AGENDA - COUNCIL MEETING - TUESDAY - MAY 13, 2014 - 1:30 P. M. COUNCIL CHAMBER - SECOND FLOOR - CITY HALL 901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Cohen

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 - MAY 14, 2014 - 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 52

ACCEPT WORK - NUMBER 1

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,206,531.32 and acceptance of work on contract with METRO CITY CONSTRUCTION, L.P. for On-Call Small Diameter Water Line Extensions 19.56% under the original contract amount - <u>DISTRICTS B - DAVIS; C - COHEN; E - MARTIN;</u> G - PENNINGTON; H - GONZALEZ and K - GREEN

PURCHASING AND TABULATION OF BIDS - NUMBERS 2 through 11A

2. **VIRTUO GROUP CORPORATION** for purchase of Professional Services for Critical Infrastructure Cybersecurity Framework - \$500,000.00 - Grant Fund

PURCHASING AND TABULATION OF BIDS - continued

- ORDINANCE appropriating \$322,451.80 out of Public Health Consolidated Construction Fund for Roof Replacement for the General Services Department at Peavy Senior Center, located at 3814 Market Street on behalf of the Health and Human Services Department
- a. **JOHN A. WALKER ROOFING CO., INC** for Roof Replacement for the General Services Department on behalf of the Health and Human Services Department \$293,138.00 and contingencies for a total amount not to exceed \$322,451.80 **DISTRICT B DAVIS**
- 4. **LIFE TECHNOLOGIES CORPORATION** for purchase of Genetic Analyzers and a Real Time PCR System for the Houston Police Department \$422,722.10 Grant Fund
- SELECTION WORKS, LLC for purchase of Examination Booklets for the Firefighter Entrance Level Examination for the Human Resources Department - \$24,500.00 – Central Services Revolving Fund
- ALL BUSINESS MACHINES, INC for purchase of Gas Chromatograph/Mass Spectrometer System from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering \$113,535.19 - Enterprise Fund
- 7. **LINKO DATA SYSTEMS** for purchase of a LIMS Integration, Implementation and Training Services for the Department of Public Works & Engineering \$96,971.67 Enterprise Fund
- 8. ORDINANCE appropriating \$4,328,880.00 out of Miscellaneous Capital Projects/Acquisitions CP-Series E Fund; awarding contract to **MOCA SYSTEMS, INC** for Technical Advisory Services for the Justice Complex Project Managed by the Finance Department for the Houston Police and Municipal Courts Departments; providing a maximum contract amount
- a. **MOCA SYSTEMS, INC** for Technical Advisor Services for the Justice Complex Project Managed by the Finance Department for Houston Police Department and Municipal Court Department
- 9. ORDINANCE appropriating \$1,704,739.14 out of Water & Sewer System Consolidated Construction Fund for spending authority to purchase Software Licenses and Integration Services for Public Works & Engineering Department
- a. INFOR PUBLIC SECTOR, INC \$3,363,050.80; CLOUDNEXA, INC \$1,500,000.00; PRECISION TASK GROUP \$632,000.00 for Spending Authority to purchase Software Licenses, Software Maintenance, Integration Services, and Cloud Computing Services from the General Services Administration Schedule 70 Contract and the Texas Department of Information Resources through the Cooperative Purchasing Program for the Department of Public Works & Engineering \$5,495,050.80 Enterprise and Dedicated Drainage & Street Renewal Funds
- 10. ORDINANCE approving and authorizing an agreement between the City of Houston and INFOR PUBLIC SECTOR, INC for purchase of Software Licenses, and Support through the U.S. General Services Administration Contract
- a. **INFOR PUBLIC SECTOR, INC** for purchase of Software Licenses, and Support under the Master Agreement and the U.S. General Services Administration Schedule 70 Contract \$4,913,049.91 General and Central Service Revolving Funds

PURCHASING AND TABULATION OF BIDS - continued

- 11. ORDINANCE appropriating \$322,542.15 out of Equipment Acquisition Consolidated Fund for the purchase of Grounds Maintenance Equipment for Various Departments
- a. KUBOTA TRACTOR CORPORATION \$62,946.00; JOHN DEERE COMPANY (Deere & Company) \$108,499.60; LANSDOWNE-MOODY COMPANY, LP \$173,819.64; PROFESSIONAL TURF PRODUCTS, LP \$287,433.35 for purchase of Earthmoving and Grounds Maintenance Equipment through the Interlocal Agreements for Cooperative Purchasing with the Houston Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for the purchase of Grounds Maintenance Equipment for Various Departments \$632,698.59 Enterprise Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 52

- 12. RESOLUTION designating the High First Ward Area of the City of Houston as a Historic District DISTRICT H GONZALEZ
- 13. RESOLUTION of the City Council prescribing the date, time, and location of a Public Hearing on the City Budgets for the time period July 1, 2014 through June 30, 2015; authorizing notice of such public hearing and making other provisions related to the subject HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 3, 2014
- 14. RESOLUTION add additional recitals as requested by the Granting Agency to Resolution No. 2014-3 that authorized the Municipal Courts Department to submit an application for Juvenile Justice Delinquency Prevention Grant from the Criminal Justice Division of the Office of the Governor of Texas for the Juvenile Case Manager Program Delinquency Prevention Initiative and to accept funds, if awarded
- 15. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing Issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain City of Houston, Texas Combined Utility System Commercial Paper Notes, Water & Sewer System Junior Lien Revenue and Refunding Bonds, Series 2004A-1 and Series 2004A-2, Combined Utility System First Lien Revenue Refunding Bonds, Series 2005, Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A and Combined Utility System First Lien Revenue Refunding Bonds, Series 2007A and Series 2007B; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Escrow verification and engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and a Special Disclosure Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency
- 16. ORDINANCE approving a first amendment to lease agreement between the City of Houston, Texas, as landlord, and **J.B. SMITH MFG. CO., LLC**, as tenant, for approximately 5,400 rentable square feet of real property located under the overpass in the space between the east side of the railroad tracks and west of Terminal Road, Houston, Harris County, Texas, for use by tenant as parking space Revenue **DISTRICT I GALLEGOS**

- 17. ORDINANCE approving and authorizing an agreement between the City of Houston, Texas, and THE HOUSTON PARKS BOARD to accept an assignment of a purchase and sale agreement to acquire approximately 32.187 acres of property to be added to the Houston Sports Park located on South Kirby Drive <u>DISTRICT D BOYKINS</u>
- 18. ORDINANCE approving and authorizing a second amendment to the Memorial Park Development Agreement between the City of Houston and **THE MEMORIAL PARK CONSERVANCY** for the Houston Parks and Recreation Department to amend the scope of work for the Seymour Lieberman Trail and Council Authorization of improvements to Memorial Park **DISTRICTS C COHEN AND G PENNINGTON**
- 19. ORDINANCE making findings concerning the permanent taking of approximately 0.2125 acres of **BRAEBURN GLEN PARK** in connection with a project to Renovate Fire Station No. 68 and to expand the parking lot for the Fire Station **DISTRICT J LASTER**
- 20. ORDINANCE accepting a commemorative bronze sculpture of Dr. Martin Luther King, Jr. into the public art collection of the City of Houston, Texas, and approving and authorizing agreement between the City of Houston and THE BLACK HERITAGE SOCIETY for the donation of such work of art DISTRICT D BOYKINS
- 21. ORDINANCE relating to the Retail Gas Utility Rates of CENTERPOINT ENERGY RESOURCES CORP. D/B/A CENTERPOINT ENERGY ENTEX and as CENTERPOINT ENERGY TEXAS GAS; approving suspension of an interim rate adjustment and otherwise maintaining current rates in effect until changed
- 22. ORDINANCE awarding the contract to **DIVERSIFIED UTILITY CONSULTANTS, INC** for Electric, Gas and Water Regulatory and Technical Professional Consulting Services; providing a maximum contract amount \$340,000.00 General Fund
- 23. ORDINANCE accepting the proposal from **AMERICAN INTERNATIONAL GROUP**, through National Union Fire Insurance Company of Pittsburgh, PA., a Member Company, and approving and authorizing the purchase of a Commercial Crime Insurance Policy for Public Employee Dishonesty \$78,634.00 Property and Casualty Fund
- 24. ORDINANCE amending Ordinance No. 2013-0950 (passed on October 16, 2013) to increase the maximum contract amount and expand the scope of work between the City of Houston and **LEIDOS, INC (formerly Science Applications International Corporation**; approve and authorize a second amendment to the contract \$73,345.00 Grant Fund
- 25. ORDINANCE awarding a contract to **URS GROUP INCORPORATED** for Regional Catastrophic Preparedness Planning for Cyber Disruption Response Planning \$290,000.00 Grant Fund
- 26. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, TRENDMAKER CLEAR LAKE LLC, and CLEAR DORADO LAND ASSOCIATES, L.P. for the Construction of certain public works and improvements <u>DISTRICT</u> E MARTIN
- 27. ORDINANCE approving and authorizing the submission of an application to the Office of the Governor, Criminal Justice Division, for assistance under the General Juvenile Justice and Delinquency Prevention Program; declaring the City's Eligibility for such grant; authorizing the Director of the Department of Neighborhoods to act as the City's Representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

- 28. ORDINANCE approving and authorizing the submission of an application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Director of the Department of Neighborhoods to act as the City's representative in the application process, to approve, accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
- 29. ORDINANCE amending Ordinance No. 2012-925 to increase the maximum contract amount to \$785,000.00 for a contract between the City of Houston and **PORTER HEDGES LLP** to provide construction-related legal services for the Houston Airport System and approving and authorizing Amendment No. 1 to the contract \$450,000.00 Enterprise Fund
- 30. ORDINANCE amending Ordinance No. 2012-935 to increase the maximum contract amount to \$345,000.00 for a contract between the City of Houston and WALTER P. MOORE for construction-related consulting services for the Houston Airport System and approving and authorizing Amendment No. 1 to the contract \$100,000.00 Enterprise Fund
- 31. ORDINANCE appropriating \$260,784.15 out of Metro Projects Construction DDSRF for the Relocation of a pipeline for the Buffalo Speedway Paving and Drainage: Holmes Road to West Airport Boulevard Project; approving Pipeline Adjustment Reimbursement Agreement with COPANO NGL SERVICES LLC DISTRICT K GREEN
- 32. ORDINANCE establishing the east side of the 2700 block of Yupon Street, between California and Westheimer Streets, within the City of Houston as a special minimum building line block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **DISTRICT C COHEN**
- 33. ORDINANCE appropriating \$1,174,000.00 out of Public Health Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **DRYMALLA CONSTRUCTION COMPANY** for a Transportation /Mobile Vehicle Inspection Area; providing funding for the Civic Art Program and for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund \$1,400,000.00 Special Waste Transportation & Inspection Fund **DISTRICT I GALLEGOS**
- 34. ORDINANCE appropriating \$199,000.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HMA CONSULTING, INC** for Department Wide Security Upgrades; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund <u>DISTRICTS B DAVIS; C COHEN; D BOYKINS; H GONZALEZ; I GALLEGOS; J LASTER and K GREEN</u>
- 35. ORDINANCE appropriating \$11,700.00 out of Metro Projects Construction DDSRF; approving and authorizing an advance funding agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for the Construction of Buffalo Speedway Overpass Railroad Grade Separation **DISTRICT K GREEN**
- 36. ORDINANCE appropriating \$302,200.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and R. G. MILLER ENGINEERS, INC for Houston Heights, John Brashear and Memorial Heights Paving and Drainage; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF DISTRICTS C COHEN and H GONZALEZ

- 37. ORDINANCE appropriating \$358,100.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Potomac and Nantucket Area Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF **DISTRICT G PENNINGTON**
- 38. ORDINANCE appropriating \$230,000.00 out of Metro Projects Construction DDSRF as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and NATHELYNE A. KENNEDY & ASSOCIATES, L.P. for Work Order Bridge Rehabilitation Design/Replacement (approved by Ordinance No. 2013-0010); providing funding for CIP Cost Recovery Relating to construction of facilities financed by the Metro Projects Construction DDSRF
- 39. ORDINANCE appropriating \$1,634,610.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Laura Koppe Road Paving And Drainage: Hirsch To Homestead (Approved By Ordinance No. 2013-0309); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF **DISTRICT B BOYKINS**
- 40. ORDINANCE appropriating \$1,017,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and HUITT-ZOLLARS, INC for Linkwood Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – <u>DISTRICT K - GREEN</u>
- 41. ORDINANCE appropriating \$500,000.00 out of Metro Construction Other Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Safe Sidewalk Program; providing funding for contingencies relating to construction of facilities financed by the Metro Construction Other Fund
- 42. ORDINANCE appropriating \$1,268,452.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS**, **INC** for Wastewater Force Main Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A STARDIG**; **B DAVIS**; **G PENNINGTON** and **I GALLEGOS**
- 43. ORDINANCE appropriating \$1,027,456.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES**, **INC** for Northbrook Diversion and Abandonment Phase 1 Construction of Proposed Williamcrest Lift Station And Gravity Diversion Of Willow Meadow Lift Station; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT J-LASTER and K-GREEN**
- 44. ORDINANCE appropriating \$100,000.00 out of Metro Projects Construction DDSRF and \$100,000.00 out of Street & Traffic Control and Storm Drainage DDSRF-A; approving and authorizing a Professional Construction Management and Inspection Services Agreement between the City of Houston and **GUNDA CORPORATION** for Storm Water and Paving Projects

