List/Assets
- Permits, Registrations & Certifications

Altura Homes DFW, LP received the highest overall score.

REQUIRED AUTHORIZATION

| | | |
|-----------------------------------|-----------------------------|-----------------------------|
| Finance Director: ✓ | Other Authorization: | Other Authorization: |
|-----------------------------------|-----------------------------|-----------------------------|

10

| | | | |
|--------------------------|---|--|-----------------------|
| Date 10/4/2012 | Subject: An Amendment to an Ordinance adding two additional individual contracts, not to exceed \$204,026.90, to Altura Homes DFW, LP for the demolition and reconstruction of two houses under the City's Single Family Disaster Recovery Reconstruction Program. | Originators Initials  | Page 2 of 2 |
|--------------------------|---|--|-----------------------|

The proposed activity satisfies the City's MBE/SBE subcontracting requirements. The HCDD will monitor this award. The project's MBE/SBE subcontracting is as follows:

| Name | Type of Work | Dollar Amount | Percentage |
|-----------------------------|--------------|-----------------|---------------|
| J. J. Gonzalez Construction | Demolition | \$10,000 | 5.00% |
| Carter Land Surveyors | Surveying | \$2,500 | 2.00% |
| Plumbing ACEE | Plumbing | \$4,500 | 3.00% |
| | Total | \$17,000 | 10.00% |

The proposed contractor is required to comply 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.

The two individual contracts are for the demolition and reconstruction of the following houses:

| Homeowner | Address | Contract Amount Excluding 10% Contingency | Council District |
|----------------|---|---|------------------|
| Alice Goffney | 3114 Arbor Street, Houston, Texas 77004 | \$93,489.00 | D |
| Alice Martinez | 4709 Texas Street, Houston, Texas 77011 | \$91,990.00 | H |

The HCDD recommends approval of this Ordinance.

Cc: City Secretary
 Mayor's Office
 Legal Department
 Finance Department

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9532

Subject: Ordinance requesting a third amendment to the Baylor College of Medicine agreement for professional staffing services for the Houston Fire Department Base Station.

Category #
9

Page 1 of 1

Agenda Item

14

FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

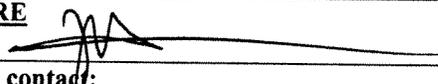
Origination Date

October 26, 2012

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE



Council District(s) affected
All

For additional information contact:

Beda Kent *B* Phone: (832) 394-6748
Kenny Chin *KC.* Phone: (832) 394-6760

Date and Identification of prior authorizing Council Action:

May 9, 2012; Ord. 2012-0414

RECOMMENDATION: (Summary)

The Houston Fire Department (HFD) requests that the City Council approve the third amendment to the Baylor College of Medicine agreement for professional staffing services for the HFD Base Station located at Houston Emergency Center.

None Required

Finance Budget

✓

SPECIFIC EXPLANATION:

The Houston Fire Department is requesting City Council approve an Ordinance to amend the existing agreement with Baylor College of Medicine for professional staffing services for the Houston Fire Department Base Station located at Houston Emergency Center to extend the term of the agreement. The requested changes do not require any additional funding.

HFD transports an average of 400-500 patients on any given day to area hospital emergency rooms. Baylor College of Medicine provides professional staffing services for the HFD Base Station. The personnel are responsible for communications between hospitals and EMS transport units for appropriate hospital destinations. Base Station personnel communicate with physicians, on scene personnel regarding treatment and transport destination, and notification to the receiving hospital. HFD desires to continue these services.

The current contract is set to expire on November 14, 2012. Once approved, this third amendment will extend the contract 180 days. This extension will provide adequate time for contract negotiations.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

MJD

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9529

Subject: Approve an Ordinance appropriating \$859,360.00 from the FY2013 Equipment Acquisition Consolidated Fund for the purchase of capital equipment for the Houston Fire Department.

Category #
4

Page 1 of 1

Agenda Item
15

FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

Origination Date

October 25, 2012

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE *[Signature]*

Council District(s) affected
All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

June 27, 2012; Motion 2012-0560

RECOMMENDATION: (Summary)

City Council to adopt an Ordinance appropriating \$859,360.00 from the FY2013 Equipment Acquisition Consolidated Fund (Fund 1800) and authorize the purchase of capital equipment for the Houston Fire Department.

\$859,360.00

Finance Budget
✓

FY2013 Equipment Acquisition Consolidated Fund (Fund 1800)

SPECIFIC EXPLANATION:

The Fire Chief recommends that City Council adopt an Ordinance appropriating \$859,360.00 from the FY13 Equipment Acquisition Consolidation Fund (Fund 1800) and authorize the purchase of personal protective equipment, bunker gear, from the City's existing agreement with Lion Apparel, Inc.

The Houston Fire Department purchases fire suppression apparel, as needed throughout the year, for classified employees involved in firefighting activities. Lion Apparel, Inc. is the current vendor that manufactures firefighting coats and pants to specific HFD requirements that meet or exceed NFPA 1971, "Structural and Proximity Firefighting Gear" minimum standards. Bunker gear is worn to protect personnel from the extremes of firefighting environments. It enables them to enter areas otherwise untenable to affect rescue and fire suppression operations. One sixth of all bunker gear is replaced each year as part of a scheduled replacement strategy to maximize safety.

Funds to be appropriated were approved in the Fiscal Year 2013 Capital Improvement Plan approved by City Council in June of 2012.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

[Signature]

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: An ordinance authorizing the implementation of vehicle registration holds for outstanding warrants for failure to pay a fine for traffic moving violations pursuant to an Interlocal Agreement between the City and Texas Department of Motor Vehicles (formerly known as Texas Department of Transportation) approved by Ordinance #2008-1050; approving and authorizing an updated Interlocal Agreement between the City and the Department of Motor Vehicles (TxDMV) for Scofflaw Services.

Category #

Page 1 of 2

Agenda Item #

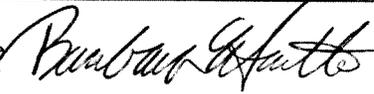
16

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

Origination Date:
10/25/2012

Agenda Date
NOV 07 2012

DIRECTOR'S SIGNATURE

Barbara E. Hartle, Director and Presiding Judge 

Council District(s) 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.#2008-1050 Nov.19, 2008
Ord.#94-1399 Dec.2, 1994

RECOMMENDATION: That Council authorize the implementation of vehicle registration holds for outstanding warrants for failure to pay a fine for traffic moving violations as stipulated in Ordinance.#2008-1050 approving an Interlocal Agreement between the City and the Texas Department of Transportation, now known as Texas Department of Motor Vehicles (TxDMV); approve and authorize an updated Interlocal Agreement between the City and Texas Department of Motor Vehicles (TxDMV) for Scofflaw services.

Amount of Funding:

Initial Allocation (FY2013): \$28,735.00 **General Fund (1000)**
Maximum contract amount (for 5 years): \$102,331.00

Finance Budget:

SPECIFIC EXPLANATION:

The Municipal Courts Department processes approximately 1,000,000 cases on average per year. Of these violations more than 43,000 cases can be expected to result in post judgment warrants due to the vehicle owner failing to pay. In order to enhance its rate of collections on accounts where a vehicle owner has a Capias Pro Fine Warrant with the City due to the owner's failure to pay, the Municipal Courts Department ("MCD") seeks City Council's approval of an Interlocal Agreement for Scofflaw Services for a term of five years with the Texas Department of Motor Vehicles ("TxDMV") to have TxDMV refuse to register a motor vehicle (also called registration hold) if that department receives information from the City of Houston that the owner of the vehicle has an outstanding warrant for failure to pay a fine on a complaint that involves a traffic moving violation. At this time, only scofflaw data for failure to pay a fine will be submitted to TxDMV for a "hold." MCD anticipates that it will return to City Council to request the approval to add Failure to Appear (FTA) cases after the new case management system is fully implemented.

Section 702.003 of the Texas Transportation Code provides that in the presence of an agreement with a municipality, TxDMV may refuse to register a motor vehicle if the department receives information from the municipality that the owner of the vehicle has an outstanding warrant from the municipality for failure to pay a fine on a complaint that involves the violation of a traffic law.

City Council has previously approved the Municipal Court's Department's participation in such a program. On Dec.2, 1994, City Council approved Ord. #94-1399 allowing the Court to participate in the State's vehicle registration hold program (Scofflaw), whereby "holds" were placed on vehicle registrations when owners failed to meet their obligations to the Court.

In January 1999, the City of Houston ceased participating in the program due to substantial and material conflicts between the Texas Transportation Code, FTA guidelines and the terms of agreement with the State. Subsequently, the conflicts were resolved as legislative changes prompted the State to revise their contract.

On November 19, 2008, City Council approved Ordinance 2008-1050, authorizing an Interlocal Agreement between the City and TxDMV (formerly known as Texas Department of Transportation or TXDOT) which enabled TxDMV to preclude the registration renewal of motor vehicles under limited circumstances. The Ordinance required further Council approval before the Municipal Courts Department ("MCD") may submit its own Scofflaw data related to outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations.

The costs for scofflaw services are associated with the probing and flagging process between MCD and TxDMV to ensure that the "holds" are being placed on the correct vehicles. For example, after MCD sends to TxDMV a list of license plates associated with its capias cases, TxDMV sends back the registered owners' names. MCD undergoes a matching process and then sends to TxDMV notification of which license plates need to have a hold placed on them. When the delinquencies are paid, MCD sends to TxDMV notification to clear the flag. For this process of going back and forth, TxDMV charges \$23 per file submission each time and \$.12 per case each time.

Costs Associated with MCD Scofflaw Program:

Startup cost for this program (FY2013): \$28,735

Capias Pro Fine:

Cost Estimate (Life of Contract/5 years): \$102,331.00

Costs will be offset by increased collections and more efficient dispositions of Municipal Courts cases. Assuming a 20 % increase in collections for Capias Pro Fines matches alone, MCD's collections will be enhanced by up to an estimated \$432,000 annually. It is also estimated that the program will enable MCD to collect a percentage of Capias Pro Fines assessed in prior years, conservatively estimated at \$243,589.00.