- 45. ORDINANCE appropriating \$40,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and INFRASTRUCTURE ASSOCIATES, INC for Waterline and Sanitary Sewer Projects; providing funding construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
- 46. ORDINANCE appropriating \$1,072,643.00 out of Metro Projects Construction DDSRF: awarding a contract to **TRAFFIC SYSTEMS CONSTRUCTION**, **INC** for Citywide Intersection Redesign And Street Safety Improvements #3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Metro Projects Construction DDSRF **DISTRICTS A STARDIG**; **E MARTIN and K GREEN**
- 47. ORDINANCE appropriating \$1,993,610.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **BRH-GARVER CONSTRUCTION**, **L.P.** for Chasewood Lift Station Replacement and Willowchase Lift Station Diversion; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A STARDIG and K GREEN**
- 48. ORDINANCE appropriating \$22,154,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **BRH-GARVER CONSTRUCTION**, **L.P.**, for Lift Station Renewal and Replacement, 54-Inch Gravity Sewer Line; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the water and sewer system consolidated construction fund **DISTRICTS C COHEN and J LASTER**
- 49. ORDINANCE appropriating \$1,983,099.81 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **GRAVA LLC**, for Waterline Rehab and Replacement Project II; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
- 50. ORDINANCE appropriating \$1,718,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to BLASTCO TEXAS, INC, for Rehabilitation of Water Storage Tanks at Various Locations Package 3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

RESOLUTIONS AND ORDINANCES - continued

- 51. ORDINANCE appropriating \$2,345,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding a contract to **METRO CITY CONSTRUCTION**, **L.P.** for Installation of Short Segment of Water Lines 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, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D BOYKINS**; **E MARTING AND I GALLEGOS**
- 52. ORDINANCE No. 2014-0427, passed first reading May 7, 2014
 ORDINANCE granting to **ELTON CHILDS dba ADVANCE VACUUM TRAP SERVICES, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 53

MISCELLANEOUS

53. **SET A PUBLIC HEARING DATE** regarding the designation of a Tax Abatement Reinvestment Zone for Breckenridge Group Houston Texas, LP - <u>DISTRICT I - GALLEGOS</u> <u>SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 28, 2014</u>

MATTERS HELD - NUMBERS 54 through 55L

- 54. ORDINANCE appropriating \$99,188.00 out of Equipment Acquisition Consolidated Fund for Sole Source Purchase of B2Gnow Web-Based Diversity Management System Software and Support Services for the Office of Business Opportunity
- a. MOTION by Council Member Bradford/Seconded by Council Member Gonzalez to adopt recommendation from Purchasing Agent to award to ASKREPLY, INC d/b/a B2GNOW for Purchase of B2GNow Web-Based Diversity Management System Software and Support Services for the Office of Business Opportunity

TAGGED BY COUNCIL MEMBER KUBOSH

These were Items 11 and 11A on Agenda of May 7, 2014

MATTERS HELD - continued

55. WRITTEN MOTION by Council Member Cohen to amend Item 55L as follows:

1. "Amend the last sentence of the definition of "place of public accommodation" in Section 17-2 of Exhibit A of the Ordinance to read as follows:

"For purposes of article IV of this chapter, the leasing office, visitor parking area and model units of a multi-family housing facility shall not be considered a *place of public accommodation."*

- 2. Amend Section17-112 of Exhibit A of the Ordinance by adding new Subsections (i) and (j) to read as follows:
 - "(i) The provisions of this article do not apply to discrimination based on age.
 - "(j) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment."
- 3. Amend Section 17-123 of Exhibit A of the Ordinance to read as follows"

"Sec. 17-123. Housing for the elderly exempted.

The provisions of this article relating to familial status, age and pregnancy do not apply to housing for older persons."

- 4. Amend Subsection 17-131(a) of Exhibit A of the Ordinance by adding a new sentence at the end of the subsection, which shall read as follows:
 - "If the complaint, other than a complaint referred pursuant to subsection (b) of this section, states a claim that is within the jurisdiction of a federal or state agency, the fair housing administrator may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint."
- 5. Amend the first line of Subsection 17-131(f) of Exhibit A of the Ordinance to read as follows" "Except as to complaints that are referred to a federal or state agency, within 10 days after the filing of a complaint, the fair housing administrator shall:"

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

a. WRITTEN MOTION by Council Member Green to amend Item 55L as follows:

"I move to amend Article III (Contracting), Section 17-41 (Prohibition against discrimination in awarding contracts) to include:

"The language of this article shall not be interpreted to conflict with provisions of Chapter 15 of the City of Houston Code of Ordinances."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

b. WRITTEN MOTION by Council Member Davis to amend Item 55L as follows:

"I move to amend Article IV (Public Accommodations), Section 17-54 (Exemptions) to include:

This article shall not apply to:

(4) Discounts on any product, service, or facility for any person on the basis of age, or military status.

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

MATTERS HELD - continued

c. WRITTEN MOTION by Council Member Gallegos to amend Item 55L as follows: "Add a new Section 2A to the Ordinance, which shall follow Section 2 and read as follows:

"Section 2A. That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the first anniversary of the effective date of this Ordinance:

'Employer means a person who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.'

That the following definition of *employer* in Section 17-2 of the Code of Ordinances shall become effective on the second anniversary of the effective date of this Ordinance:

'Employer means a person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

d. WRITTEN MOTION by Council Member Gonzalez to amend Item 55L as follows: "I move to amend Article I, Section 17-2 (Definitions) so as to change the definitions of the terms "Gender Identity" and "Sex" to read as follows:

"Gender Identity means an individual's innate identification, appearance, expression or behavior as either male or female. Although the same may not correspond to the individual's body or sex as assigned at birth."

"Sex is defined as the biological differences between men and women."

I further move to amend Article IV, Section 17-51(b)(Prohibition against discrimination in public accommodation) to read as follows:

"It shall be unlawful for any place of public accommodation or employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if, under all the facts and circumstances, the defendant reasonably believed that the person discriminated against was seeking access to the facility for an unlawful purpose. Nothing in section shall require construction of a new bathroom shower room, or similar facility."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

MATTERS HELD - continued

e. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows:

"I move to edit Section 6 of the Ordinance by:

Replace the effective date of the ordinance **from**: "the thirtieth day next following the date of its passage and approval by the Mayor" **to** "September 1, 2014".

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

f. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows: "I move to edit Section 17-51 (b) by:

Delete the first two sentences "It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if the defendant had a good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of thefacility.

Replace with:

"It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally, and with the absence of good faith, deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

g. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows: "I move to:

Insert the following after the second sentence of Section 17-52(b):

"As part of such investigation, the office of the inspector general shall provide to the party being investigated for violating this article an affidavit in which such party shall have the ability to disclose the factual basis of its good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility. If such affidavit is received by the office of the inspector general within 30 days and the facts stated in the affidavit states such good faith belief comprehensively (in terms of the behavior, clothing, hairstyles, activities, voice or mannerisms of the person discriminated against), the office of the inspector general shall dismiss the case with prejudice. By not providing such an affidavit to the inspector general during the preliminary investigation, the person being investigated shall not be deemed to waive the affirmative defense contained herein, which may still be raised in connection with any such legal proceeding regarding these claims.

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

h. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows: "I move to edit:

Sec 17-121 (a)(1)a. - **Replace** the number "3" with the number "8" Sec 17-121 (a)(1)b. - **Replace** the number "3" with the number "8"

MATTERS HELD - continued

i. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows: "Insert at the end of Sec.17-55 (b):

"Provided, however, that upon a first time conviction for an offense under this Article IV, the defendant shall be placed on deferred adjudication and, provided there are no convictions for additional offenses committed under this Article IV by the defendant within one calendar year, all penalties for the offense shall be dismissed and waived and the original case shall be dismissed."

TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

j. WRITTEN MOTION by Council Member Pennington to amend Item 55L as follows: "I move to amend Exhibit A of the Ordinance by deleting the text of Article V in its entirety and reserving the Article number and Sections 17-61 through 17-64." TAGGED BY COUNCIL MEMBERS LASTER AND COHEN

- k. MOTION by Council Member Bradford/seconded by Council Member Laster to amend Item 55L to incorporate "in accordance with federal law" into Section 17-122(a)(2)
 TAGGED BY COUNCIL MEMBERS LASTER AND COHEN
- I. ORDINANCE AMENDING CHAPTERS 2, 15 and 17 of the CODE OF ORDINANCES, HOUSTON, TEXAS, prohibiting discrimination on the basis of protected characteristics in City employment, City services, City contracting practices, housing, public accommodations, and private employment; containing findings and other provisions relating to the foregoing subject; declaring certain conduct unlawful; providing for a penalty; providing for severability TAGGED BY COUNCIL MEMBERS LASTER and COHEN
 These was Item 14 on Agenda of May 7, 2014

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

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

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

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

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY MAY 13, 2014 - 2:00 PM

AGENDA

1MIN 1MIN 1MIN MS. MELISSA MURRY – 6425 Westheimer Rd. #803 – 77057 – 713-499-0640 – Equal Rights Ord – Item --MR. BRANDON MACK - 9707 Timberside #38 - 77025 - 713-302-7307 - Equal Rights Ord. - Item --MR. RANDALL BEAMAN – 6535 Cindy Ln – 77008 – 713-864-6282 – Equal Rights Ord. – Item – MS. STEPHANIE OLIN – 218 W. 15th #A – 77008 – 832-294-9860 – Equal Rights Ord. – Item – MRS. MARY BUNTROCK – 11323 Forest River Ct. – Tomball – TX – 77377 – 281-251-8944 – Equal Rights Ordinance -MS. VIRGINA PARKS – 906 E. Ritten House – 77076 – 832-816-3842 – Equal Rights Ord. – Item MR. KEDRIC BROWN – 5401 Chimney Rock, No. 979 – 77081 – 832-538-4828 – Equal Rights – Item MR. DAVID SPENCE - 7233 Beechnut - 77074 - 832-622-1445 - Equal Rights - Item MR. JOHN ROVELL – 3030 Elmside - 77042 – 713-657-9968 – Equal Rights – Item MS. MARIA GONZALEZ – 8111 DeLeon – 77061 – 713-301-2912 – Equal Rights – Item MS. KYM ADAMS – 11502 Munn – 77029 – 713-732-0683 – Equal Rights Ord. – Item MR. ROBERT GRIFFITH – 1610 Alamo St. – 77007 – 713-446-5416 - High First Ward Historic District – Item MS. CHARLOTTE PAGE – 27600 KINGS Manor Dr., No. 561 – Kingwood – TX – 77339 – 214-796-4118 Equal Rights Ord. - Item 2MIN 2MIN 2MIN APOSTLE KENDALL BAKER – 3750 Tanglewild, Unit 1 – 77063 – 832-714-1963 – Equal Rights Item -MR. STEVEN VARGAS – 101 Avondale #12 – 77006 – 713-244-4471 – Equal Rights Ord. – Item --MR. LAWRENCE CRAWFORD – 11530 Hornbrook – 77099 – 713-569-6603 – Equal Rights Ord. – Item - $MR.\ RYAN\ LEACH-512\ Tabor-77009-713-703-9105-Equal\ Rights\ Ord.-Item-$ MR. CHRISTOPHER KEEN – 5350 Old Dowen Rd #712 – Beaumont – 77706 – 409-273-9326 – Equal Rights Ord. – Item – MS. BECKY RIGGLE – 12303 Granite Aisle Court – 77089 – 281-451-8368 – Equal Rights Ord. – Item – MR. JEFFRY FAIRCLOTH - 5611 Meadow Creek - 77017 - 713-553-5803 - Equal Rights - Item MR. DAVE WELCH - 34218 Sanders Ranch Rd. - Magnolia - TX - 77355 - 832-688-9166 - Equal Rights Ord. – Item MR. FRED MCCOY - 133 County Rd. 4865 – Dayton – TX – 77535 – 281-771-1188 – Equal Rights Item MR. LANE LEWIS – (did not wish to give address) – 713-898-1020 – Equal Rights Ord. – Item MS. MANIA HERMIDA – 5005 W. 34th – 77092 – 281-855-7856 – Equal Rights Ord. – Item 3MIN 3MIN 3MIN

MR. CARLOS I. RUIZ – 4322 Lakewood Dr. – Pasadena – TX – 77504 – 832-687-3140 – Equal Rights Ord. – Item --

3MIN 3MIN 3MIN

- MR. CARMENZA GAMERO 2873 Everett Friendswood 77546 713-384-6324 Equal Rights Ord. Item –
- MR. MITCHELL KATINE 1834 Southmore 77004 713-808-1000 Equal Rights Ord. Item –
- MS. CHARTAMJA WASHINGTON No address given 832-794-0020 Equal Rights Ord. Item -
- MR. PETER BROWN 2009 South Blvd 77098 713-594-8771 Equal Rights Ord. Item --
- MS. LOUISE RODRIGUEZ 4615 Western Branch Court 77066 832-729-6824 Equal Rights Ord. Item –
- $MR.\ STEVE\ MAYS-911\ Avenue\ K\ \#7-Galveston-77550-409-770-3785-Equal\ Rights\ Ord.-Item$
- MR. ERIC BARVIN 5500 El Camino Del Rey #101 77081 832-487-0974 Equal Rights Ord. Item –
- MR. TONY CARROLL 3702 Woodhead St. 77098 713-527-0000 Equal Rights Ord. Item --
- MR. TROY SKEEN 4518 Bridgestone Cliff Court Spring 77388 503-910-8115 Equal Rights Ord. Item –
- MR. GARRETT BOOTH 14505 Gulf Freeway 77034 713-363-2500 Equal Rights Ord. Item –
- MS. CHERYL YOUNG ARCHER PO Box 940791 77094 713-467-4559 Equal Rights Ord. Item -
- MR. TRAVIS SHEIZE 4001 Shepherd 77018 713-782-8833 Equal Rights Ord. Item –
- MS. BONNIE LUGO 8100 Cambridge St #73 77051 713-725-5501 Equal Rights Ord. Item –
- MR. THOMAS L. KORKMAS 10810 Holly Springs Dr. 77042 713-816-0363 Equal Rights Ord. Item
- MR. CLYDE BRYAN 10802 Pepper Ln. 77079 713-545-4878 Equal Rights Ord. Item
- MR. KRISTOPHER BANK 1904 W. Main St. 77007 281-797-1507 Equal Rights Item
- MR. AL HARTMAN 2909 Hillcroft 77057 713-467-2222 Equal Rights Ord. Item
- MS. LENORA SOROLA-POHLMAN 2314 Tannrhill Dr. 77008 713-628-7500 Equal Rights Item
- MS. BONNIE LUGO 8100 Cambriges St. 77051 713-725-5501 Equal Rights Item
- MR. HERNAN C ASTANO 12500 Corona 77072 832-455-8928 Equal Rights Item
- MS. SHIRLEY KOPECKY 6509 Teluco 77055 713-409-0565 Equal Rights Ord. Item
- MS. TERRI BURKE Post Office Box 8306 77288 -713-942-8146 Equal Rights Ord. Item
- MS. CAROLINE GIESE 4440 ½ Pease St. 77023 713-569-9707 Equal Rights Ord. Item
- REV. LYNETTE ROSS 4604 Mangum Rd. 77092 281-235-5394 Equal Rights Ord. Item
- MS. CYNTHIA CHAPPELL 1200 Herman Pressler St., Rm 644 713-500-9026 Equal Rights Ord.
- REV. DR. GINNY BROWN DANIELS Equal Rights Ord. Item
- MS. CHRIS BUSBY wants to be close to end as possible)
- MS. KRISTEN CAPPS 8121 Broadway, Ste. 225 77061 281-940-8180 Equal Rights Ord. Item
- MR. NOEL FREEMAN Post Office Box 66693 77266 713-521-1000 Equal Rights Item
- MR. DOMINIC YAP 1847 Dart St. 77007 832-531-3911 High First Ward Historic District Item
- MS. TANIA RIVAS 1701 Crockett 77007 939-828-8840 High First Ward Historic District Item

3MIN _ 3MIN _ 3MIN

MR. EVEN MICHAELIDES – 1810 Summer St. – 77007 – 713-802-1699 - High First Ward Historic District

MR. ROBERT LEMUS – 2001 CROCKETT - 77007 – 713-470-6129 - High First Ward Historic District – Item

NON-AGENDA

3MIN _ 3MIN _ 3MIN

- MR. RONNIE EASTMAN 4025 Woodhaven 77025 713-668-8753 Harassment, HPD, Neighborhoods and criminal Judge
- MR. ROBERT FOWLER 307 Bayland Ave 77009 713-861-9109 Water leak, Water Department
- MR. DABID SHAHAB 3221 Fondren Rd 77063 713-320-6667 Closing the opening on Fondren Road
- MR. JOHN CIESLEWICZ 1250 DuBarry 77018 713-906-1725 Drainage
- MR. FRANCISCO CASTELLANOS 805 E. 25th St 77009 832-859-0642 Non-payment by contractor
- MR. BENJAMIN CALHOUN No address given 713-694-6899 HPD: Forgery case
- MR. TIM MILLER 7149 Avenue P Santa Fe 77510 281-960-6183 Bayous in Houston
- MR. LARRY NORMAN 7238 Tall Pines Dr. 77088 281-352-8086 City inspectors
- MR. JAMES WHITAKER 3110 Napoleon St 77004 281-840-2812 Conspiracy
- MS. SYLVIA BLAIR 643 East 10 ½ St. 77008 713-301-7013 Handicap Permit

PREVIOUS

1MIN 1MIN 1MIN

- MR. JOHN NOFLIN 12903 Brent Rock Dr. 77082 832-208-1498 Time frame
- MR. KRISTOPHER SHARP 9221 Pagewood Ln., No. 72 77063 832-736-0038 Equal Rights Ord. Item –
- MS. YESENIA CHAVEZ 210 Lena Dr. 77022 number not given Equal Rights Ord. Item --
- MR. MARK EGGLESTON 11635 Canyon Mills Dr. 77095 832-630-5995 Houston Equal Rights Ord. Item 14
- MR. DARRIN BRINDLE 11635 Canyon Mills Drive 77095 832-630-5996 Equal Rights Ord. Item --
- MS. AMELIA MILLER 15506 Stoney Fork Dr. 77084 713-824-4087 Human Rights Ord. Item --
- MR. JAMES LEE 9251 Burdine St., No. 306 77096 281-889-8362 Houston Equal Rights Ord. Item 14
- MR. BRAD PRITCHETT 1044 Alexander St. 77008 713-898-9734 Equal Rights Ord. Item --
- MS. CHRISTINA CANALES GORCZYNSKI 1209 Herkimer, No. 6 77008 Equal Rights Ord. Item --
- MS. BEVERLY ROBERTS 818 Silvergate Drive 77079 281-496-0753 Equal Rights Ord. Item --
- MS. SARAH SCHIMMER no address given no phone Equal Rights Ord. Item --
- REV. TROY TREASH 6211 Ash Oak Dr. 77091 773-315-9225 Equal Rights Ordinance Item –
- MR. JAMES BUNTROCK 11323 Forest River Ct. Tomball TX 77377 281-251-8944 Equal Rights Ordinance –

1MIN 1MIN 1MIN

MR. MIKE CRAIG – 2803 Chenevert St. – 77004 – 713-304-8821 - Equal Rights Ordinance – Item

MS. FRAN WATSON - 320 Jackson Hill, No. 341 - 77007 - 713-726-6149 - Equal Rights Ordinance

MR. MAVERICK WELSH – 8015 Arletta – 77061 – 713-306-5825 – Equal Rights Ord. – Item

MR. DAVID WILSON – 5500 W. 34th – 77092 – 713-202-7983 – Equal Rights Ord. – Item

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - US President Joseph Charles - Presidential Candidacy for Re-Election - 2016-

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION Page Agenda Item SUBJECT: Accept Work for On-Call Small Diameter Water Line 1 of 1 Extensions; WBS No. S-000700-0064-4. **Origination Date Agenda Date** FROM (Department or other point of origin): MAY 1 4 2014 8/14 Department of Public Works and Engineering DIRECTOR'S SIG Council District affected: M B, C, E, G, H, K Daniel W. Krueger, P.E., Directo For additional information contact: Date and identification of prior authorizing 5/5/14 Council action: noch 1. Joseph T. Myers, P.E. Ord. # 2011-0725 dated: 8/17/2011 Sr. Assistant Director Phone: (832) 395-2355 **RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$1,206,531.32 or 19.56% under the original Contract Amount, accept the work, and authorize final payment. Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$1,762,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. **PROJECT NOTICE/JUSTIFICATION:** This project provided for the construction of extensions of water lines to meet the capacity needs in various City neighborhoods. It improved water quality by increasing the potable water circulation. **<u>DESCRIPTION/SCOPE</u>**: This project consisted of water main extensions throughout the City. This was an on-call construction contract for the extension of small diameter water lines in neighborhoods where the systems were inadequate and these extensions were made on an as needed basis. Plans and work orders were prepared when these extensions were requested by the Public Utilities Division. Sander Engineering Corporation prepared construction documents with 1,095 alendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an Adjustment Factor of 1.360 rather than monetary amount. The Adjustment Factor applied on individual unit price items in the Contract locuments. Estimated work orders prices calculated by multiplying Unit Quantity of each item in the work order by Unit Price an applicable Adjustment Factor. The total expenditure available for the entire project was \$1,500,000.00. **_OCATION**: The Project locations are within the City of Houston and its jurisdictional limits established by each work order. **CONTRACT COMPLETION AND COST:** The Contractor, Metro City Construction, L.P., has completed the work under he subject Contract. The project was completed on time with an additional 180 days approved by Change Order No. 2. The inal cost of the project, including overrun and underrun of estimated unit price quantities and previously approved Change Order No. 1 is \$1,206,531.32 a decrease of \$293,468.68 or 19.56% under the original Contract Amount. he decreased cost is a result of actual work authorization scope. This decrease is primarily the result of an underrun in arious Administrative Items, General Items, and Water Line Items, which were not necessary to complete the project. **1/SBE PARTICIPATION:** The M/SBE goal established for this project was 20%. According to Mayor's Office of lusiness Opportunity, the participation was 21.29%. Contractor's M/SBE performance evaluation was rated Outstanding. :\E&C Construction\Facilities\Projects\S-000700-0064-4\RCA\RCA - Closeout.doc NDT 20HA305 REQUIRED AUTHORIZATION inance Department: Other Authorization: Other Authorization:

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

CITY OF HOUSTON Department of Public Worl

Department of Public Works & Engineering Street and Bridge/Stormwater Engineering and Construction Branch

PROJECT STREET LIST

Project Name Contractor Metro City

tor Metro City Construction, L.P.

Project No. Contract No.

S-000700-0064-4

	Omments	HILLIA		The state of the s												
	Status	+	Complete	complete	complete	and inca	complete	2	Complete		complete		Complete	COMPLETE		complete
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	Start Date	11/2/11		10/11/11	2/13/12		1/7/13		9/4/12		8/16/13	3/19/17	***************************************	8/12/13		6/25/12
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	ToStreet	3575 S. Loop West	1-11-0	Crallanad Street	Memorial Drive		Center street	7 7 7	E. Zud Sueet	Doka I and	Neva Laire	Oriole Street		901 W. I'9th street	Traction and an arrangement of the second	Highland Laurels Drive
-	From Street	3575 S. Loop West	Doon Stead	Deall Succi	Bukingham Drive		wagiici	Hicke Ctrant	mens succi	Magnolia Point Drive		Howard Drive		Devis Street	Woodlandridge Drive	wowliami juge 1711ve
	Street	3575 S. Loop West	0677 Ban Chan	707/ Deal Succi	Along Burkingham Dr.	Contar unanar and Labin	Center, wagner and Lakill	Along Lakin Straat	Wilding Edanii Succi	lone Magnelia Point ARIV	Dip illio i miloudani diro	Along Michael Drive	A long W 10th Care	Along w.19th Street	Along Woodland Didge	Aidilg Modulativ Aidge

TO: Mayor via City Secretary	REQUEST FOR COUN	CIL ACTION		DCA	# 2014LS7
Subject: Approve the Purchase of Infrastructure Cybersecurity Fran	F Professional Services for mework from Virtuo Group	Critical Corporation	Category #	Page 1 of 2	Agenda Item
FROM (Department or other point of		Origination I)ate	Agenda Date	
Charles T. Thompson				Agenda Date	
Chief Information Officer	a	March 16, 2	014	MAY 1	4 2014
Houston Information Technology	Services (HITS)				
DIRECTOR'S SIGNATURE Valled I hon	m	Council Distr All	ict(s) affected		
For additional information contact:	0	Date and Iden	tification of	orior authorizin	ıg
Somayya Scott	Phone: (832) 393-0082	Council Actio Ord. 2014-56	n:		
RECOMMENDATION: (Summary) Approve the purchase of profession existing contract with Virtuo Group	onal services for critical infro Corporation in the amoun	astructure cy it of \$500,000	bersecurity .00.	framework fro	om the
Amount & Source of Funding: \$500,000.00 – Urban Area Securi	ty Initiative Grant (Fund 50	30)		Finance Budge	et
SPECIFIC EXPLANATION: The Chief Information Officer recommends that City Council approve the purchase of professional services for critical infrastructure cybersecurity framework from the existing contract with Virtuo Group Corporation in an amount not to exceed \$500,000.00; and that authorization is given to issue a purchase order/s to Virtuo Group Corporation. Virtuo Group Corporation will assist the City of Houston in the creation of an Information and Cybersecurity Program Plan that will provide the methodology to be used by all departments to assess, monitor and improve the cybersecurity posture of the City and meet all applicable Local, State, and Federal mandates. The City of Houston (COH) has been engaged in an extensive cyber security program in an effort to identify the risk posture of systems and networks. It is the desire of the COH to proactively and aggressively protect the critical infrastructure of the City against cyber terrorism to ensure the ability to perform mission critical operations at all times. While executing the Cybersecurity Program, HITS will be creating a shareable and scalable Cybersecurity Program Planning Package; including the development and region-wide implementation of a tiered model of cybersecurity protection based on best practice documentation including lessons learned from the HITS execution. The documentation will include boilerplates and templates for: policies, processes, and procedures; and plans to be used as a Cybersecurity Program Planning Roadmap by other regional organizations, of any size, to validate and improve their security posture and result in the development of a regional cybersecurity profile that strengthens the overall cybersecurity position of the region and ultimately the nation.					
BACKGROUND: On January 22, 2014, Houston Inform Works and Engineering Department of Corporation for professional information	btained approval by Ordinand	ce 2014-56 to	enter into a d	contract with Vi	I the Public irtuo Group
M/WDBE SUBCONTRACTING A 24% M/WDBE target goal, at a minin	num, has previously been est	ablished for thi	s contract.		
The Office of Business Opportunity will of the Houston Code of Ordinances.	I monitor this contract for MV	VBE compliand	ce in accorda	ance with Secti	on 15-84.1
PAY OR PLAY: The contract requires compliance with contractors. In this case, the contractor	the City's "Pay or Play" ordina will provide health benefits to	ance regarding o eligible emplo	health bene byees in com	efits for employ pliance with Ci	ees of City ty Policy.
	DECHINED AUGUST	/ ATTION		·····	
Finance Department:	REQUIRED AUTHORIZ Other Authorization:		Other Authoriz	ration	
•	A LANIOI IZALIVII.	10	Juici Authoriz	allull.	