Further, the statute provides that a municipality may impose an additional \$20 fee to a person who has an outstanding warrant from the municipality for failure to pay a fine on a complaint that involves the violation of a traffic law so long as the additional fee is used only to reimburse costs associated with services provided by the TxDMV or, under circumstances not present here, to reimburse the County. At such time as MCD's technical capabilities allow, MCD will also be positioned to add such statutory fees, thereby further offsetting program costs.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9525

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600009429 for Tariff Services for the Houston Information Technology Services / S10-E23138-A1

Category #
4

Page 1 of 2

Agenda Item

17

FROM (Department or other point of origin):

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

Origination Date

October 25, 2012

Agenda Date

NOV 07 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:

Ord. 2009-0071, 02/04/09

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$9,500,000.00 to \$13,300,000.00 for the contract between the City of Houston and Southwestern Bell Telephone Company d/b/a AT&T, Inc. for tariff services for the Houston Information Technology Services.

Maximum Contract Amount Increased by: \$3,800,000.00

Finance Budget

\$3,800,000.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The Director of the Houston Information Technology Services and the City Purchasing Agent recommend that City Council approve an amending ordinance to increase the maximum contract amount from \$9,500,000.00 to \$13,300,000.00 for the contract between the City of Houston and Southwestern Bell Telephone Company d/b/a AT&T, Inc. for tariff services for the Houston Information Technology Services (HITS).

The contract was awarded on February 4, 2009 by Ordinance No. 2009-0071 for a three-year term, with two one-year options in the original amount of \$9,500,000.00. Expenditures as of October 19, 2012 totaled \$9,500,000.00. The increased spending authority is necessary to allow for continued routing of 311 calls by AT&T, operation of analog private lines, and the ability to redirect incoming calls to alternate locations.

Southwestern Bell Telephone Company d/b/a AT&T, Inc. is the only provider for legacy analog private lines in specific areas within the Greater Houston Area. No other telephone providers can provide this specialty service in this area. The analog private lines are point-to-point or multipoint circuits (i.e. fax and modem lines) dedicated to monitoring remote systems and facilities such as water stations. The 311 service allows all Greater Houston residents that have AT&T phone services to dial a three-digit code and be patched into the Houston's 311 service center. Additionally, the telebranch service allows the City to redirect incoming calls to alternate locations inclusive of other offices, residences, cellular phones, pagers, and/or voice mail. HITS will continue to migrate existing analog lines and telebranch services to more currently-available technologies during the term of this agreement. The additional funds requested shall sustain the department through the end of the contract term.

The scope of work requires the contractor to provide the following sole source tariff services to the City of Houston pursuant to the rates:

- Analog Private Line Service ~ Private Network Services Tariff, § 2
- 311 Service ~ General Exchange Tariff, § 47
- Telebranch Service ~ General Exchange Tariff, § 21

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempt procurements.

Buyer: Greg Hubbard

REQUIRED AUTHORIZATION

Finance Department: ✓

Other Authorization:

Charles Thompson

Other Authorization:

MO

10-25-12

| | | | |
|---------------------|--|--------------------------------|-------------|
| Date: 10/25/2012 | Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600009429 for Tariff Services for the Houston Information Technology Services / S10-E23138-A1 | Originator's Initials GB | Page 2 of 2 |
|---------------------|--|--------------------------------|-------------|

Attachment: M/WBE Zero Percentage Goal Document approved by the Office of Business Opportunity (formerly known as Affirmative Action Division).

REQUEST FOR COUNCIL ACTION

RCA# 9499

TO: Mayor via City Secretary

Subject: Approve an Ordinance Authorizing a First Amendment to Contract No. 4600008518 for Used and Scrap Tire Disposal Services for the Solid Waste Management Department S30-L22587-A1

Category #
4

Page 1 of 1

Agenda Item
18

FROM (Department or other point of origin):

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

Origination Date

September 26, 2012

Agenda Date

NOV 07 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Vic Ayres Phone: (713) 837-9131
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord. No. 2008-0043, Passed 01/10/08

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Liberty Tire Recycling, LLC to extend the contract term from February 10, 2013 to February 9, 2018 for used and scrap tire disposal services for the Solid Waste Management Department.

No Additional Funding Required

Finance Budget

SPECIFIC EXPLANATION:

The Director of the Solid Waste Management Department and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Liberty Tire Recycling, LLC to extend the contract term from February 10, 2013 to February 9, 2018 for used and scrap tire disposal services for the Solid Waste Management Department (SWMD). The City Purchasing Agent may terminate this contract any time upon 30-day written notice to the contractor.

This contract was awarded on January 10, 2008 by Ordinance No. 2008-0043 for a three-year term, with two one-year options in the amount of \$1,480,000.00. Expenditures as of September 27, 2012 totaled \$821,098.54. The first amendment will extend the contract term for five additional years. In consideration for the five-year extension, the contractor has agreed to freeze year five pricing through February 9, 2018.

The scope of work requires the contractor to provide eight trailers and six roll-off containers at nine locations throughout the City where the used and scrap tires will be left for pickup. The contractor transports the tires to its facility in Baytown, where the tires are shredded, processed and distributed for after-market applications, such as fuel, highway materials and other rubber-based products. This contract also allows the City to deliver tires directly to the contractor's location for disposal. The contractor is required to provide the aforementioned services in strict accordance with all requirements as defined by the Texas Commission on Environmental Quality.

This contract was awarded with an 11% M/WBE participation goal and Liberty Tire Recycling, LLC is currently achieving 9.901% of its goal. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Eric Alexander

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

M

19

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9462

Subject: Approve an Ordinance to Increase the Maximum Contract Amount and Authorize a First Amendment to Contract No. 4600010773 for Handling and Disposal of Hazardous Materials for Various Depts. S30-L23696-A2

Category #
4

Page 1 of 2

Agenda Item

19

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

Origination Date
September 18, 2012

Agenda Date
NOV 07 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 Nos. 2011-142; Pass 2/23/11 & 2011-782;
9/7/11

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$4,501,454.19 to \$6,801,114.19 to the contract between the City of Houston and SET Environmental, Inc. to extend the contract term from March 7, 2016 to March 6, 2018, and to revise the contract scope of services for handling and disposal of hazardous materials for various departments.

Maximum Contract Amount Increased by: \$2,299,660.00

Finance Budget

- \$ 926,800.00 - General Fund (1000)
- \$ 671,000.00 - Water & Sewer System Operating Fund (8300)
- \$ 50,000.00 - Fleet Management Fund (1005)
- \$ 300,000.00 - Storm Water Fund (2302)
- \$ 235,860.00 - HAS Revenue Fund (8001)
- \$ 36,000.00 - Laboratory Operations & Maintenance Fund (2008)
- \$ 80,000.00 - Dedicated Drainage & Street Revenue Fund (2310)

\$2,299,660.00 - TOTAL

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from \$4,501,454.19 to \$6,801,114.19; and authorize a first amendment to the contract between the City of Houston and SET Environmental, Inc. to extend the contract term from March 7, 2016 to March 6, 2018, and to revise the contract scope of services for handling and disposal of hazardous materials for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice.

The contract was awarded on February 23, 2011 by Ordinance No. 2011-142 for a three-year term, with two one-year options in the original amount of \$2,501,454.19; on September 7, 2011, by Ordinance No. 2011-782 the maximum contract amount was increased from \$2,501,454.19 to \$4,501,454.19. Expenditures as of September 18, 2012 totaled \$2,294,225.56. This first amendment will extend the contract term for two additional years and the revised contract scope of services shall provide the City with an aggregated cost savings of approximately \$625,000.00 throughout the remaining contract term.

The scope of work requires the contractor to provide all labor, supervision, materials, tools, and transportation necessary to contain spills; screen, remove and dispose of contaminated soils, asbestos and lead materials, drums, barrels, transformers or other containers; and all other services required in accordance with all applicable local, State and Federal laws and regulations pertaining to solid and liquid hazardous waste handling, transportation, storage and disposal.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MDT

19

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|--------------------|--|--------------------------------|-------------|
| Date: 9/18/2012 | Subject: Approve an Ordinance to Increase the Maximum Contract Amount and Authorize a First Amendment to Contract No. 4600010773 for Handling and Disposal of Hazardous Materials for Various Depts. S30-L23696-A2 | Originator's Initials RM | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

This contract was awarded as a goal-oriented contract with an 11% M/WBE participation goal, and the contractor is currently achieving 12.09%. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

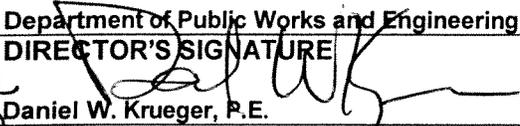
This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempted procurements.

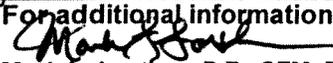
Buyer: Richard Morris

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 24.042 acres to Fort Bend County Municipal Utility District No. 25 (Key Map No. 527-S,T & 567) | Page 1 of 1 | Agenda Item # 20 |
|---|-----------------------|--------------------------------|

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|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/1/12 | Agenda Date NOV 07 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: |
|---|---|

RECOMMENDATION: (Summary)

The petition for the addition of 24.042 acres of land to Fort Bend County Municipal Utility District No. 25 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 25 has petitioned the City of Houston for consent to add 24.042 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.

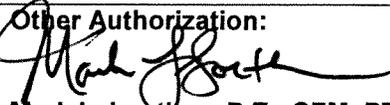
The district is located in the vicinity of Red Gully, Clodine Road, West Bellfort and Old Richmond Road. The district desires to add 24.042 acres, thus yielding a total of 1,499.9714 acres. The district is served by the Fort Bend County Municipal Utility District No. 25 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 25 is Oyster Creek which flow into Flat Bank Creek then to 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

| | |
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| REQUIRED AUTHORIZATION 20UPA149-A | |
| Finance Department | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div. |



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
10/17/12 JJK

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 24.042 acres to Fort Bend County MUD No. 25 under the provisions of Section 54.016, Texas Water Code.

[Signature]
Attorney for the District

Attorney: Terrie L. Sechrist

Address: 770 South Post Oak Lane, Suite 410, Houston, TX Zip: 77056 Phone: 713/395-4200

Engineer: John Sherrington, P.E.