Date: 4/16/2013	Approve the Purchase of Professional Services for Critical Infrastructure Cybersecurity Framework from Virtuo Group Corporation	Originator's Initials LS	Page 2 of 2
ue to the pr	roject-based and department-specific nature of the work to be performed of the subcontracting firms listed will be identified as the scope	ormed under this agree	ment, the amou
	ent will monitor this contract for MWBE compliance in accordance is		he Houston Cod
AY OR PLA ne contract ontractors. I	 <u>Y</u>: requires compliance with the City's "Pay or Play" ordinance regard in this case, the contractor will provide health benefits to eligible en 	ling health benefits for only one of the compliance of the complia	employees of Cit with City Policy.
RE HOUST	ON FIRST: requires compliance with the City's "Hire Houston First" ordinance	that promotes econom	iic opportunity fo
ouston busir rst.	nesses, while supporting job creation. In this case, the contractor	meets the requirement	s of Hire Houston
			•

REQUEST FOR COUN	CIL ACTION			
TO: Mayor via City Secretary			RC.	A# 9976
Subject: Sealed Bids Received for Roof Replacement for the		Category #	Page 1 of 2	Agenda Item
Services Department on behalf of the Health and Human S	Services	4		
Department				
S50-C24885				3,3H
FROM (Department or other point of origin):	Origination l	Date	Agenda Dat	e
Calvin D. Wells				
City Purchasing Agent	April 07	7, 2014	MAY:	L 4 2014
Finance Department				-011
DIRECTOR'S SIGNATURE	Council Distr	ict(s) affected	<u> </u>	······································
Colling X Wills	В	. ,		
For additional information contact:	Date and Ide	ntification of	prior authorizi	ing
Jacquelyn L. Nisby Phone: (832) 393-8023	Council Actio	n:	•	
Ray DuRousseau Phone: (832) 393-8726				
RECOMMENDATION: (Summary)				
Approve an ordinance appropriating \$322,451.80 out of the	Public Health	Consolidate	ed Construct	ion Fund
(Fund 4508) and approve an award to John A. Walker Roofi	ng Company,	Inc. on its l	ow bid in an	amount of
\$293,138.00 and contingencies (10% for unforeseen change	es within the	scope of wo	rk) in the am	ount of
\$29,313.80 for a total amount not to exceed \$322,451.80 for	roof replace	ment for the	General Ser	rvices
Department on behalf of the Health and Human Services De	partment.			
Awarded Amount: \$322,451.80			Finance Bud	get
\$322.451.80 - Public Health Consolidated Construction Fund	1 (Fund 4509)			

SPECIFIC EXPLANATION:

The Director of the General Services Department and the City Purchasing Agent recommend that City Council approve an ordinance appropriating \$322,451.80 out of the Public Health Consolidated Construction Fund (Fund 4508). It is further recommended that City Council approve an award to John A. Walker Roofing Company, Inc. on its low bid in an amount of \$293,138.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$29,313.80 for a total amount not to exceed \$322,451.80 for roof replacement for the General Services Department on behalf of the Health and Human Services Department and that authorization be given to issue purchase orders as necessary. This past fiscal year, the City of Houston's General Services Department conducted a facility condition assessment. During this assessment, it was confirmed that the existing twenty-seven year old roof system has deteriorated beyond repairs.

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

<u>Company</u>	<u>Total Amount</u>
	\$234,030.00 (Did Not Meet Specifications)
John A. Walker Roofing Co., Inc.	\$293,138.00
Level Infrastructure, LLC	\$331,640.00
Atlas Universal Roofing, Inc.	\$364,750.00
PRC Roofing Co., Inc.	\$372,300.00
Texas Liqua-Tech Services, Inc.	\$410,882.00
Roof Systems by Diversified	\$422,350.00
Rain Seal Master Roofing, Inc.	\$470,000.00
	JJ Red Commercial Roofing, LLC John A. Walker Roofing Co., Inc. Level Infrastructure, LLC Atlas Universal Roofing, Inc. PRC Roofing Co., Inc. Texas Liqua-Tech Services, Inc. Roof Systems by Diversified

The scope of works requires the construction contractor to provide all materials, labor, equipment, transportation, insurance, permits, bonds and other services necessary to remove and properly dispose of an

REQUIRED AUTHORIZATION							
Finance Department:	Other Authorization:	Other Authorization:					
		,					

Date: 4/7/2014	Subject: Sealed Bids Received for Roof Replacement for the General Services Department on behalf of the Health and Human Services	Originator's Initials	Page 2 of 2
	S50-C24885	AL	

existing roof system at the Peavy Senior Center, located at 3814 Market Street, Houston TX. 77020. The contractor shall be required to remove and properly dispose of the existing bituminous and sheet metal roofing, insulation, lightweight concrete fill, flashing, sheet metal and other miscellaneous debris. Subsequent, to the demolition of the existing roof system, the contractor shall also be required to provide and install a new modified bitumen cap built-up roof and a new standing seam metal roof, to include waterproofing exterior walls at the aforementioned location. Labor, materials and workmanship for the roof system is warranted by the Contractor for five years and the installed system is warranted by the material manufacturer for twenty years. The contractor shall have 110 calendar days to complete all work associated with the installation of the new roof system after receipt of the written notice to proceed.

warranted by the Contractor for five years and the installed system is warranted by the material manufacture for twenty years. The contractor shall have 110 calendar days to complete all work associated with the installation of the new roof system after receipt of the written notice to proceed.	r e
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.	s t
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. Buyer Attlagez	\$ /
auga. Attitude	

1 /4						
TO Name dia City Secretory	REQUEST FOR COUNCIL ACTION					
TO: Mayor via City Secretary Subject: Approve the Sole Source P a Real Time PCR System for the He E25029	bject: Approve the Sole Source Purchase of Genetic Analyzers and Real Time PCR System for the Houston Police Department / S37-			Page 1 of 2	Agenda Item	
FROM (Department or other point of original	gin):	Origination	Date	Agenda Dat	e /	
Calvin D. Wells			- 0044	MAV	1 4 2014	
City Purchasing Agent	,	May U	5, 2014	MAI	1 4 2011	
Finance Department		Constit Dist	rict(s) affected	<u> </u>		
DIRECTOR'S SIGNATURE	1101	All	rici(s) affected			
For additional information contact:	W.F.		ntification of	prior authoriz	ing	
Joseph A. Fenninger	ione: (713) 308-1708	Council Acti		-		
Joyce Hays	ione: (832) 393-8723					
DECOMMENDATION: (Summary)					ad	
Approve the sole source nurchase fr	om Life Technologies C	orporation, I	n an amoun	not to exce	eu ent	
\$422,722.10, for genetic analyzers a	and a real time PCR sys	tem for the F	louston Polic	ce Departme	HIL.	
,						
				Finance Bud	lget	
Estimated Spending Authority: \$422	2.722.10					
\$422,722.10 - Federal Government	- Grant Funded (Fund	5000)				
SPECIFIC EXPLANATION:				/		
The Chief of the Houston Police Department and the City Purchasing Agent recommend that City Council approve the sole source purchases from Life Technologies Corporation in an amount not to exceed \$422,722.10 of two Applied Biosystems 3500 HID Genetic Analyzers and one 7500 Fast Real-Time PCR System for DNA quantification. It is further requested that authorization be given to make purchases, as needed, for a 12-month period. These purchases will enable the Houston Forensic Science LGC to improve and enhance its equipment and technology, as well as build future capacity in providing forensic services to the City of Houston.						
These instruments are the only capillary electrophoretic genetic analyzers that have been validated for the purpose of human DNA testing. Life Technologies Corporation is the sole source manufacturer and exclusive supplier for the 3500 HID Genetic Analyzer and 7500 Real Time PCR System. Furthermore, Life Technologies Corporation is the exclusive manufacturer and distributor of all data collection software, capillaries and some other related consumables used in conjunction with the model 3500 Genetic Analyzer HID and 7500 RT PCR System. These products are sold direct from Life Technologies Corporation. Life Technologies Corporation is a direct seller of these instruments and the only vendor that can offer warranty service and maintenance.						
This recommendation is made pursua available from only one source" of the T	int to Chapter 252, Sect exas Local Government 0	on 252.022 (Code for exem	a) (2) "a pro pted procurer	ocurement of ments.	items that are	
Pay or Play Program: The proposed contract requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.						
Hire Houston First This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.						
Attachment: M/WBE zero-percent goa		he Office Busi	ness Opportu	ınity.		
Buyer: Joyce Hays						
	REQUIRED AUTHO	RIZATION			NDT	
Finance Department:	Other Authorization:	7 1	Other Auth	orization:		

Date: 5/5/2014	Subject: Appro a Real Time PC E25029	ve the Sole Source Purchase of Genetic And PR System for the Houston Police Department	alyzers and originator's Initials JH	Page 2 of 2
		Estimated Spending Au	ithority:	
	DEPAR	TMENT	FY2015	
	Jacob Estado Arrivina e a langua antida de	Police Department	\$422,722.10	
	TOTAL		\$422,722.10	
	<u> </u>			
		로 보일이 아르아를 받으면 무슨 사이라고 함. 전 기관 (1885)		
				<u> </u>



Goal Modification Request Form

	A	PR 10 2014	DD# 10104510
To:	Assistant Director Office of Business Opportunity	\$	Solicitation Number: PR# 10186519
	Office of Business Opportunity	Bed at a	Estimated Dollar Amount: \$422,722.10
From:	Tim Crabb/Senior Contract Adn	ninistrator	
	Requestor's Name/Title Police		
	Department	Name of the last o	
Type of	Solicitation: Bid 😰 Proposal 🗌	Other [
Mama	nd freeze of this Solialistian. HPD	Crime lab proc	urement from Life Technologies of the Applied
			7500 Real-time PCR instruments. These
	cal instruments have been validate	**************************************	
anaryus	car instruments have been variance	a for transact to	nentrication applications.
	OUS CONTRACT (if any): Yes	~ ~	_
Goal on	Last Contract: Was Goal	Met: Yes	No 🔘
	as not met, what percentage did the v		
Why was	sn't goal achieved:		
		,	
			CATION REQUESTED FROM THE OPTIONS tent, OR Cooperative or Inter-Local Agreement)
WAIVE	R		
am requ	esting a waiver of the MWBE Goal:	Yes (No (
	or walver:	•	
	A public or administrative en with unusual immediacy;	nergency exists	which requires the goods or services to be provided
•	City department to be able to:	select its contrac	pecialized, technical or unique nature as to require the stor without application of MWSBE provisions (such sial advisors or technical consultants);
			spose an unwarranted economic burden or risk on the or services, or would otherwise not be in the best
3572			



0	If the possible MWSBE participation level based on MWSBE availability would produce negligible MWSBE participation.
0	Other:
	led Explanation of waiver reason: Life Technologies is the only vendor of capillary electro-
	etic genetic analyzers that have been validated for forensic DNA testing. Life Technologies
is the	only vendor that can offer warranty service & maintenance on instruments they provide.
REDUCED G	OAL (To be completed by the department prior to advertisement)
	g a MWBE contract-specific goal below the following citywide goals:
	34%); Professional Services (24%); Purchasing (11%)
Yes No (If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.
GOAL REVIS	SION AFTER ADVERTISEMENT
I am requesting	a <u>revision</u> of the MWBE Goal: Yes No
	New Proposed Goal:
	Date: Number of Solicitations Received: Estimated Dollar Amount: \$
	n for request:
	VE OR INTER-LOCAL AGREEMENT
	afive/Inter-Local Purchasing Agreement? Yes O No O Goal Requested:
	" Yes O No O
	explore opportunities for using certified firms? Yes No N/A
If no, please exp	plain why not:
Concurrence:	1 4/14/14
Tim CR	188 4-14-14 her Ras
Department Initia	
Approved by:	
hlu.	7 harres 4/15/14
OBO Assistant D	irector or Designee Date
OBO Tracking #:	
Jaco Hacking Ir.	ODO RESOIL



April 4, 2014

Dear Houston PD Purchasing:

Please accept this letter to document that Life Technologies is the sole manufacturer and exclusive supplier for the Applied Biosystems model 3500xL Genetic Analyzer and model 7500 Real-Time PCR instruments. These analytical instruments have been validated for Human Identification applications. The AB Genetic Analyzers are the only instruments that are fully validated for the purpose of Human Identification. Life Technologies is the exclusive manufacturer and distributor of all AmpFISTR kits, including Identifiler Plus, GlobalFiler, and all reagents, software, capillaries, and related consumables used in conjunction with the model 3500 Genetic Analyzer and 7500 RT PCR instuments. These products are sold direct, and are available exclusively from Life Technologies. **This includes all items outlined on Quote S-1092945**.