Address: 14870 Skinner Road, Cypress, TX Zip: 77479 Phone: 281/758-1531

Owners: Fort Bend County MUD No. 25

Address: 18230 Old Richmond Road, Sugarland, TX Zip: 77498 Phone: 281/277-0129

(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 Tract 21 - Jesse H. Cartwright Abstract A-16

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

North of: Red Gully East of: Clodine Road
South of: West Bellfort (1/2 mile away) West of: Old Richmond Road -1 mile away

WATER DISTRICT DATA

Total Acreage of District: 1475.9294 Existing Plus Proposed Land 1499.9714 ✓

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

Single Family Residential 0% Multi-Family Residential 0%
Commercial 0% Industrial 0% Institutional 100%

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

Sewage Treatment Plant Name: FBMUD 25 STP SIC Code 952

NPDES/TPDES Permit No: 12003-001 TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.98

Ultimate Capacity (MGD): 1.6

Size of treatment plant site: 4.8154 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 1.6 MGD.

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: See attached

Water Treatment Plant Address: See attached

Well Permit No: See attached

Existing Capacity:

Well(s): See attached GPM

Booster Pump(s): See attached GPM

Tank(s): See attached MG

Ultimate Capacity:

Well(s): See attached GPM

Booster Pump(s): See attached GPM

Tank(s): See attached MG

Size of Treatment Plant Site: See attached

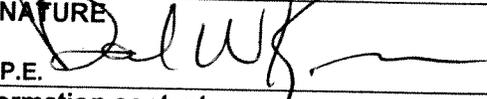
square feet/acres.

Comments or Additional Information: See attached

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 42.42 acres to Harris County Municipal Utility District No. 419 (Key Map No. 366-L, Q) | Page 1 of 1 | Agenda Item # 21 |
|---|-----------------------|--------------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/1/12 | Agenda Date NOV 07 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: |
|--|---|

RECOMMENDATION: (Summary)

The petition for the addition of 42.42 acres of land to Harris County Municipal Utility District No. 419 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 419 has petitioned the City of Houston for consent to add 42.42 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 Langham Creek, Katy-Hockley, Cypress Creek and Fry Road. The district desires to add 42.42 acres, thus yielding a total of 1,651.55 acres. The district is served by the Harris County Municipal Utility District No. 418 Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District Nos. 419 and 489. The nearest major drainage facility for Harris County Municipal Utility District No. 419 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

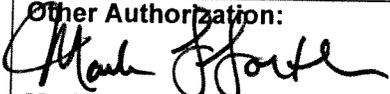
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their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

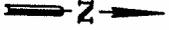
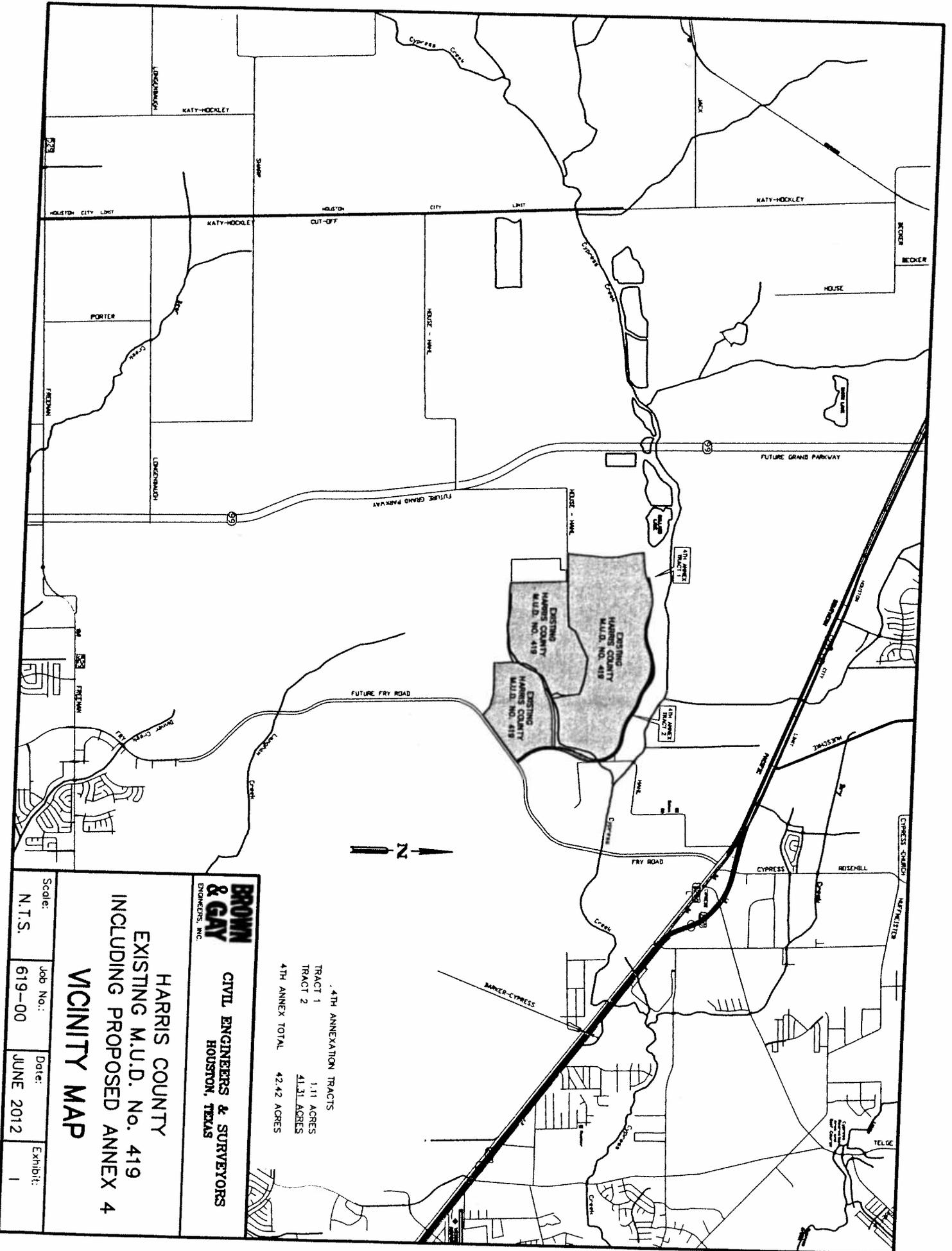
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

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

REQUIRED AUTHORIZATION 20UPA179

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



4TH ANNEXATION TRACTS
 TRACT 1 1.11 ACRES
 TRACT 2 41.31 ACRES
 4TH ANNEX TOTAL 42.42 ACRES

BROWN & GAY
 ENGINEERS, INC.
 CIVIL ENGINEERS & SURVEYORS
 HOUSTON, TEXAS

HARRIS COUNTY
 EXISTING M.U.D. No. 419
 INCLUDING PROPOSED ANNEX 4
VICINITY MAP

Scale: N.T.S.
 Job No.: 619-00
 Date: JUNE 2012
 Exhibit: 1



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

received
10/4/12 [Signature]

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

Application is hereby made for consent of the City of Houston to the creation/ addition of 42.42 acres to Harris County MUD No. 419 under the provisions of Chapters 49 and 54, Texas Water Code.

[Signature]
Attorney for the District

Attorney: Schwartz, Page & Harding, L.L.P.

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

Engineer: Brown & Gay Engineers, Inc.

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

Owners: Bridgeland Development, LP

Address: 23720 House Hahl Road, Cypress Zip: 77433 Phone: 281-213-9600

(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 See Attachment A Abstract See Attachment A

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

North of: Langham Creek ✓ East of: Katy-Hockley ✓
South of: Cypress Creek / West of: Fry Road ✓

WATER DISTRICT DATA

Total Acreage of District: 1,609.13 Existing Plus Proposed Land 1,651.55

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

Single Family Residential N/A Multi-Family Residential N/A

Commercial N/A Industrial N/A Institutional N/A

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

Sewage Treatment Plant Name: Harris County MUD No. 418 WWTP No. 1

NPDES/TPDES Permit No: WQ00144760011 TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.3

Ultimate Capacity (MGD): 6

Size of treatment plant site: 11 square feet/acres.

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

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

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

Total permitted capacity: 2.0

MGD of (Regional Plant).

Name of District: See Attachment B

MGD Capacity Allocation See Attachment B

or property owner(s)

Name of District: See Attachment B

MGD Capacity Allocation See Attachment B

Water Treatment Plant Name: HarrisCountyMUD No. 418 Water Plant No 1

Water Treatment Plant Address: 17520 House-Hahl Road, Houston, TX 77433

Well Permit No: 137137 and 137138

Existing Capacity:

Well(s): See Attachment B

GPM

Booster Pump(s): See Attach. B

GPM

Tank(s): See Attachment B

MG

Ultimate Capacity:

Well(s): See Attachment B

GPM

Booster Pump(s): See Attach B

GPM

Tank(s): See Attachment B

MG

Size of Treatment Plant Site: 3.3

square feet/acres.

Comments or Additional Information: Area sought to be annexed is for road purposes only.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|------------------------------|
| SUBJECT: Approve Second Amendment to correct the rental payments recited in the First Amendment to Lease Agreement with Beechnut Shopping Center, LP at 12660 Beechnut Street, Suite 180, for the Women, Infants and Children Nutrition Program of the Department of Health and Human Services | Page 1 of 1 | Agenda Item 22 |
|---|-----------------------|------------------------------|

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|---|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 11/2/12 | Agenda Date NOV 07 2012 |
|---|------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 11.02.12</i> | Council District affected: F |
|---|-------------------------------------|

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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. 2007-0164; February 7, 2007 Ordinance No. 2012-802; September 12, 2012 |
|---|--|

RECOMMENDATION: Approve and authorize Second Amendment to Lease Agreement with Beechnut Shopping Center, LP. (Landlord) to correct the rental payments recited in the First Amendment to Lease Agreement.

| | |
|--|------------------------|
| Amount and Source Of Funding: N/A | Finance Budget: |
| Previous Funding: Federal State Local – Pass Through Fund (5030) – WIC Grant \$1,436,022.00 Initial Base Term | |

SPECIFIC EXPLANATION: On September 12, 2012, Ordinance No. 2012-802, City Council approved a First Amendment to Lease Agreement with Beechnut Shopping Center, LP., (Landlord) at 12660 Beechnut Street, Suite 180, Houston, Texas for the Women, Infants and Children Nutrition Program of the Department of Health and Human Services to amend the lease to further extend the lease term; increase the amount of square footage; establish an additional monthly rental for the increased space; and provide for the Landlord's build-out of the additional space. While the original RCA presented to Council was correct, the rental payments recited in the First Amendment to Lease Agreement were incorrect. The requested action will replace the incorrectly stated rental payments in the First Amendment with the correct rental payments listed below:

| Year | Monthly Payment | Annual Payment |
|-------------|-----------------|----------------|
| Year 1 - 3 | \$11,009.25 | \$132,111.00 |
| Year 4 - 6 | \$11,534.25 | \$138,411.00 |
| Year 7 - 8 | \$11,796.75 | \$141,561.00 |
| Year 9 - 10 | \$12,059.75 | \$144,711.00 |

All other terms and conditions of the amended lease remain the same.