Further documentation describing the unique, detailed specifications of the Life Technologies AB Genetic Analyzers, and other AB Instrument Systems, can be found in our user manuals, and are available upon request.

Life Technologies does not have authorized distributors in the USA.

This information should justify Life Technologies as your "Sole Source" supplier for all Applied Biosystems instruments, software, consumables and services that you need to perform DNA Analysis, for the purpose of Human Identification.

If you need any further information please feel free to contact me at your convenience.

Regards,

Phillip Czar
Account Manager
Life Technologies
(210) 286-1414
phillip.czar@lifetech.com

TO: Mayor via City Secretary	REQUEST FOR COUN	NCIL ACTION		P.C.	A# 10113
Subject: Purchase of Examination	Booklets for the Firefigh	ter Entrance	Category #	Page 1 of 1	Agenda Item
Level Examination for the Huma	n Resources Department	tor Entrance	4	ruge rorr	Agenda Helli
		•			
					1
					0
FROM (Department or other point of	origin):	Origination 1	Date	Agenda Date	2
Calvin D. Wells					
City Purchasing Agent		May 08	3, 2014		
Finance Department					
DIRECTOR'S SIGNATURE		Council Distr	rict(s) affected		
allen Shell		All			
For additional information contact:				prior authorizi	ing
Omar C. Reid	Phone: (832) 393-6056	Council Action	on:		
	Phone: (832) 393-8726				
RECOMMENDATION: (Summary)					
Approve the purchase of examina	tion booklets for the firefig	ihter entrance	level exam	ination in the	amount of
\$24,500.00 for the Human Resour	ces Department.				
A				Finance Budg	get
Award Amount: \$24,500.00					
#04 500 00 O + 10 + 1			·		
\$24,500.00 - Central Services Rev	olving Fund (1002)				
CDECIEIC EVEL ANATION					·····
SPECIFIC EXPLANATION:	5				
The Director of the Human Reso	ources Department and	the City Purc	hasing Age	nt recomme	nd that City
Council approve the purchase o	f firefighter entrance lev	el examination	on booklets	in the total	amount of
\$24,500.00 to Selection Works, L	LC for the Human Reso	urces Depart	ment and a	uthorization	be given to
issue a purchase order.					•
The Human Resources Departme	nt is coordinating the ad	ministration of	of a Non-Ce	rtified Fire T	rainee-EMT
examination on June 11, 2014.	The estimated number	of applicants	and the co	orresponding	number of
examination booklets is estimated	at 2,000 at a cost of \$24,5	500.00.			
Selection Works, LLC is the prov	ider of the entrance leve	l examination	n. the "Fire	Fighter Sele	ction Tool."
Selection Works, LLC performed the	ne job analysis of the City	of Houston	firefiahter pa	sition and h	as the most
relevant and recent documentation	to provide for this entrain	nce examinati	on Selecti	on Works 11	C has also
been approved to perform the vali	dation exercise for the H	louston Fire I	Denartment'	s Physical A	hilities Text
(PAT). The PAT consists of the p	hysical exam criteria to d	ualify as a n	rohationary	firefighter tra	inee hefore
entering the Jahnke Fire Training A	cademy.	iaam, ao a pi	obalional y	mongritor tra	ince before
, , , , , , , , , , , , , , , , , , ,					
Since July 2013, the Human Reso	ources Department has i	squad nurcha	sa ordare t	Selection V	Norke IIC
totaling \$36,743.00. With the issu	ance of this purchase or	der for \$24 51	36 010613 (loction Work	NUIKS, LLC
aggregate total will be \$61,243.00 a	and therefore requires Cit	uei iui \$24,50	vo.uu to se	lection work	s, LLC, the
αθθιοθαίο τοιαί Will be ψ01,240.00 8	ind therefore, requires Cit	y Couricii app	rovai.		
Buyer: Roy Korthals					
. ,					
	REQUIRED AUTHOR	IZATION			
Finance Department:	Other Authorization:		Other Authori	zation:	

TO: Mayor via City Secretary	COUNCIL ACTION		RC	A# 10057
Subject: Purchase of a Gas Chromatograph/Mass Sp System from the State of Texas Procurement and S Contract for the Public Works and Engineering Depa S49-24988-ILA	upport Services	Category #	Page 1 of 1	Agenda Item
FROM (Department or other point of origin): Calvin D. Wells	Origination	Date	Agenda Date	e
City Purchasing Agent Finance Department	March 2	March 24, 2014 MAY 1 4		4 2014
DIRECTOR'S SIGNATURE	Council Dist	rict(s) affected	1	
David Guernsey Ray DuRousseau Phone: (832) 395-36 Phone: (832) 393-87	Date and Identification of prior authorizing Council Action:			ing
RECOMMENDATION: (Summary) Approve the purchase of a gas chromatograph/mass the State of Texas Procurement and Support Services Department.	spectrometer syste Contract for the P	m in the amoublic Works	ount of \$113, and Enginee	535.19 from ring
Award Amount: \$113,535.19	•		Finance Bud	get

SPECIFIC EXPLANATION:

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve the purchase of a gas chromatograph/mass spectrometer system from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program in the amount of \$113,535.19 for the Public Works & Engineering Department and that authorization be given to issue a purchase order to the State contract supplier, All Business Machines, Inc. This gas chromatograph/mass spectrometer system will be used by the Department's lab personnel to determine the precise contaminants in drinking water, ensuring that drinking water is safe, especially if there is a public health concern.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision and transportation necessary to furnish and install one gas chromatograph/mass spectrometer system (GC/MS) in the Department's Drinking Water Operations laboratory at the East Water Purification Plant, located at 2300 Federal Road. The GC/MS system consists of a gas chromatograph (GC), mass selective detector (MSD) and an auto injector module for the GC, an ion gauge controller for the MSD, sample concentrator and a reference library. The system will come with a full three-year warranty and the life expectancy is ten years.

Hire Houston First:

This procurement is exempt from the Hire Houston First Ordinance. Bids/proposals were not solicited because the Department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

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

Buyer: Norbert Aguilar PR No: 10175812

	REQUIRED AUTHORIZA	TION	NDT
Finance Department:	Other Authorization:	Other Authorization:	

r.,	REQUEST FOR COUN	CIL ACTION	,		
TO: Mayor via City Secretary				RCA	\ # 10102
Subject: Approve the Sole Source Implementation and Training Ser Engineering Department S55 - E25042			Category #	Page 1 of 1	Agenda Item
FROM (Department or other point of	origin):	Origination	Date	Agenda Date	!/-
Calvin D. Wells		O I Igination	Dute	Agenua Date	A 201A
City Purchasing Agent Finance Department		May 0	5, 2014	MAY 1	4 2014
DIRECTOR'S SIGNATURE		Council Dist	rict(s) affected	<u> </u>	
Mann & Wal		All	rici(s) affected		
For additional information contact:			ntification of	orior authorizi	
David Guernsey	Phone: (832) 395-3640 Phone: (832) 393-8723	Council Acti		orior authorizh	ng
RECOMMENDATION: (Summary)		•			
LIMS integration and implementat	ion and training services	for the Public	: Works and	Engineering I	Department.
Estimated Spending Authority: \$96	5, 971.67			Finance Budg	get
\$96,971.67 - Water & Sewer Syste	em Operating Fund (8300)			
The Director of Public Works & E approve the sole source purchase LIMS integration and implementa Compliance Tracking Software for Linko Data Systems is the sole s services and training and support directly from Linko Data Systems is annually. The sanitary sewer surperform annual evaluations of san state of the art pretreatment software.	e from Linko Data Systemation and training service the Public Works and Enguire manufacturer and for the instruments that which will provide the Citycharge software will intestary sewer billing rates for	ns in an ames for a full gineering Deptons sole provide will be used y with pretresprate with t	ount not to e implementat partment (PV er of Linko s by PWE. T atment softw he complian	exceed \$96,9 ion of the PVE). oftware, import in the product of t	P71.67 for a retreatment lementation ets are sold be updated modules to
This recommendation is made purs are available from only one source"	suant to Chapter 252, Sec of the Texas Local Gove	ction 252.022 rnment Code	2 (a) (7) "a prefor exempte	ocurement o	f items that nts.
Hire Houston First This procurement is exempt from the because the department is utilizing	he City's Hire Houston Fi a sole source contractor f	rst Ordinanc or this purch	e. Bids/prop ase.	osals were n	not solicited
Buyer: Joseph Badell					
	REQUIRED AUTHORI	IZATION			
Finance Department:	Other Authorization:		Other Authori	zation:	

Portable auto-samplers replacement due to IKE damage

SOLE SOURCE CERTIFICATION

PART NUMBER	COMMODITY CODE	DESCRIPTION	
		LinkoCTS Implementation, Integration of	and Training
MFG. NUMBER	VENDOR NAME (ADD MANUFACTURER'S NAME ALSO, IF DIFFERENT) LINKO DATA SYSTEMS INC		
VENDOR NUMBER 141640	VENDOR ADDRESS 4251 KIPLING STREET	SUITE 410 WHEAT RIDGE CO 80033	☐ Certified M/WBE ☑ No M/WBE
VENDOR TELEPHONE 303-952-0021	VENDOR CONTACT Dave Stadelmann, DStac	delmann@linkodatasystems.com	

<u>SOLE SOURCE</u> - Procurements where the functional needs of the City can be satisfied by only one source (Ref. - Texas Local Government Code Section 252.022; City of Houston, Executive Order 1-8).

Check mark the appropriate reason the above item can be obtained only from the indicated vendor. A letterhead, as backup.	i, material or service has no substitute and trach letter from the manufacturer, on the	a ir
replaced	the only local supplier of acceptable parts. He only local supplier of acceptable parts. Hove Vendor who is the original manufacturer of the item being diffication of equipment. Modification would not be cost effective, of the acceptable part. Hove Vendor who is the sole authorized distributor for the dese items to the City of Houston.	
ORIGINATOR'S STATEMENT I CERTIFY THAT THE ABOVE ITEM, MATERIALS OR S THE REASON INDICATED ABOVE.	SERVICE IS A SOLE SOURCE ITEM FOR	
ORIGINATING DEPT: PUBLIC WORKS & ENGINEERING Muldith Kallows	Date: 1/29/2014	
F&A MATERIALS MANAGEMENT BRANCH	AUTHORIZED APPROVAL DATE	
Buyer:		لــ



February 14, 2014

City of Houston
Public Utilities Division
Department of Public Works and Engineering
10500 Bellaire Boulevard
Houston, TX 77072

Re: Sole Source Statement

To Whom It May Concern,

Linko Data Systems, Inc. is the manufacturer of **LinkoCTS™** software products for the data management of Industrial Pretreatment Programs specific to wastewater facilities.

Linko Data Systems is the sole manufacturer of this proprietary software, and is the only organization authorized to provide Linko software, implementation services, training and support. Any sales agent or representatives of these products are strictly governed by contracts held by Linko Data Systems.

Please call me directly with any questions or concerns. I may be reached at (303) 952-0021.

Sincerely,

David Stadelmann Sales Manager 4251 Kipling Street, Suite 410 Wheat Ridge, Colorado 80033 www.LinkoDataSystems.com Fax 303.275.9949 1.877.546.5699 Toll Free 303.275.9968

	REQUEST FOR COUNC	CIL ACTION			
TO: Mayor via City Secretary	REQUEST FOR COOM	AL ACTION		RCA	A# 10068
Subject: Approve an Appropriating			Category #	Page 1 of 2	Agenda Item
Authority to Purchase Software Li			1, 4, & 5		_
Integration Services, and Cloud C	omputing Services for Pu	blic Works			04
and Engineering Department. (S-000020-0026-5)				4	7711
FROM (Department or other point of o	rigin):	Origination	Date	Agenda Date	
Calvin D. Wells		_			
City Purchasing Agent		May 0	2, 2014	MAY 1	4 2014
Finance Department					
DIRECTOR'S SIGNATURE		Council Dist	rict(s) affected		
For additional information contact:			ntification of 1	orior authorizi	nσ
<i>y</i>	Phone: (832) 395-3640	Council Action		Jiloi authoriza	ng.
	Phone: (832) 393-8723			2-0340; 2013-	-0362
RECOMMENDATION: (Summary)					
Approve an ordinance authorizing t					
Consolidated Construction Fund (8					nses,
software maintenance, integration s					
\$5,495,050.80 from the General Se					
Cooperative Purchasing Program a	nd through the Texas De	partment of	Information F	Resources to	r the Public
Works & Engineering Department.					
				Finance Budg	zet
Award Amount: \$5,495,050.80				عر	,
, ,					
\$2,767,089.53 - Water & Sewer Sys					
\$1,704,739.14 - Water and Sewer \$			nd (8500)		
\$ 775,260.22 - Combined Utility S					
\$ 247,961.91 - Dedicated Drainage	e and Street Renewal Fur	10 (2310)			
\$5,495,050.80 - Total					
SPECIFIC EXPLANATION:					
The Director of Public Works & E					
approve an ordinance authorizing					
Consolidated Construction Fund (
authority in a total amount not to ex	•				
integration services and cloud comp 70 Contract and the Texas Depart					
Program for the Public Works & Er		• •	~	•	•
orders, as necessary, to the coope					
the City Attorney's written approval					
004.0		•			
GSA Contractors:					
Infor Public Sector, Inc.: For the	nurchase of software m	aintenance	for three ve	ars addition	al software
licenses, and services for the expar					
system in the total amount of \$3,3					
Systems.	,	1	•		
•					
Cloudnexa, Inc.: For the purchase					
billing, work management, fixed	network data wareho	use, custo	mer portal,	∟nterprise	Document
	REQUIRED AUTHORI	ZATION			
Finance Department:	Other Authorization:		Other Author	ization:	