Therefore, the General Services Department recommends approval of a Second Amendment to Lease Agreement with Beechnut Shopping Center, LP (Landlord) at 12660 Beechnut Street, Suite 180, for the Women, Infants and Children Nutrition Program of the Department of Health and Human Services to correct the rental payments recited in the First Amendment to Lease Agreement.

SM:HB:JLN:RB:npb
 xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell, and Claudette Manning

REQUIRED AUTHORIZATION CUIC ID# 25 RB 144

| | | |
|--|--|---|
| General Services Department:  Humberto Bautista, P.E. Assistant Director | | Department of Health and Human Services: Stephen L. Williams, M.Ed., M.P.A. Director |
|--|--|---|

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|--------------------------|
| SUBJECT: Award Construction Contract Times Construction, Inc. Moody Park Community Center WBS No. F-000700-0001-4 | Page 1 of 2 | Agenda Item 23 |
|---|-----------------------|--------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 10/29/12 | Agenda Date NOV 07 2012 |
|---|-------------------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 10/19/12</i> | Council District affected: H |
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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: |
|---|---|

RECOMMENDATION: Award construction contract and appropriate funds for the project.

| | |
|---|-----------------------------|
| Amount and Source of Funding: \$ 3,783,845.00 Parks Consolidated Construction Fund (4502) | Finance Budget: ✓ |
|---|-----------------------------|

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Times Construction, Inc. on the proposal amount of \$3,494,000.00 to provide construction services for Moody Park Community Center for the Houston Parks and Recreation Department.

PROJECT LOCATION: 3725 Fulton (453Y)

PROJECT DESCRIPTION: The scope includes both renovation and expansion of the community center. The building expansion will be approximately 7,000 square feet and include a new entry lobby, classroom and large meeting room with a serving area, support spaces and restrooms. The expansion will create an outdoor courtyard with unique paving patterns tying the outdoor and indoor spaces together. Building renovations will include new roof, new mechanical systems, new plumbing, new lighting, painting and structural repairs. Restrooms, weight room, classroom, gym and offices will be upgraded. In order to open up the interior space, the lay-in ceiling in the weight room and classroom will be removed. Exterior windows will be replaced and added. Furniture, appliances and weight equipment will be provided. Exterior renovations include new sidewalks, landscape and irrigation around the building, exterior lighting, seat walls, playground enclosure, shade sails over the new courtyard and a covered walkway along the building near the parking lot. Playground replacement will be accomplished under a separate contract.

The contract duration for this project is 365 days. Clark Condon Associates, Inc. is the design consultant and GSD is the construction manager for this project.

PROPOSALS: On June 8 and June 15, 2012, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for Moody Park Community Center. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on June 28, 2012, and eight firms responded. GSD evaluated the respondents and six of the eight firms received sufficient points and were requested to submit proposals. Five firms submitted proposals. Times Construction, Inc. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.

REQUIRED AUTHORIZATION CUI ID # 25PARK187

General Services Department:

Richard A. Wella
Chief of Design & Construction Division

Houston Parks and Recreation Department:

Joe Turner
Director

| | | | |
|-------------|---|---|---------------------------|
| Date | SUBJECT: Award Construction Contract Times Construction, Inc. Moody Park Community Center WBS No. F-000700-0001-4 | Originator's Initials CFP | Page 2 of 2 |
|-------------|---|---|---------------------------|

PROPOSALS CONT: The five firms are ranked as follows:

PROPOSER

1. Times Construction, Inc.
2. Division One Construction, LLC.
3. Prime Contractors, Inc.
4. Teal Construction Company, Inc.
5. Carrera Construction, Inc.

AWARD: It is recommended that City Council award the construction contract to Times Construction, Inc. and appropriate funds for the project, including an additional appropriation of \$54,000.00 for engineering and materials testing services under the existing contract with Aviles Engineering Corporation.

FUNDING SUMMARY:

| | |
|------------------------|-----------------------------------|
| \$ 3,494,000.00 | Construction Contract Services |
| \$ 174,700.00 | 5% Contingency |
| \$ 3,668,700.00 | Total Contract Services |
| \$ 61,145.00 | Civic Art (1.75%) |
| \$ 54,000.00 | Engineering and Materials Testing |
| \$ 3,783,845.00 | Total Funding |

CONSTRUCTION GOALS: A 14% MBE goal and 10% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

FIRM (MBE)

T. Bradshaw Plumbing Company
S & S Masonry II, LLC

| <u>SCOPE</u> | <u>AMOUNT</u> | <u>% OF CONTRACT</u> |
|--------------|---------------------|----------------------|
| Plumbing | \$218,442.00 | 6.25% |
| Masonry | \$319,000.00 | 9.13% |
| TOTAL | \$537,442.00 | 15.38% |

FIRM (SBE)

Arc Light Electric, Inc.
El Dorado Services, LLC dba El Dorado Construction

| <u>SCOPE</u> | <u>AMOUNT</u> | <u>% OF CONTRACT</u> |
|--------------|---------------------|----------------------|
| Electrical | \$320,000.00 | 9.16% |
| Concrete | \$ 80,000.00 | 2.28% |
| TOTAL | \$400,000.00 | 11.44% |

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

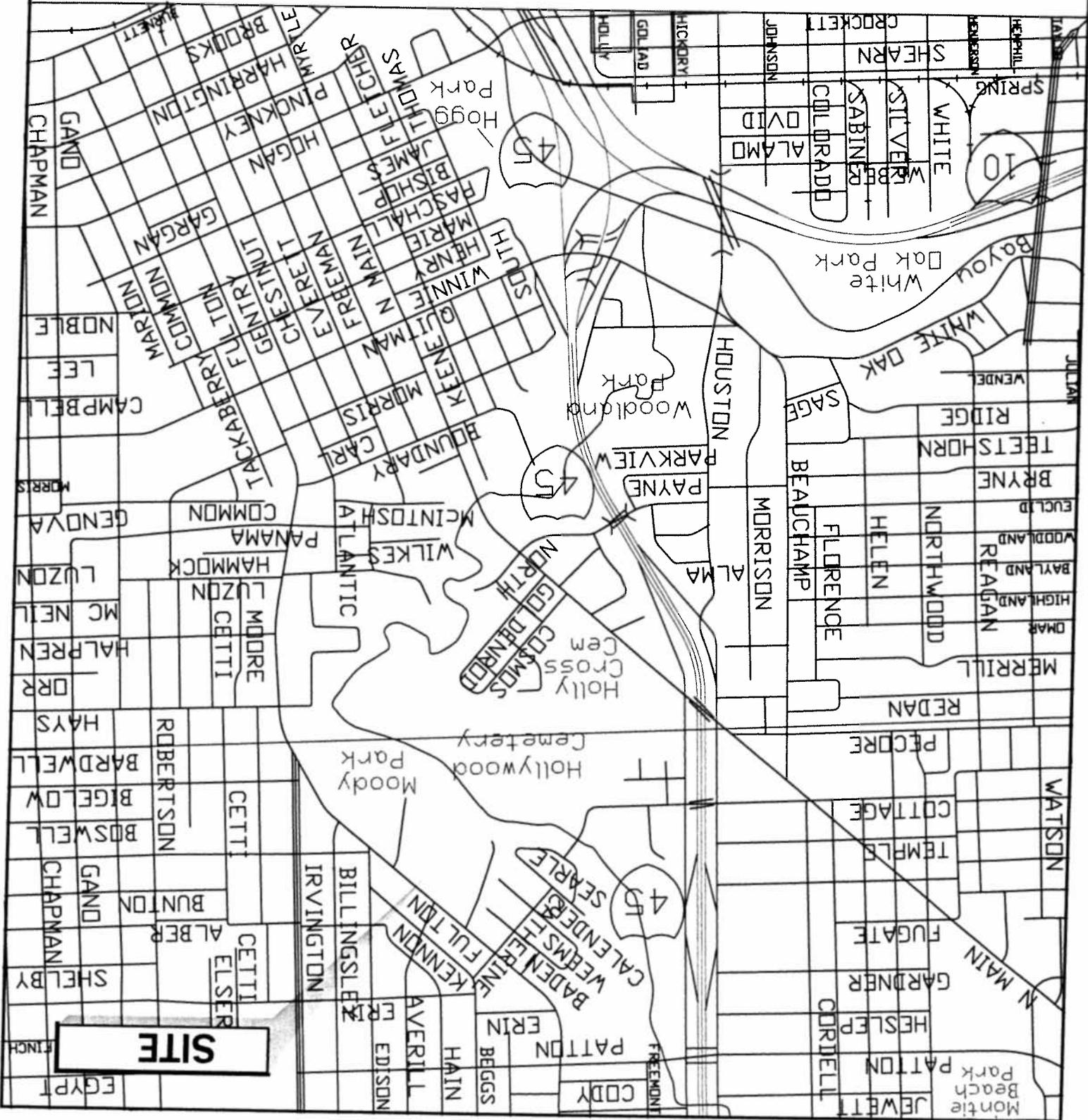
HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' Ordinance that promotes economic opportunities for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

SM:JLN:RAV:LJ:CFP:cfp
c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Calvin Curtis, Morris Scott, Gabriel Mussio, Chris Gonzales, Martha Leyva, Luci Correa, File 712