TO: Mayor via City Secretary	REQUEST FOR COUN	NCIL ACTION		RCA# 10085
Subject: Approve an App for Technical Advisor Se	ropriating Ordinance and Award a ervices for the Justice Complex ma for the Houston Police and Munic 84	anaged by	Category #	Page 1 of 2 Agenda Item
FROM (Department or other Calvin D. Wells City Purchasing Agent	point of origin):	Origination I		Agenda Date
Finance Department DIRECTOR'S SIGNATURE	71/08/	1	rict(s) affected	MAY 1 1 2014
For additional information con Kelly Dowe		All Date and Ide Council Action		prior authorizing
Joyce Hays RECOMMENDATION: (Sur Approve an ordinance au	Phone: (832) 393-8723 mmary) thorizing the appropriation of \$4,3	328,880.00 ou	ut of the Miso	c. Cap. Projects/
exceed \$4,328,880.00 for	- Fund (4039) and award a contra the technical advisor services for louston Police Department and M	the Justice C	omplex proje	ect managed by the
Maximum Contract Amou	nt: \$4,328,880.00			Finance Budget
\$4,328,880.00 - Misc. Ca	p. Projects/Acquisitions CP Series	E Fund (40	039)	
ordinance authorizing the Series E Fund (4039) a an amount not to exceed managed by the Finan	ce Department and City Purchasing appropriation of \$4,328,880.00 and award a three-year contract, with \$4,328,880.00 for the technical ce Department for Houston Policity Purchasing Agent and/or Figure 10 to the contractor.	out of the I ith two one-ye advisor servi olice Departn	Misc. Cap. lear options, to the ices for the nent (HPD)	Projects/Acquisitions CF to Moca Systems, Inc., ir Justice Complex projec and Municipal Courts
	ires the contractor to provide to rdinating tasks and deliverables re			
	perform some or all of the service nagement and administration of the ose-out.			
bid laws. Thirty prospect Proposals were received committee consisted of s	ations (RFQ) was issued in accordive proposers downloaded the so from Moca Systems, Inc., CRB ix evaluators from the Finance, I ated based upon the following crit	licitation docu E/Atkins and Legal, Police	ment from S URS Corpo	SPD's e-bidding website. oration. The evaluation
•				
	REQUIRED AUTHO	RIZATION		
Finance Department:	Other Authorization:		Other Author	rization:

Date: 4/29/2014	Subject: Approve an Appropriating Ordinance and Award a Contract for Technical Advisor Services for the Justice Complex managed by the Finance Department for the Houston Police and Municipal Courts Departments/S46-O24884	Originator's Initials EA	Page 2 of 2
	Departments/340-Q24884		

- 1 Professional and Technical Competence.
- 2 Quality of proposed Management Plan.
- 3 Local Availability of Key Technical Personnel and Support Personnel.
- 4 Financial Capacity of the Respondent.

Moca System, Inc. received the highest rating.

M/WBE Subcontracting:

This RFQ was issued as a goal-oriented contract with a 24% M/WBE participation level. Moca System, Inc. has designated the below named company as its certified M/WBE subcontractors:

Subcontractor Name	Type of Services	%
TLC Engineering, Inc.	Design, Drafting, Project Management	20%
One World Strategy Group.	Public Relations and Communications	4%

The Office of Business Opportunity will monitor this contract to ensure maximum M/WBE participation.

Pay or Play Program:

The proposed contracts require compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Hire Houston First:

The proposed award requires compliance with the City's Hire Houston First Ordinance that promotes economic opportunity for Houston businesses and supports job creation. Moca Systems, Inc. is not a designated Hire Houston First company. However, no Hire Houston First designated companies considered were within three percent of the total RFQ score for Moca Systems, Inc., therefore Moca Systems, Inc. was selected.

Buyer: Eric Alexander

Date:		 	
Date:	Subject: Approve an Appropriating Ordinance and Approve Spending	Originator's	Page 2 of 2
5/2/2014	Authority to Purchase Software Licenses, Software Maintenance,	Initials	1 4 5 6 2 6 7 2
	Integration Services, and Cloud Computing Services for Public	MS	
	Works and Engineering Department.		
	(S-000020-0026-5)		
	S17- H25005		

Management, and other services in the total amount of \$1,500,000. This vendor is being utilized for Amazon Cloud Services.

DIR Contractor:

<u>Precision Task Group (PTG):</u> For the purchase of integration and software development services for mobile application, web portal, and Infor integration in the total amount of \$632,000.00.

This purchase includes software licenses, software maintenance, integration services and cloud computing services that are for the go-live implementation of the new Combined Utility and Drainage billing system and expansion of its integrated asset and work management applications. The Infor Public Sector (IPS) system facilitates the Department's accurate and timely recording of billing and collection of revenue for the city's utilities (i.e., water, sewer, and drainage). Expansion of the IPS application utilization within the CUS will further ensure that all aspects of customer interfaces and repairs to the system infrastructure are coordinated within the Department. Cloud computing services provide best value for hosting the Infor IPS suite of applications and associated Department data.

Hire Houston First:

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

Pay or Play

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractors Cloudnexa, Inc. and Precision Task Group, Inc. provide health benefits to eligible employees in compliance with City policy. The contractor Infor Public Sector, Inc. provides health benefits to some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City Policy.

M/WBE Subcontracting:

The contracts between the Texas Department of Information Resources and its vendors do not require an M/WBE goal; however, Precision Task Group, Inc. has designated the below company as their certified M/WBE subcontractor.

<u>Name</u>	Type of Work	Dollar Amount	Percentage
Possible Missions, Inc.	IT Resource Services	\$160,000,00	25.3%

The contracts between the General Services Administration and its vendors do not require an M/WBE goal; however, Infor Public Sector, Inc. has designated the below company as their certified M/WBE subcontractor:

1	<u>Name</u>	Type of Work	Dollar Amount	Percentage
	Precision Task Group	Application Support	\$348,867.54	10.37%

Section 211 of the E-Government Act of 2002 authorizes local governments to purchase information technology related goods and services from GSA Schedule 70 Contracts; and Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Murdock Smith III

			<u> </u>		4	
	TO: Mayor via City Secretary	CIL ACTION	Kei	1,50 C	A # 10000	
	Subject: Approve an Ordinance Authorizing a Master Agre	oment	Category #	Page 1 of 2	A# 10098 Agenda Item	
	between the City of Houston and Infor Public Sector, Inc./S		4	rage rorz	Agenda Item	
	between the city of Floudter and fine Flubile decicle, file./	517-1120007	•			
				11	DIKA	
				16	1011	
	FROM (Department or other point of origin):	Origination I	Date	Agenda Date	•	
	Calvin D. Wells	May 05	2044			
	, , , , , , , , , , , , , , , , , , , ,		5, 2014	MAV	4 4 5531	
(TAIDE CON TUDE	Finance Department			1 4 2014	
S	Vellerin & Will	All	ict(s) affected		\$ 3 8	
y	For additional information contact:		ntification of	prior authorizi	ng	
/	Charles T. Thompson Phone: (832) 393-0082	Council Actio				
	Phone:					
	RECOMMENDATION: (Summary)		_			
	Adopt an ordinance approving a Master Agreement between	n the City of F	louston and	Infor Public	Sector, Inc.	
	Authorize the issuance of purchase orders under the master	r agreement a	and the U.S.	J.S. General Services		
	Administration contract in an amount not to exceed \$4,913,0		tware licens	es, software	support and	
	professional services for the Infor Enterprise Implementation	1.				
				Finance Budget		
	Award Amount: \$4,913,049.91			Z manee Buug	,	
	\$2,947,829.95 - General Fund (1000)					
	\$1,965,219.96 - Central Service Revolving Fund (1002) Ou	t Year (4 Yea	rs) Maintena	ance		
	#4.040.040.04 T-4-1					
	\$4,913,049.91 - Total					
	SPECIFIC EXPLANATION:					
	The Chief Information Officer (CIO) and City Purchasing Agent	recommend t	hat City Cou	incil approve :	an ordinance	
Ì	authorizing a Master Agreement with Infor Public Sector, Inc. for	enterprise soft	ware license	s, and softwar	e support for	
	the Infor enterprise implementation and authorize the issuance of	purchase orde	ers under the	master agree	ment and the	
	U.S. General Services Administration contract in an amount not to	exceed \$4,91	3,049.91 for	software licen	ses, software	
	support and professional services for the Infor Enterprise Impleme	ntation.			!	
	Aviation Police and Public Works have already purchased and in	anlamantad na	rta of the Infa			

Aviation, Police and Public Works have already purchased and implemented parts of the Infor suite on a per seat basis via the pre-competed GSA contract. This enterprise acquisition will extend per seat licensing already owned by the city, to an enterprise license; and more than half of the departments will benefit from this enterprise purchase, both from a business process perspective and a technology integration perspective. The current uncoupled systems do not communicate with each other, are antiquated and distributed across multiple departments and put the City at a disadvantage from a support and usability standpoint. Purchase of this unified platform of products allows us to act as "One City'; ensuring enhanced customer service; taking a call from 3-1-1 to a service request, from a service request to the assignment of a work order and on to tracking of the work order (until completion) to its closing and the ability to provide public notification or updates. Thus moving the City from antiquated, legacy and siloed applications to an integrated platform.

The Infor Public Sector is designed specifically to meet the needs of state and local governments, and municipal authorities. This collection of local government software solutions, which leverages more than 25 years of Infor expertise in the public sector, is being used by more than 1,000 local and state governments and municipal authorities worldwide to successfully address their information technology challenges. This purchase will move the City from a per seat licensing agreement to enterprise licensing for the following:

Infor Enterprise Asset Management (EAM): software gives the power to improve capital asset management in ways that increase reliability, enhance predictive maintenance, ensure regulatory compliance, reduce energy usage, support sustainability initiatives, and help provide more responsive services to citizens. With this software, departments will get a

REQUIRED AUTHORIZATION						
Finance Department:	Other Authorization:	Other Authorization:				

Date: 5/5/2014 Subject: Approve an Ordinance Authorizing a Master Agreement between the City of Houston and Infor Public Sector, Inc./S17-H25037	Originator's Initials MS	Page 2 of 2
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single version of the truth, encompassing all aspects of operations and allowing coordinated responses that cross multiple departments. It will provide the ability to break through information silos and streamline work processes to increase agility and accountability across every aspect of operations.

Infor Public Sector Community Development and Regulatory (CDR): offers a complete way to capture and display daily activities in the field and office. Users can identify violations by land parcel, provide notifications to responsible parties, and establish follow-up inspection programs. CDR will improve department's ability to assess data that affects important land management use decisions quickly and accurately using GIS and data mining; promote best practice business processes and inter-departmental communication; manage unique business requirements, permitting, licenses, ordinances, and regulations; improve responsiveness and compliance rates for citizens and contractors; and empower citizens and businesses with secure, seamless, and transparent access to the CDR process.

Infor Customer Relations Manager (CRM): provides more efficient customer contact by facilitating the ability to increase response rates and gain quicker feedback on effectiveness; reduce direct mail with less frequent, more "on message" contacts; and increase visibility over call center performance.

Infor Public Sector Call Center: deploys advanced 311 services and develop a reputation as a cutting edge municipality that encourages citizen involvement and responds effectively to the needs of your community; while maintaining multiple channels of public communication, including the internet, call centers, faxes, email, interactive voice response, and self-service kiosks.

Infor Motion Application Manager: a vital tool for companies that are going mobile today. A web portal for mobile application management and analysis, Infor Motion Application Manager lets you secure, provision, and deploy mobile apps quickly.

Infor Intelligent Open Network (ION) Pulse: allows users to read, sort, and filter messages relevant to interests; and also read and respond to ION Pulse messages on mobile devices through the Infor Motion applications. ION Pulse messages can also transmit approval controls which allow everyone in the approval chain to approve quickly while keeping a record of approvals for later review. It also gives executives mobile access to the approval process from anywhere in the office or across the globe.

Infor Ming.le: a comprehensive platform for social collaboration, business process improvement, and contextual analytics. Providing innovative social collaboration technologies translated into a business environment and fully integrated across business processes.

Hire Houston First:

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

Pav or Plav

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 contractors provide health benefits to eligible employees in compliance with City policy.