HOUSTON, TX 77009-4757

3725 FULTON

MOODY PARK



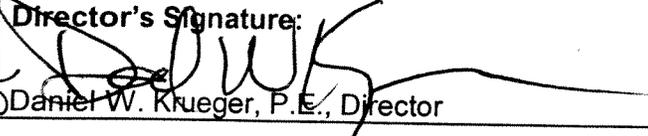
SITE

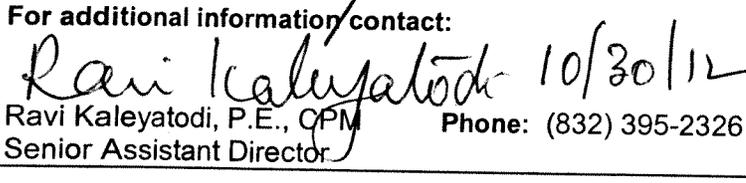
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

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|--|-----------------------|----------------------------|
| SUBJECT: Ordinance amendment for Kingwood Lift Station No. 21 Renewal and Replacement. WBS No. R-000267-0098-4 | Page 1 of 1 | Agenda Item # 24 |
|--|-----------------------|----------------------------|

| | | |
|---|-------------------------------------|------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: 11/1/12 | Agenda Date: NOV 07 2012 |
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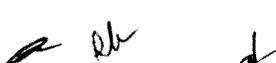
| | |
|---|--|
| Director's Signature:  Daniel W. Krueger, P.E., Director | Council District affected: E |
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|--|--|
| For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326 | Date and identification of prior authorizing Council action: Ordinance No. 2012-0365; 05/02/12 |
|--|--|

RECOMMENDATION: (Summary)
Approve amendment of Ordinance No. 2012-0365 to correct the Outline Agreement Number.

Amount and Source of Funding:
N/A

SPECIFIC EXPLANATION: The materials testing laboratory Outline Agreement Number in the original construction award ordinance 2012-0365 has been incorrectly referenced to 4600009907. The correct Outline Agreement Number for the materials engineering laboratory contract, with A & R Engineering and Testing, Inc., is 4600009535.


DWK:DRM:RK:EN:BZ:AKH:pa
c: File No. R-000267-0098-3

| | | |
|-------------------------------|-----------------------------|---|
| REQUIRED AUTHORIZATION | | CUIC ID #20AKH32 |
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |

R

| | | |
|--|----------------|---------------------|
| SUBJECT: Contract Award for Work Order Clearing and Grubbing WBS No. N-000396-0022-4 | Page 1 of 2 | Agenda Item # 25 |
|--|----------------|---------------------|

| | | |
|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 11/1/12 | Agenda Date NOV 07 2012 |
|--|------------------------------------|-----------------------------------|

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|--|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E. | Council District affected: ALL |
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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: |
|---|---|

RECOMMENDATION: (Summary)
 Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
 \$297,000.00 from Fund 4040-METRO Projects Construction DDSRF *M.P. 11/1/2012*

PROJECT NOTICE/JUSTIFICATION: This is a Work Order Contract for clearing and grubbing services and will be used primarily for clearing construction project sites to facilitate the relocation of private utility lines. Clearing and grubbing involves removing vegetation, trees, structures, utilities and appurtenances from the site and must be performed before private utility companies will relocate their lines out of the construction zone. The scope of the work includes mobilization, traffic control, demolition, removal and relocation of identified structures and items.

DESCRIPTION/SCOPE: The work detailed in the contract is for clearing and grubbing services in various locations throughout the City of Houston in anticipation of construction projects. The scope of work will be determined and work orders will be issued on an as-needed basis.

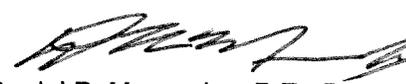
The Contract duration for this project is 365 calendar days. The Contract was designed in-house by Public Works and Engineering Department staff.

LOCATION: The project is located throughout the City of Houston.

BIDS: Bids were received on July 26, 2012. Three (3) bids are as follows:

| <u>Bidder</u> | <u>Adjustment Factor</u> |
|--|--------------------------|
| 1. Personal Care, Inc. dba DeWalt Construction Company | 1.099 |
| 2. Resicom, Inc. | 1.350 |
| 3. Reliance Construction Services, L.P. | 1.948 |

LTS No. 3688 REQUIRED AUTHORIZATION CUIC ID #20SG12 *A*

| | | |
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| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|---|

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|------|---|---|----------------|
| Date | Subject: Contract Award for Work Order Clearing and Grubbing WBS No. N-000396-0022-4 | Originator's Initials  | Page 2 of 2 |
|------|---|---|----------------|

AWARD: It is recommended that this construction contract be awarded to Personal Care, Inc. dba DeWalt Construction Company with low bid of \$265,000.00(Adjustment Factor 1.099) and that Addendum No.1 be part of this contract.

PROJECT COST: The total cost of this project is \$297,000.00 to be appropriated as follows:

- Bid Amount \$265,000.00
- Contingencies \$13,250.00
- CIP Cost Recovery \$18,750.00

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.

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: No City M/WSBE participation goal has been established for this project award. The contract does not qualify as goal oriented since the contract amount does not exceed the \$1,000,000.00 threshold for construction work per Section 15-82 of the Code of Ordinance.

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

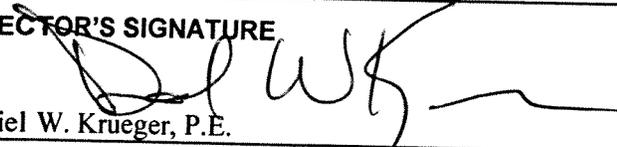
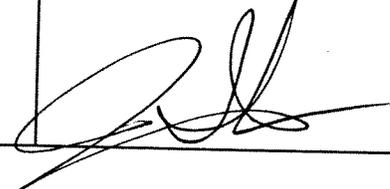

DWK:DRM:RK:JHK:TC:SG

H:\design\VA-SB-DIV\WPDATA\TC-SG\Project\Work Order Clearing & Grubbing\Const RCA\Construction RCA.docx

File: N-000396-0022-4 (3.7 Construction RCA)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|--|-----------------------------------|
| SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000295-0041-4 | | Page 1 of 2 | Agenda Item # 26 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 11/1/12 | Agenda Date NOV 07 2012 |
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E. | | Council District affected: All | |
| For additional information contact: Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989 | | Date and identification of prior authorizing Council action: N/A | |
| RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds. | | | |
| Amount and Source of Funding: \$4,089,173.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. <i>M.P. 10/11/2012</i> | | | |
| SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City. | | | |
| DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The contract duration for this project is 540 calendar days. | | | |
| LOCATION: The project area is generally bounded by the City Limits. | | | |
| BIDS: Two (2) bids were received on July 12, 2012 for this project as follows: | | | |
| <u>Bidder</u> | | <u>Bid Amount</u> | |
| 1. Portland Utilities Construction Company, LLC | | \$3,837,307.50 | |
| 2. PM Construction & Rehab, LLC | | \$4,103,928.64 | |
| LTS No. 3780 | | REQUIRED AUTHORIZATION | |
| File/Project No. WW 4257-131 | | CUIC# 20JAI437 | |
| Finance Department ✓ | Other Authorization:  | Other Authorization: <i>June 3 Lovest</i> FOR Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division | |

| | | | |
|-------------|--|------------------------------|-----------------------|
| Date | Subject: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000295-0041-4 | Originator's Initials | Page 2 of 2 |
|-------------|--|------------------------------|-----------------------|

AWARD: It is recommended that this construction contract be awarded to Portland Utilities Construction Company, LLC, with a low bid of \$3,837,307.50.

PROJECT COST: The total cost of this project is \$4,089,173.00 to be appropriated as follows:

- Bid Amount \$3,837,307.50
- Contingencies \$191,865.50
- Engineering Testing Services \$60,000.00

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

HIRE HOUSTON FIRST: Hire Houston First does not apply to this expenditure, because it involves the use of federal funds and is subject to specific procurement rules of the federal government.

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

M/W/SBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the City of Houston. The bidder has proposed an MBE participation of 19.00% and WBE participation of 5.00%.

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|---------------------------------|-------------------------|---------------------|----------------------|
| Rudy's Contracting, Inc. | Open Cut/Services | \$190,000.00 | 4.95% |
| SCMU | Paving | \$50,000.00 | 1.30% |
| T. Construction, LLC | Pipe Bursting/Services | \$189,088.42 | 4.93% |
| J. A. Gamez, Trucking Services | Dump Truck Services | \$110,000.00 | 2.87% |
| Standard Cement Materials, Inc. | Manhole Rehabilitation | \$190,000.00 | 4.95% |
| | TOTAL | \$729,088.42 | 19.00% |

| <u>WBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|----------------------------|-------------------------|---------------------|----------------------|
| Deanie Hayes, Inc. | Supplies | \$91,865.38 | 2.39% |
| CBL Industries, LLC | Asphalt/Paving | \$100,000.00 | 2.61% |
| | TOTAL | \$191,865.38 | 5.00% |

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

JDR MJ
DWK:JC:JI:DR:MB:lt

File No. WW 4257-131

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

| | | |
|--|-----------------------|----------------------------|
| SUBJECT: Contract Award for Water Line Replacement in Beamer Area. WBS No. S-000035-0128-4 | Page 1 of 2 | Agenda Item # 27 |
|--|-----------------------|----------------------------|

| | | |
|---|--------------------------------------|------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: 10/25/12 | Agenda Date: NOV 07 2012 |
|---|--------------------------------------|------------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Director | Council District affected: D <i>CA</i> |
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| For additional information contact: <i>Ravi Kaleyatodi</i> 10/3/12 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
\$3,049,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500. *U.P. 10/11/2010*

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

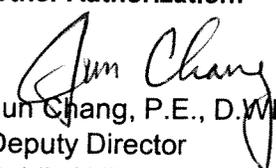
DESCRIPTION/SCOPE: This project consists of approximately 33,866 linear feet of 4-inch, 6-inch, 8-inch and 12- inch diameter water lines, valves and appurtenances. The contract duration for this project is 260 calendar days. This project was designed by CLR, Inc.

LOCATION: The project area is generally bound by Fuqua on the north, South Sam Houston Parkway East on the south, Beamer Road on the east, and Stover Street on the west. The project is located in Key Map Grids 576 S, T, W & X.

BIDS: Bids were received on August 23, 2012. The eight (8) bids are as follows:

| <u>Bidder</u> | <u>Bid Amount</u> |
|-----------------------------------|---------------------------------|
| 1. McKinney Construction, Inc. | \$2,664,220.00 |
| 2. Reeves Contracting Company | \$2,820,996.00 (Irregularities) |
| 3. Calco Contracting, LTD | \$2,980,900.00 |
| 4. D.L. Elliott Enterprises, Inc. | \$3,119,227.00 |
| 5. Metro City Construction, L.P. | \$3,191,967.00 |
| 6. DCE Construction, Inc. | \$3,288,774.00 |
| 7. Resicom, Inc. | \$3,291,291.00 |
| 8. T Construction, LLC. | \$3,586,241.00 |

LTS No. 3697 CUIC ID # 20MHC13

| | | |
|---------------------------|--|---|
| Finance Department | Other Authorization:  Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division | Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division |
|---------------------------|--|---|

AWARD: It is recommended that this construction contract be awarded to McKinney Construction, Inc., with a low bid of \$2,664,220.00 and that no Addendum be made a part of this contract.

PROJECT COST: The total cost of this project is \$3,049,000.00 to be appropriated as follows:

- Bid Amount \$2,664,220.00
- Contingencies \$133,211.00
- Engineering and Testing Services \$65,000.00
- CIP Cost Recovery \$186,569.00

Engineering and Testing Services will be provided by Alliance Laboratories, 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.

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

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|--------------------------------------|-----------------------------|---------------------|----------------------|
| 1. Texas Fluid Power Products, Inc. | Valves for Various Services | \$239,780.00 | 9.00% |
| 2. R B Landscaping Company | Landscaping Service | \$53,290.00 | 2.00% |
| MBE Subtotal | | \$293,070.00 | 11.00% |
| <u>SBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
| 1. Miranda Trucking & Services, Inc. | Haul Materials | \$133,220.00 | 5.00% |
| 2. Mickie Service Company, Inc. | Installation of Hot Taps | \$106,570.00 | 4.00% |
| SBE Subtotal | | \$239,790.00 | 9.00% |
| TOTAL | | \$532,860.00 | 20.00% |

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

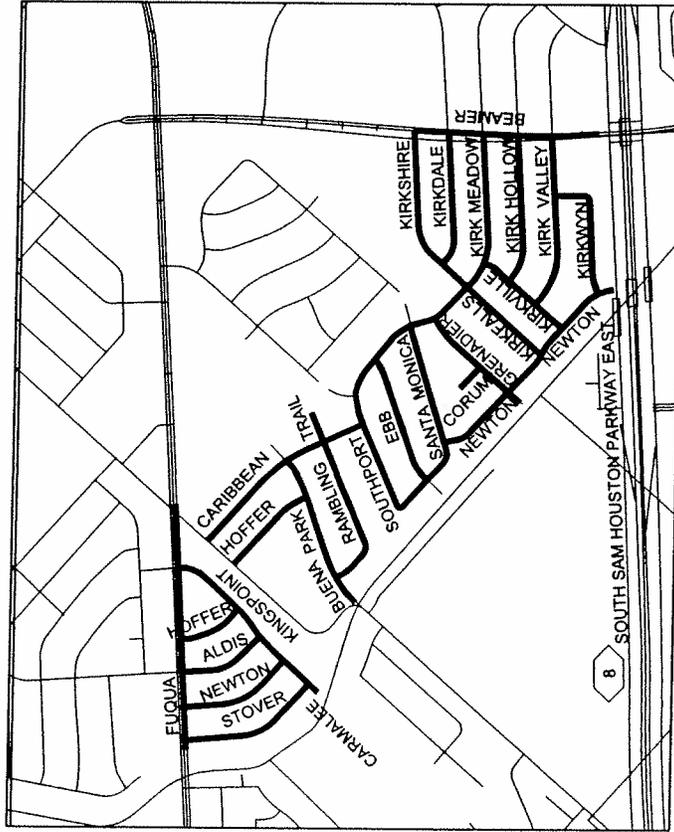
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c: File No. S-000035-0128-3 (3.7)

PUBLIC WORKS & ENGINEERING DEPARTMENT

ENGINEERING AND CONSTRUCTION DIVISION
 WATER LINE REPLACEMENT IN BEAMER AREA
 WBS NO. S-000035-0128-4



VICINITY MAP
 KEY MAP GRID 576 S,T,W,X
 COUNCIL DISTRICT D
 COUNCIL MEMBER
 WANDA ADAMS

LEGEND
 — EXIST ROAD
 — ROAD WITH PROPOSED WATERLINE

| STREET NAME | FROM | TO | SIZE (IN) | LENGTH (FT) | DISTRICT |
|----------------|-------------|--------------------------------|-----------|-------------|----------|
| STOVER | FLUQUA | CARMALEE | 8 | 1198 | D |
| NEWTON | FLUQUA | CARMALEE | 8 | 873 | D |
| ALDIS | FLUQUA | CARMALEE | 6 & 8 | 909 | D |
| HOFFER | FLUQUA | CARMALEE | 8 | 521 | D |
| CARMALEE | FLUQUA | STOVER | 6, 8 & 12 | 1823 | D |
| CARIBBEAN | KINGSSPOINT | KIRK FALLS | 8 | 3233 | D |
| HOFFER | KINGSSPOINT | BUENA PARK | 8 | 861 | D |
| BUENA PARK | KINGSSPOINT | CARIBBEAN | 4, 8 & 12 | 1479 | D |
| RAMBLING TRAIL | BUENA PARK | END (EAST) | 8 | 1861 | D |
| SOUTHPORT | NEWTON | CARIBBEAN | 8 | 970 | D |
| EBB | NEWTON | CARIBBEAN | 8 | 1160 | D |
| SANTA MONICA | NEWTON | CARIBBEAN | 8 | 1076 | D |
| NEWTON | SOUTHPORT | KIRK FALLS | 8 | 1870 | D |
| NEWTON | KIRK FALLS | SOUTH SAM HOUSTON PARKWAY EAST | 8 | 627 | D |
| CORUM | GREMADIER | END | 8 | 615 | D |
| GREMADIER | NEWTON | CARIBBEAN | 8 | 822 | D |
| KIRKSHIRE | BEAMER | KIRKDALE | 4 & 8 | 1081 | D |
| KIRK FALLS | NEWTON | KIRKDALE | 8 | 1280 | D |
| KIRKVILLE | NEWTON | KIRKMEADOW | 8 | 878 | D |
| KIRKDALE | KIRK FALLS | BEAMER | 8 | 1238 | D |
| KIRKMEADOW | KIRK FALLS | BEAMER | 6 & 8 | 1444 | D |
| KIRKHOLLOW | KIRKVILLE | BEAMER | 6 & 8 | 1421 | D |
| KIRKVALLEY | KIRKVILLE | BEAMER | 6 & 8 | 1562 | D |
| KIRKWAYN | NEWTON | KIRKVALLEY | 8 | 1116 | D |
| BEAMER | KIRKSHIRE | SOUTH SAM HOUSTON PARKWAY EAST | 12 | 1614 | D |
| FLUQUA | STOVER | KINGSPPOINT | 8 & 12 | 2534 | D |
| | | TOTAL | | 33,866 | |

CLR, Inc.

TX Firm Reg. No. 275

Engineers • Surveyors • GIS
 19530 F.M. 362, Waller, Texas 77484
 Phone: (713) 462-0993 Fax: (713) 462-2732

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|--|------------------------|--|
| SUBJECT: Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes | | Category # | Page 1 of 1 | Agenda Item # 28-4/A |
| FROM (Department or other point of origin): Planning and Development Department | | Origination Date October 29, 2012 | | Agenda Date November 7, 2012 |
| DIRECTOR'S SIGNATURE: <i>Martina K. Crinejo</i> | | Council District affected: A, B, E & F | | |
| For additional information contact: Nicole Smothers Phone: 713-837-7856 | | Date and identification of prior authorizing Council action: Public Hearings: April 4 and April 11 | | |
| RECOMMENDATION: (Summary) That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of the territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts. | | | | |
| Amount and Source of Funding: | | | Finance Budget: | |
| SPECIFIC EXPLANATION: The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the utility districts listed below. In each of these Districts, the city is annexing only commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. In addition, the city will levy a 1 percent sales tax and all taxes collected in the areas will be divided evenly between the City and the District. For each of the Districts that include the annexation of territory outside of the District's boundary, the city will extend Section 6-3 of the Code of Ordinances regarding the running at large of domestic animals. In areas where there is no out of District territory being annexed, the city is not required to provide a service. All agreements require public notice and two public hearings which were held on October 10 th and October 17 th . Amendments to Existing Agreements: Cypress Forest PUD (Amendment 1) Harris County MUD No. 53 (Amendment 1) Harris County MUD No. 221 (Amendment 2) Harris County MUD No. 468 (Amendment 1) New Agreements: Fort Bend MUD No. 133 Harris County FWSD No. 47 Harris County MUD No. 118 Harris County MUD No. 239 Harris County MUD No. 374 Montgomery County MUD No. 119 North West Harris County MUD No. 24 North West Harris County MUD No. 32 West Harris County MUD No. 2 West Harris County MUD No. 11 Council District assignments of the newly annexed areas are detailed on the accompanying memorandum. Attachment Copy: Marta Crinejo, Agenda Director David Feldman, City Attorney Anna Russell, City Secretary Sameera Mahendru, Assistant City Attorney | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director: | | Other Authorization: | | Other Authorization: |



CITY OF HOUSTON

Planning and Development Department

Interoffice

Correspondence

To: David Feldman, City Attorney

From: 
Marlene Gafrick
Planning Director

Date: October 23, 2012

Subject: Assignment of Newly Annexed Areas

The City is currently annexing parts of 15 utility districts for limited purposes. I am proposing the following assignment to Council Districts for the newly annexed areas. In each case, I am referring to only the portion of the election precinct that has been newly annexed. Each of these precincts is assigned to its adjacent district as drawn following the 2011 redistricting. Please let me know if you need additional information.