Attachment: M/WBE Zero-Percentage Goal Document approved by the Mayors' Office of Business Opportunity

Buyer: Murdock Smith III

TO: Mayor via City Secretary	REQUEST FOR COUN	CIL ACTION	V	RCA# 1000	E
Equipment Through the Houston Galveston Area Council and the Texas Local Government Purchasing Cooperative for Various Departments. S40-E24868-B&H			Category # 1 & 4	T	la Item
FROM (Department or other point of	origin):	Origination	Date	Agenda Date	
Calvin D. Wells					
City Purchasing Agent		March	25, 2014	MAY 1 4 20	14
Finance Department DIRECTOR'S SIGNATURE (2)		6 95			17
Jahren Shil	8	All	trict(s) affected		
For additional information contact:			entification of	prior authorizing	
Kenneth Hoglund Phone: (832) 393-6901 Council Action:				Prior addition thing	
	Phone: (832) 393-8726				
RECOMMENDATION: (Summary)	the ennueral to these	F40 45 :	· · ·		
Approve an ordinance authorizing	the appropriation of \$322,	542.15 out	of the Equipn	nent Acquisition	
Consolidated Fund (Fund 1800) ar equipment through the Houston Ga	iu approve the purchase (alveston Area Council (H-)	on eartnmovi	ng and grou	nds maintenance	
Purchasing Cooperative (BuyBoard	d) in the total amount of \$6	370) and ii 332 698 59 i	for various de	ai Government	
	ay the total amount of wi	JOZ,000.00 (or various de	partinents.	
				Finance Budget	~
Award Amount: \$632,698.59					
\$322,542.15 - Equipment Acquisition	on Consolidated Fund (Fu	nd 1000\		<u> </u>	
\$173,819.64 - HAS-AIF Capital Ou	on Consolidated Fund (Fu flav Fund (Fund 8012)	110 1000)			
\$108,499.60 - Storm Water Fund(F	Fund 2302)		/		
\$ 62,946.00 - Combined Utility Sys	stem General Fund (Fund	8305)			
	•	,			
\$667,807.39 - Total					
SPECIFIC EXPLANATION:					······································
The Director of the Fleet Manage	ement Denartment and th	o City Dur	shasina Aas	ot roconomond that	Oit.
Council approve an ordinance auth	norizing the appropriation	of \$322 542	211asing Age	it recommend that	Cition
Consolidated Fund (Fund 1800).	It is further recommend	led that Cit	v Council a	oprove the nurchas	se of
earthmoving and grounds mainte	enance equipment throug	gh the inte	rlocal agree	ments for Cooper	ative
Purchasing with the Houston Galve	eston Area Council (H-GA	C) and the ⁻	Texas Local	Government Purcha	sina
Cooperative (BuyBoard) in the	total amount of \$632,69	98.59 for t	he various	departments, and	that
authorization be given to issue p	urchase orders to the co	operative p	ourchasing a	gencies' contractor	s as
shown below. The funding for the	equipment being purchas	sed is includ	ded in the ac	lopted FY14 Equipr	nent
Acquisition Plan. The requested a \$35,108.80 for additional equipmen	t that will be nurchased in	a cenarate	procurement	solidated Fund incli	ıdes
traction additional equipment	t triat will be parchased in	a separate	procurement		
The equipment (back-hoe loader tra	actors and zero-turn radiu	s mowers)	being purcha	sed for Public Worl	ks &
Engineering will be used to locate	hard to find water meters	and to mov	v areas too s	small to be moved	with
large mowers, respectively. The ed	quipment (mowers and rid	ing sand rai	ke) beina pui	chased for the Park	ks &
Recreation Department will be used	citywide to mow grass o	n streets, es	splanades, ba	all fields and to main	ıtain l
the sand on ball fields, respectively	/. The triple flail mowers	and the die	esel tractor b	eing purchased for	the
Houston Airport System will be use facilities.	eu at the Ellington Airpor	t for ground	is maintenan	ce around the airpo	ort's
	REQUIRED AUTHORIZ	ZATION		NE	7
Finance Department:	Other Authorization:		Other Authoria	zation:	

Date:	Subject: Purchase of Earthmoving and Grounds Maintenance	Originator's	Page 2 of 2
3/25/2014	Equipment Through the Houston Galveston Area Council and the	Initials	
	Texas Local Government Purchasing Cooperative for Various	JM	
	Departments.		
	S40-E24868-B&H		

H-GAC Contractors:

<u>Kubota Tractor Corporation:</u> Approve the purchase of two diesel powered, 26-HP backhoe/loader utility tractors in the amount of \$62,946.00.

John Deere Company (Deere & Company): Approve the purchase of eight propane powered, 35-HP lawn mowers in the amount of \$108,499.60.

<u>Lansdowne-Moody Company, LP:</u> Approve the purchase of two 21-foot cutting-width triple gang flail mower attachments and one 90-HP diesel-powered tractor in the amount of \$173,819.64.

BuyBoard Contractor:

<u>Professional Turf Products, LP:</u> Approve the purchase of one gasoline powered sand rake, one diesel powered reel mower and twenty-one (21) diesel powered 72-inch riding mowers in the amount of \$287,433.35.

The new equipment meets the EPA's current emission standards for equipment with gasoline, propane and diesel engines. The mowers (triple flail and flex wing) and the backhoe loaders will come with a full one year factory warranty. The sand rake and the reel mower will come with a full two year/1500 operational hours warranty. The propane powered mowers come with three years/1500 hours warranty. The 90-HP tractor comes with two years parts and labor warranty. The life expectancy of the equipment is seven years. Existing units that have reached their life expectancy will be sent to auction for disposition.

Hire Houston First

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the departments are utilizing an Interlocal Agreement for the purchases.

Buyer: Jeff Meekins		

TO: Mayor via City Secretary I	REQUEST FOR COUNCIL ACT	TION				Keso
SUBJECT: ,			Category	Pag	e	Agenda Item
Approval of a resolution designation	ng High First Ward as a City His	storic District	#	1 of		#
in accordance with Chapter 33, Co	ode of Ordinances					ノン
FROM (Department or other po	int of origin):	Original	tion Date	<u> 1</u>	Agenda	a Date
Planning and Development	,	April 25			_	
					<u>MAY</u>	1 4 2014
DIRECTOR'S SIGNATURE:		1	District affec	cted:		
to fature [.]	\mathcal{L}	H				
For additional information conta	ect: Diana Ducroz	Date and	l identification	on of	prior au	thorizing
	Phone: (713) 837-7924	Council		,	,	
DECOMMENDATION (C		N/A				
RECOMMENDATION: (Summ Approval of a resolution designation		torio District				
reperoval of a resolution designation	ig mgn mst waid as a City mis	ione District				
Amount and Source of Funding:	N/A			Fina	nce Bud	aet.
				A 11166	nee Buu	get.
SPECIFIC EXPLANATION:						
In accordance with the City of Houston Code of Ordinances, the High First Ward Historic District application was initiated by at least 10 percent of the owners of tracts in the proposed district. After the historic district application was determined complete, the Planning Director notified all property owners within the proposed district of a public meeting to provide information about the historic district application. The public meeting was conducted on January 7, 2014. On January 24, 2014, the Planning Director mailed survey cards to the owners of all property within the proposed historic district. The deadline to postmark or deliver the survey cards to the Director was February 24, 2014. Forty of 149 tracts in the proposed historic district returned the survey card in support of the designation of the historic district. In accordance with the Code of Ordinances, the Director modified the boundaries of the proposed historic district in order to achieve the minimum support required. This resulted in a boundary where 67.27% – 37 of 55 total tracts - supported designation of the proposed historic district. The Director gave 30 day notice of a public hearing before the Houston Archaeological and Historical Commission (HAHC).						
The public hearing was held by the recommend to City Council the appropriate of the ordinance including: 1) owners of 67 percent of all the trapercent of tracts in the proposed his of the proposed historic district to respect to the proposed historic district to the propos	proval of the historic district des acts in the proposed district supp toric district support the designat	ignation after do ort the designat ion of the distri	ion of the disc	at the trict; i	applicate f owners modify	of less than 67
proposed historic district;	1997/19/10/07/Julian 2016/20/20/20/20/20/20/20/20/20/20/20/20/20/	-		****	•	
2) the proposed area meets at least of	ne criteria for designation as a h	istoric district;				
3) a majority of buildings within the	area are 50 years of age or older	·.				
Attachments: Application and Staff	Report					
c: Minnette Boesel, Mayor's Assistant for Cultural Affairs David M. Feldman, City Attorney Omar Izfar, Real Estate Section, Office of the City Attorney C.A. McClelland, Chief, Police Department Terry A. Garrison, Chief, Fire Department						
	REQUIRED AUTHO	RIZATION	······································	····		
Finance Director:	Other Authorization:		ther Author	izatio	n:	

Finance Director: Other Authorization: Other Authorization:

Archaeological & Historical Commission

Planning and Development Department

HISTORIC DISTRICT DESIGNATION REPORT

DISTRICT NAME: High First Ward

LOCATION: See attached site location map

APPLICANTS: Evan Michaelides, property owner

30-DAY HEARING NOTICE: Mar-25-2014

AGENDA ITEM: I

HPO FILE NO: 13HD22

DATE ACCEPTED: Dec-2-2013

HAHC HEARING: Apr-24-2014

SITE INFORMATION

Baker Addition, Block 288, Lots 1-3; Block 289, Lot 12; Block 298, Lots 6-12; Block 299, Lots 3-5, 7-9; Block 300, Lots 3-5; Shearn Addition, Block 304, Lots 1-9; Block 305, Lots 2-10; Block 306, Lots 10; Block 314, Lots 1-2, 11-12; Block 319, Lots 6-10; Block 320, Lots 4-5, 7-9; Block 321, Lot 7, Tr 8A; Barclay Estates Lots 1-6; Crockett Estates Lot 3; Sawyer Heights Oaks; Sawyer Skyline Lots 1, 3-6; Two Season Townhouses; City of Houston, Harris County, Texas, City of Houston, Harris County, Texas

TYPE OF APPROVAL REQUESTED: Historic District Designation

HISTORY AND SIGNIFICANCE SUMMARY

The proposed High First Ward Historic District is located in Houston's historic First Ward. Today, the term "First Ward" has come to refer to the area bounded by Washington Avenue to the south, I-10 to the north, I-45 to the east and Sawyer Street to the west. According to longtime residents, the sections of First Ward to the east and west of Houston Avenue were known as the Low First Ward and High First Ward, respectively. The main corridor of High First Ward Historic District consists of Crockett Street between Johnson and Henderson Streets, taking in sections of Shearn, Spring, and Summer Streets as well.

Founded in the 1800s, High First Ward has historically been a working-class neighborhood, settled by immigrants from many places. With its location close to Market Square, Buffalo Bayou, and two parallel railroad lines, the First Ward served as a major artery for shipment of goods in Houston's early days. Many First Ward residents worked for the railroads or in shops that served that industry. Today, the two train lines are a historic reminder of this aspect of the neighborhood's history. High First Ward continues to attract those who want to live near downtown. In addition to longtime residents, there has been an influx in more recent years of artists and professionals.

High First Ward is comprised largely of vernacular Queen Anne cottages and Craftsman bungalows built between 1890 and 1930. Over the past few years, and particularly in the last two, many original homes of the First Ward have been demolished to make way for townhouses. Nonetheless, much of the area's historic architecture remains. Two circa 1900 houses at 1706 and 1907 Crockett have been beautifully renovated in just the last six months, both of which sold immediately when listed on the market.

Although many of the historic structures within the proposed district are modest in scale, they superbly exemplify Texas folk architecture of the late 19th and early 20th centuries, and thus serve as a link to Houston's past. By ensuring the survival of a swath of these original homes, the

Archaeological & Historical Commission

Planning and Development Department

applicants aim to provide a visual tie to the First Ward's origins as a vibrant working-class neighborhood, one which bordered and served Houston's nascent downtown.

High First Ward meets Criteria 1, 3, 4 and 5 for city historic district designation.

Criterion 1: possesses character, interest, and value as a visible reminder the development heritage, and cultural and ethnic diversity of the city, state, and nation; Criterion 3: Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation; Criterion 4: Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city; Criterion 5: contains the best remaining examples of an architectural style or building type in a neighborhood.

HISTORY AND SIGNIFICANCE

High First Ward

The proposed High First Ward Historic District is located in Houston's historic First Ward. Today, the term "First Ward" has come to refer to the area bounded by Washington Avenue to the south, I-10 to the north, I-45 to the east, and Sawyer Street to the west. According to longtime residents, the sections of First Ward to the east and west of Houston Avenue were known as the Low First Ward and High First Ward, respectively. The proposed High First Ward Historic District is located west of Houston Avenue and north of the Winter Street railroad tracks. The neighborhood is comprised largely of single-family houses and duplexes built between approximately 1890 and 1930.

As originally proposed by the applicants, the main corridor of the district consisted of Crockett and Summer Streets between Johnson Street to the east and Hemphill Street to the west, also taking in sections of Shearn and Spring Streets to the north, with a southern spur running down Sabine Street to Winter Street. Within the original proposed district were approximately 170 properties containing ninety-five contributing structures, most of which are either vernacular Queen Anne cottages from the turn of the 20th century or Craftsman bungalows from the early 20th century. The modified boundary reduces the number of properties to 62, with 44 contributing and 12 noncontributing structures.

The First Ward is located close to downtown's Market Square, as well as to Buffalo Bayou, which in Houston's early days served as a major artery for shipment of goods. The two parallel train lines that run through the First Ward likewise were conduits for transportation of goods beyond Houston. These commercial activities, and the availability of associated jobs, made the area an attractive place for working people to live.

Today, First Ward residents can reach downtown Houston within the space of a few minutes, so that although the nature of the business conducted in downtown Houston has changed considerably, the First Ward is a draw for those who work downtown. This desire to live close to work and entertainment has placed the neighborhood under tremendous development pressure, which in turn has led to large-scale demolition of historic buildings resulting in significant changes to the streetscape and character of many parts of the neighborhood. With this in mind, the purpose of seeking Historic District designation for a portion of the area is to retain some of the First Ward's historic character, providing a visual reminder of the neighborhood's working-

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Planning and Development Department

class, ethnically diverse roots, and its connection to Houston's commercial history, and to the railroad in particular.