District A:

Cypress Forest PUD; 0515, 0623
Harris County MUD No. 118; 0723, 0861
Harris County MUD No. 239; 0617, 0881
Harris County MUD No. 374; 0143, 0300
Harris County MUD No. 468; 0484, 0515, 0668
Northwest Harris County MUD No. 24; 0511, 0597, 0841, 0873, 0884
Northwest Harris County MUD No. 32; 0672
West Harris County MUD No. 11; 0244, 0609, 0661, 0687, 0759
West Harris County MUD No. 2; 0603

District B:

Harris County MUD No. 221; 0342, 0657, 0883
Montgomery County MUD No. 119; 0046^
Northwest Harris County MUD No. 24; 0613

District E:

Harris County FWSD No. 47; 0375, 0381, 0605, 0719, 0827
Harris County MUD No. 53; 0368, 0381, 0460, 0605

District F:

Fort Bend County MUD No. 133; 3095*

Precincts noted with * are in Fort Bend County, the ones noted with ^ are in Montgomery County and all others are located within Harris County. Northwest Harris County MUD No. 24 has Voting Precincts in 2 Council Districts.

MLG/nbs

cc: Marta Crinejo, Agenda Director
Don Cheatham, Legal Department
Sameera Mahendru, Legal Department

42

NOV 07 2012

MOTION NO. 2012 0761

MOTION by Council Member Pennington that the following item be postponed for two weeks:

Item 19 - Ordinance relating to the Fiscal Affairs of the Memorial City Redevelopment Authority on behalf of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone); approving the Fiscal Year 2013 Operating Budget for the Authority and the Fiscal Years 2013-2017 Capital Improvements Budget for the Zone

Seconded by Council Member Bradford and carried.

Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Green, Costello, Burks, Noriega, Bradford and Christie voting aye
Nays none

Council Member Adams absent on City business

PASSED AND ADOPTED this 24th day of October 2012.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 30, 2012.

City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance approving the Fiscal Year 2013 Operating Budget for the Memorial City Redevelopment Authority and the Fiscal Years 2013-2017 Capital Improvement (CIP) Budget for Reinvestment Zone Number Seventeen (Memorial City Zone).

| | | | |
|------------|----------------------|--------------------|----|
| Category # | Page 1 of 2 42 | Agenda Item# 19 | 20 |
|------------|----------------------|--------------------|----|

FROM: (Department or other point of origin):

Andrew F. Icken
Chief Development Officer

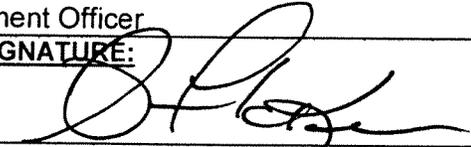
Origination Date

9/13/12

Agenda Date

~~OCT 17 2012~~

DIRECTOR'S SIGNATURE:



Council Districts affected:

A, G

~~OCT 24 2012~~
NOV 07 2012

For additional information contact:

Ralph De Leon Phone: (832) 393-0985

Date and identification of prior authorizing Council Action:

Ord. No. 2011-0730, 8/17/11

SEE BACK UP FOR ITEM 20 on 10/17/12

RECOMMENDATION: (Summary)

That City Council adopt an ordinance approving the Fiscal Year 2013 Operating Budget for Memorial City Redevelopment Authority and the Fiscal Years 2013-2017 CIP Budget for Reinvestment Zone Number Seventeen (Memorial City Zone).

Amount of Funding: No Funding Required

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

SPECIFIC EXPLANATION:

The Administration has undertaken a comprehensive review of proposed FY13 TIRZ budgets and recommends approval of the FY13 Operating Budget for the Memorial City Redevelopment Authority (the Authority) and the FY13-FY17 CIP Budget for Reinvestment Zone Number Seventeen (the Zone).

- Total Operating Budget for FY13 is \$21,555,272 which includes \$851,905 for required fund transfers and \$20,703,367 for Project Costs.
- The FY13-17 CIP Budget for the Zone totals \$62,686,920. The CIP Budget includes provisions for the design and construction of flood remediation infrastructure, public utilities and mobility improvements.
- The FY13 Operating Budget includes \$17,202,000 for capital expenditures and \$211,282 for administration and overhead. The Authority must advise the Chief Development Officer of any budget amendments. Adjustments to the Project Costs in the Operating Budget that exceed \$400,000 require City Council approval.

Attachments: FY13 Operating Budget and FY13-FY17 CIP Budget

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

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

43

NOV 07 2012

MOTION NO. 2012 0763

MOTION by Council Member Costello that the following item be postponed for one week to allow the City Attorney to negotiate with the business owner on an acceptable way of allowing this process to proceed on to our acceptance and to include some payment with the Registry of the court in good faith:

Item 1a - Ordinance terminating the cable television franchise granted to TVMAX Houston, L.P. by City of Houston, Texas Ordinance No. 2005-582, as amended by Ordinance No. 2010-559

Seconded by Council Member Bradford and carried.

Mayor Parker, Council Members Brown, Davis, Cohen, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Green, Costello, Burks, Noriega, Bradford and Christie voting aye
Nays none
Council Member Sullivan absent

PASSED AND ADOPTED this 31st day of October, 2012.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 6, 2012.


City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: AN ORDINANCE TERMINATING THE CABLE TELEVISION FRANCHISE GRANTED TO TVMAX HOUSTON, L.P. BY CITY OF HOUSTON ORDINANCE NO. 2005-582, AS AMENDED BY ORDINANCE NO. 2010-559.

Category #

Page 1 of 1

Agenda Item

43 #A

FROM (Department or other point of origin):

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

Origination Date

October 22, 2012

Agenda Date

NOV 07 2012
~~OCT 31 2012~~

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

Tina Paez Phone: (713) 837-9630
Juan Olguin Phone: (713) 837-9623

Date and Identification of prior authorizing Council Action:

Ord. 2005-582 (5-18-2005), Ord. 2010-559 (7-14-2010)

RECOMMENDATION: (Summary)

The Administration and Regulatory Affairs Department (ARA) recommends City Council approve an ordinance terminating the cable television franchise granted to TVMAX Houston, L.P. by City of Houston Ordinance No. 2005-582, as amended by Ordinance No. 2010-559.

Amount of Funding: N/A

Finance/Budget

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

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department (Director) recommends City Council approve an ordinance terminating the cable television franchise granted to TVMAX Houston, L.P. by City of Houston Ordinance No. 2005-582, as amended by Ordinance No. 2010-559.

TVMAX Houston, L.P. d/b/a Wavevision ("TVMAX") is a City of Houston cable franchisee serving residences throughout the City of Houston, comprised predominantly of multifamily dwellings. Under the terms of the franchise, TVMAX is required to pay the City a quarterly franchise fee, a quarterly fee in support of Public, Educational and Governmental programming, and an annual capital contribution. Despite extensive efforts by ARA and the City Attorney's Office to work with TVMAX, TVMAX has failed to cure its defaults under the Franchise and has failed to pay sums due and owing under the Franchise totaling \$809,789.91.

The Director has complied with all provisions of the Franchise requiring notice of default to TVMAX and opportunity for cure prerequisite to franchise termination, including notice and opportunity to be heard at a public hearing held before City Council on October 31, 2012 beginning at 9:00 a.m.

The Director recommends City Council approve the proposed ordinance terminating the cable television franchise granted to TVMAX Houston, L.P. by City of Houston Ordinance No. 2005-582, as amended by Ordinance No. 2010-559.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

cus

1A

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9431

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount and Authorize a First Amendment to Contract No. 4600010399 for Moving & Storage of Household Goods for the Housing and Community Development Department/ S23-L23482-A1.

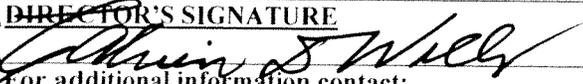
Category #
4

Page 1 of 1 Agenda Item
44 #7

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

Origination Date
 October 23, 2012

Agenda Date
 NOV 07 2012
~~OCT 31 2012~~

DIRECTOR'S SIGNATURE


Council District(s) affected
 All

For additional information contact:
 Marc Eichenbaum Phone: (713) 865-4557
 Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:
 Ord. No. 2011-0043; Passed January 12, 2011

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$235,568.00 to \$435,568.00, and authorize a first amendment to the contract between the City of Houston and Crown Relocations to change the contractor name to Crown Pacific, Inc. for the moving and storage of household goods for the Housing & Community Development Department.

Maximum Contract Amount Increased by: \$200,000.00

Finance Budget

\$200,000.00 - Community Development Block Grant Fund (5000)

SPECIFIC EXPLANATION:

The Director of the Housing & Community Development Department and the City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount from \$235,568.00 to \$435,568.00, and authorize a first amendment to the contract between the City of Houston and Crown Relocations to change the contractor name to Crown Pacific, Inc. for the moving and storage of household goods for the Housing & Community Development Department (HCDD). The City Purchasing Agent/Director may terminate this contract at any time upon 30-days written notice.

The contract was awarded on January 12, 2011 by Ordinance No. 2011-0043 for a one-year term, with a one-year option in the amount of \$235,568.00. Expenditures as of September 27, 2012 totaled \$219,074.35. The necessary increase to the maximum contract amount is required due to the unforeseen increase in the number of homes that need to be reconstructed in the Single Family Disaster Recovery Reconstruction Program. The additional funds requested shall sustain HCDD through the end of the contract term of January 31, 2013.

The scope of work requires the contractor to provide all labor, supervision, materials, equipment, tools, storage facilities, and transportation necessary to provide moving and storage of household goods for the HCDD clients. The moving and storage of household goods will be provided to clients as part of HCDD's Temporary Relocation Assistance Program, where the client's household goods will be temporarily moved to either a storage facility; an apartment provided by the City; or, for clients temporarily residing with relatives, household goods will be split between a storage facility and the temporary residence. After the client's home has been repaired or reconstructed, the contractor will be required to move the household goods back into the residence.

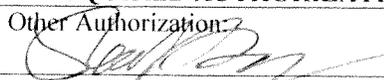
This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) (A) of the Texas Local Government Code for exempt procurements.

This contract was awarded with an 11% M/WBE participation goal; Crown Relocations is currently achieving 0% of the required M/WBE goal. HCDD has put in place a MBE/SBE Monitoring Officer who will monitor this contract to ensure maximum M/WBE participation.

Buyer: Roy Breaux

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:


Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA# 9391

TO: Mayor via City Secretary

Subject: Ordinance Authorizing a First Amendment to Contract No. 4600007782 for Blower Replacement Parts and Repair Services for the Public Works & Engineering Department S23-L22260-A1

Category #
4

Page 1 of 1

Agenda Item

45 #

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

Origination Date
September 17, 2012

Agenda Date
~~OCT 31 2012~~
NOV 07 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:
Ordinance No. 2007-1212; Passed 10/31/2007

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Dresser, Inc. to extend the contract term from November 28, 2012 to November 28, 2014 for blower replacement parts and repair services for the Public Works & Engineering Department.

No Additional Funding Required

Finance Budget

SPECIFIC EXPLANATION:

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Dresser, Inc. to extend the contract term from November 28, 2012 to November 28, 2014 for blower replacement parts and repair services for the Public Works and Engineering Department (PWE). The City Purchasing Agent or the Director of PWE may terminate this contract anytime upon 30-days written notice to the contractor.

This contract was awarded on October 31, 2007 by Ordinance No. 2007-1212 for a three-year term, with two one-year options in the amount of \$7,950,000.00. Expenditures as of August 30, 2012 totaled \$4,202,026.36. The first amendment will extend the contract term for two additional years. In consideration for the two-year contract extension, the contractor has agreed to freeze contract year five pricing through November 28, 2014.

The scope of work requires the contractor to provide supervision, labor, materials, supplies, tools, equipment and transportation necessary to provide precision repair services for blowers at various City of Houston Wastewater Operations facilities. If requested by the user department representative (UDR), the contractor shall demonstrate by means of adequate testing and documentation that the repaired unit has retained its operating efficiency.

This contract was awarded with an 11% MWBE participation goal and the contractor is currently achieving .17% of its goal. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum MWBE participation.

Buyer: Roy Breaux

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

SUBJECT: Award Construction Contract
 Carrera Construction, Inc.
 Dow Park Basketball Court and Pavilion Restorations at Various Locations
 WBS No. F-000640-0005-4

Page 1 of 2
 Agenda Item **46**

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

Origination Date
 10/24/12

Agenda Date
~~OCT 31 2012~~
 NOV 07 2012

DIRECTOR'S SIGNATURE:
 Scott Minnix *Scott Minnix* 9/26/12

Council District affected: D, H, I, K

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

Date and identification of prior authorizing Council action:

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding:
 \$419,164.00 – Parks Consolidated Construction Fund (4502)

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to Carrera Construction, Inc., on its low bid amount of \$358,300.00 to provide construction services for Dow Park Basketball Court and Pavilion Restorations at various locations for the Houston Parks and Recreation Department. The apparent low bidder, ERC Environmental Consultants, Inc., requested to withdraw its bid due to a material error in its bid price.

| PROJECT LOCATIONS: | | | | |
|--------------------|------------------|------|---------|--|
| Dow Park | 7942 Rockhill | 535X | Dist. I | |
| Brookline Park | 3300 Real | 534L | Dist. I | |
| Lee Hager Park | 12100 Landsdowne | 571A | Dist. K | |
| Irvington Park | 1000 Cavalcade | 453V | Dist. H | |
| Moses Leroy Park | 3100 Trulley | 493V | Dist. D | |

PROJECT DESCRIPTION: The scope of work for Dow Park basketball pavilion consists of demolition of the block building and asphalt paving around the pavilion, as well as removal and replacement of the pavilion roof, purlins, gutters and downspouts, goals, lights, benches and a portion of the existing sidewalk and trail. The column bases will be repaired and the structure painted. The electrical service panel will be upgraded and a new enclosure installed. The disturbed areas around the pavilion will be graded and sodded. Additionally, light fixtures and ballasts will be removed and replaced at Brookline Park, Lee Hager Park, Irvington Park, and Moses Leroy Park pavilions.

The contract duration for this project is 120 calendar days. M2L Associates is the design consultant and construction manager for the project.

BIDS: The following five bids were received on July 26, 2012:

| <u>Bidder</u> | <u>Bid Amount</u> |
|--|-------------------------------|
| 1. ERC Environmental Consultants, Inc. | \$320,000.00 (non-responsive) |
| 2. Carrera Construction, Inc. | \$358,300.00 |
| 3. P^2MG LLC. | \$412,000.00 |
| 4. Specialty Construction | \$417,530.00 |
| 5. Horizon International Group, LLC. | \$457,000.00 |

REQUIRED AUTHORIZATION

CUIC ID # 25PARK185

General Services Department:

Houston Parks and Recreation Department

[Signature]
 Richard A. Vella
 Chief of Design & Construction Division

[Signature]
 Joe Turner
 Director

| | | | |
|-------------|---|--|---------------------------|
| Date | SUBJECT: Award Construction Contract Carrera Construction, Inc. Dow Park Basketball Court and Pavilion Restorations at Various Locations WBS No. F-000640-0005-4 | Originator's Initials MS | Page 2 of 2 |
|-------------|---|--|---------------------------|

AWARD: It is recommended that City Council award the construction contract to Carrera Construction, Inc. and appropriate funds for the project, including additional appropriations of \$19,700.00 for construction management services under the existing contract with M2L Associates and \$12,500.00 for engineering and materials testing services under existing contract with Tolunay-Wong Engineers, Inc.

FUNDING SUMMARY:

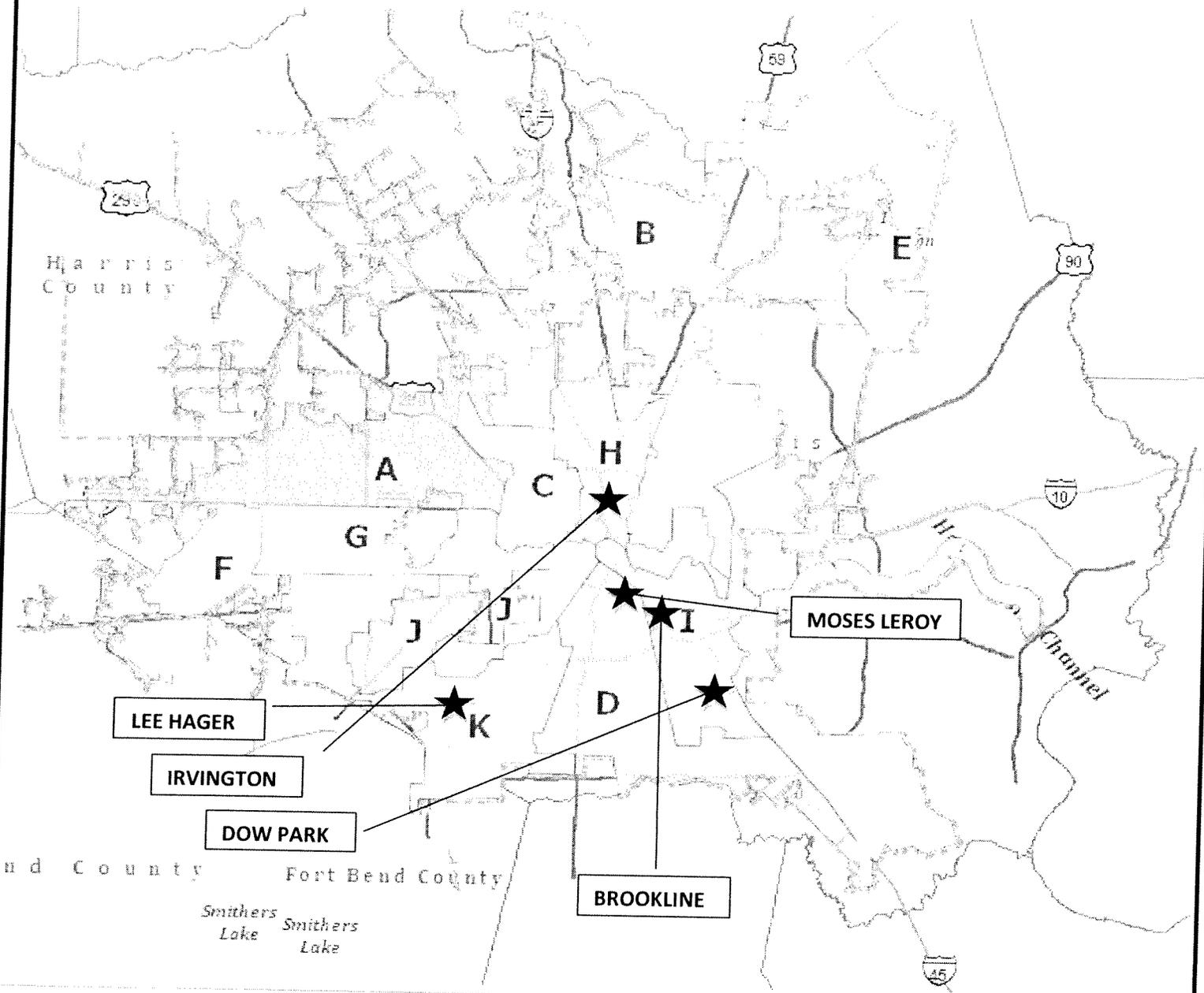
| | |
|----------------------|-----------------------------------|
| \$ 358,300.00 | Construction Contract Services |
| \$ <u>28,664.00</u> | 8% Contingency |
| \$ 386,964.00 | Total Contract Services |
| \$ 19,700.00 | Construction Management Services |
| \$ <u>12,500.00</u> | Engineering and Materials Testing |
| \$ 419,164.00 | Total Funding |

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

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.

SM:RAV:JLN:LJ:MS:ms

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Christopher Gonzales, Luci Correa, Morris Scott, Lisa Johnson, Calvin Curtis, Gabriel Mussio, Martha Leyva, File 712



Dow Park Basketball Court and Pavilion Restorations

Parks: Dow (535X), Brookline (534L), Lee Hager (571A), Irvington (453V), Moses Leroy (493V)