History of the First Ward

When Houston was divided into four wards in 1840, the First Ward was identified as the area within the city limits (which were much smaller then) west of Main Street and north of Congress Street. In her article, "Houston's First Ward - Producing Food from Farm to Counter," Betty Trapp Chapman writes that the First Ward "bordered the strategic locations where Buffalo Bayou and White Oak Bayou converged" and that "because of its proximity to Buffalo Bayou and the market house, residents in the First Ward became heavily involved in the community's commodity and produce business." She also notes that because of the "limited means of transportation, people preferred living near their place of business or employment. This made the close in First Ward residences a popular choice for those engaged in commerce or employed in service oriented jobs."

Because of First Ward's location along the Buffalo Bayou, which provided easy access to shipping, the First Ward was home to many storehouses and family run grocery stores. Reminders of this phenomenon are evident in a number of corner houses which had attached store spaces. Two surviving examples can be seen at 2002 Summer (within original boundary, but not modified boundary) and 1701 Crockett. The current owner of the latter house, who grew up there, recalls when her family ran a store at that location. Although the original shapes of these two homes have been distorted by additions, the role these structures served in the neighborhood is noteworthy. Census records from 1920 show that at 1809 Summer Street (known as the Dentler Building), the Dentler family ran a cookie and macaroon business. The company later expanded to sell mayonnaise and other foodstuffs, most notably Dentler Maid potato chips, which many longtime Houston residents still recall.

By the 1890s, the railroad had become an important part of Houston's commercial life. The two railroad lines that run through the First Ward, built by the Texas Central Railroad Company and the Southern Pacific Railroad Company, have played a longstanding part in the development and character of the neighborhood. Many First Ward residents worked for the railroads or in shops that served that industry. Today, the two train lines are a historic reminder of this aspect of the neighborhood's history.

The High First Ward, within which the proposed historic district lies, has historically been a working-class area. Many of the people who settled the area in the 1870s and 1880s were German farmers. Later, towards the end of the 19th century and into the 20th century, other European immigrants came to the First Ward, setting up groceries, bakeries, and other businesses. Census data for the High First Ward from the early 20th century (1900, 1910, 1920, and 1930) reveals that immigrants to the area included Italians, Russian Jews, Swedes, Austrians, Prussians, Germans, Englishmen, and Irishmen, and later Mexicans. Census data also indicates that large numbers also moved to the area from other parts of the U.S., including Louisiana, Kentucky, Missouri, North and South Carolina, Tennessee, Michigan, Ohio, and New York. Race data from the census suggests that the area was largely Caucasian, with only a small African-American population, concentrated mostly on the streets abutting the railroad lines. Occupations noted for residents in the High First included railroad carpenter, railroad engineer, railroad foreman, machinist, tin and copper smith, boiler maker, blacksmith, day laborer,

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Planning and Development Department

shoemaker, grocer, seamstress, candy shop owner, washerwoman, telephone operator, garbage gatherer, string maker, saloon owner, bank police, baker, night watchman, bank police, fireman, bookkeeper (at the nearby rice mill), and barber. The census data also shows that residents comprised a mixture of owners and renters of homes, with the latter predominating. Some homeowners took in lodgers.

Today, the High First Ward continues to attract those who want to live near their place of work. In addition to longtime residents, there has been an influx in more recent years of artists (witness the presence of the Spring Street Studios and Winter Street Studios artists' workspaces, along with numerous independent art and design studios) and, more recently, professionals.

Architecture of the High First Ward Historic District Area

The historic buildings located within the proposed district are largely of two types: single-family residences of the vernacular Queen Anne style, dating from approximately 1890 to 1910, and Craftsman bungalows, dating from the 1910s through the 1930s.

There are many examples of the Queen Anne style in the district which vary in size and elaboration. Three basic formats are discernible. The smallest cottages, such as those seen at 1817 Summer, 2013 Crockett and 2015 Crockett (all eliminated from modified boundary), are essentially shotgun houses with side halls. There are larger Queen Anne cottages of this type, with cross gables, front porches and center halls, at 1810, 1914, and 1918 Summer and 1706, 1708, and 2017 Crockett (latter not in modified boundary). The largest examples of this style, featuring wraparound porches and additional side gables, can be seen at 1801 Crockett, 1511 (aka 1519) Sabine (not in modified boundary), 1802 Summer, and 1907 Crockett. All of these homes exhibit steeply pitched hip roofs, cross gables (often embellished with fish-scale or other elaborate shingles), cypress clapboard siding, two-over-two windows, turned porch columns, and decorative cutout brackets, spandrels and other details. In a smaller number of transitional examples, Colonial Revival porch columns and windows are juxtaposed with standard vernacular Queen Anne forms, as at 1907 Crockett and 2117 Crockett (not in modified boundary).

The Craftsman style is also well represented within the district, and is likewise seen in houses of varying sizes and levels of detail. A fine example, with a broad overhanging roof and square porch columns, can be seen at 1719 Summer (not in modified boundary). Other examples of classic bungalows include 1702 Summer, 1715 Crockett, 1910 Crockett (not in modified boundary), and 1911 Spring (not in modified boundary) and 2011 Spring. These houses exhibit the standard details typical of the Craftsman style: gable roofs, full- and half-width front porches, square columns, brackets below the eaves, and, often, multi-paned windows. The house at 1918 Crockett, in contrast, is a hybrid - a craftsman house overlaid with elements of the Queen Anne (fish-scale shingles) and Colonial Revival (windows) idioms – a true piece of folk architecture where elements of all the prevailing styles were intermingled, but had to be cut from the modified boundary.

Included within the district's boundaries is a City of Houston landmark, the Otto Pech House. This restored Queen Anne cottage, built around the turn of the 20th century by Otto Pech, a railroad carpenter, is a typical First Ward workingman's residence. Facing the Otto Pech House across Summer Street is the Dentler Building at 1809 Summer, the only example in the district of a brick two-story four-unit apartment house of 1920s vintage, though other buildings of this type can be found in Houston neighborhoods such as Montrose and the East End. Local lore has it that

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Planning and Development Department

Dentler Maid potato chips were made in structures (now demolished) behind this building, which is verified by Sanborn maps. 1809 Summer bears the name Dentler on its front façade.

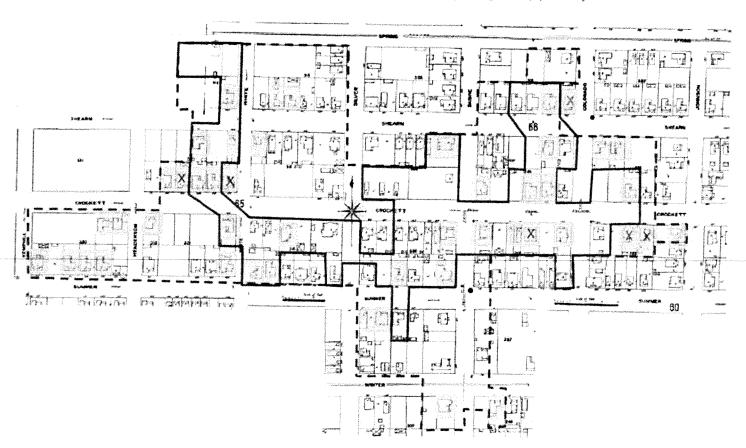
Significance of the High First Ward Historic District

Over the past few years, and particularly in the last two, many original homes of the First Ward have been demolished to make way for townhomes. Nonetheless, much of the area's historic architecture remains. Two circa 1900 houses at 1706 and 1907 Crockett have been beautifully renovated in just the last six months, both of which sold immediately when listed on the market.

Although many of the historic structures within the proposed district are modest in scale, they superbly exemplify Texas folk architecture of the late 19th and early 20th centuries, and thus serve as a link to Houston's past. By ensuring the survival of a swath of these original homes, the applicants aim to provide a visual tie to the First Ward's origins as a vibrant working-class neighborhood, one which bordered and served Houston's nascent downtown.

SANBORN FIRE INSURANCE MAP, 1907

Yellow indicates buildings still extant or demolished/relocated/pending demo (X) in last year



Archaeological & Historical Commission

Planning and Development Department

BIBLIOGRAPHY

Chapman, Betty Trapp, "Houston's First Ward – Producing Food from Farm to Counter," *Houston History Magazine*, Vol. 8 No. 1, December 10, 2010.

Harris County Clerk Records

Houston City Directories.

Sanborn Fire Insurance Maps, 1896, 1907, 1924, 1951.

U.S. Census Records, 1880, 1900, 1910, 1920, 1930.

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

Archaeological & Historical Commission

Planning and Development Department

APPROVAL CRITERIA FOR HISTORIC DISTRICT DESIGNATION

According to Section 33-222.1 of the Historic Preservation Ordinance:

Application for designation of an historic district shall be initiated by either:

- (a) Application for designation of an historic district shall be initiated by either:
- (1) 10 percent of the owners of tracts in the proposed district; or
- (2) The HAHC upon instructing the director to prepare an application for designation.

The application for designation of the High First Ward Historic District was received by the Planning Department on November 20, 2013. The application was initiated by 21 property owners, or 14.09% of the owners of 149 tracts in the proposed historic district. Three additional tracts are owned by the City of Houston, and are therefore not counted for purposes of determining support for the application. These properties are however subject to the historic district regulations.

Proposed historic district boundaries are drawn by the applicants for historic district designation, who must be property owners in the proposed district. The proposed High First Ward boundary was drawn by the applicants for designation.

(c) The department shall review each application for initial completeness. Upon determining that the application is initially complete, the director shall schedule and conduct one public meeting on the proposed historic district unless the director determines in her sole discretion that one or more additional meetings is necessary. The director shall give notice of the public meeting in accordance with subsection (d) of this section, including procedures for giving notice of any additional public meeting.

The Planning Department determined the application was initially complete on December 2, 2013. The director gave notice of the public meeting by depositing written notice in the United States mail on December 17, 2013. The Planning Department conducted a public meeting on the proposed historic district on January 7, 2014 at the Houston Permitting Center at 1002 Washington.

- (d) The director will establish the process for notice and for determining the evidence of support of the application, which shall include the following:
- (1) Within 15 days after determining the application is initially complete, the director shall mail a notice to the owners of all property within the proposed historic district as indicated on the most current appraisal district records. The director shall give notice to a civic association registered with the department whose area is included, in whole or in part, in the proposed district.
- (2) The notice shall include the following:
 - a. The date, time, and location of the public meeting described in subsection (c) of this section;
 - b. Any other information the director determines may be useful to the property owners.
- (e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a card to be returned by the

Archaeological & Historical Commission

Planning and Development Department

property owner which shall indicate whether the property owner does or does not support designation of the historic district. The card must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice.

The director deposited survey forms addressed to the owners of all property within the proposed historic district in the United States mail on January 24, 2014. The deadline to postmark or deliver the survey cards to the director was February 24, 2014.

- (f) After the deadline for returning cards mailed in accordance with subsection (e) has passed, the director will determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than 67 percent of tracts in the proposed historic district support the designation of the district, then the director shall either:
- (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of 67 percent of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application will be considered final; or
- (2) Determine that the application fails and that no further action will be taken by the HAHC. The director shall mail notice to the owners of all property within the proposed historic district that the public hearing before the HAHC has been cancelled.

Owners of 40 tracts in the proposed district returned the survey form in support of the designation of the district by the posted deadline. Two owners returned forms in support after the posted deadline, which were not counted towards the final number in favor of designation. 45 owners returned forms in opposition to the proposed designation. 64 owners did not return forms indicating support or opposition. The three publicly-owned properties are not counted in calculating support.

As provided in the ordinance, the director modified the boundaries of the proposed historic district to achieve a boundary in which at least 67% of the tract owners were in support of designation. The ordinance requires that the district be a 'continuous land mass without holes inside of it.'

The following factors were considered by the Planning Director in modifying the historic district boundary, in general order of priority:

- Location of support for the district ('yes' surveys received by the Feb 24, 2014 deadline).
- Location of historic structures, which were further evaluated based on their age, architectural features, and extent of alterations. Priority was given to structures depicted on the 1907 Sanborn Insurance Maps (the earliest year available for the neighborhood) or to unusual architectural examples (1711 Shearn). (Some of the best remaining examples in High First Ward had to be eliminated due to lack of support in their section of the proposed original boundary.)

Archaeological & Historical Commission

Planning and Development Department

- Desire to maintain intact blocks, blockfaces, and corners as much as possible.
- Vacant lots were given priority for inclusion over lots already redeveloped with new construction, in order to ensure compatible infill within the district.

The modified High First Ward boundary contains 55 tracts. The owners of 37 of these tracts (67.27%) returned survey forms in support of the historic district designation. Owners of ten tracts (18.18%) within the modified boundary returned survey forms in opposition to the proposed district. The remaining 8 tract owners (14.5%) did not return survey cards, which is equivalent to non-support.

High First Ward Historic District Support Statistics	Total Tracts* (modified boundary)	Signed in Support
	55	37
		67.27%

^{*}A 'tract' is a contiguous parcel of land under common ownership, and may consist of multiple lots (Sec.33-201).

(h) The HAHC will conduct a public hearing on each final application for designation of a historic district. Following the public hearing, the HAHC may recommend that the boundaries of the proposed historic district be amended in accordance with the intent and general purpose of this article.

The director gave 30-day notice of the public hearing, to be held before the HAHC on April 24, 2014, by depositing written notice in the United States mail on March 25, 2014.

(b) Notwithstanding the foregoing, no building, structure, object or site less than 50 years old shall be designated as a landmark or archaeological site, and no area in which the majority of buildings, structures or objects is less than 50 years old shall be designated as an historic district, unless it is found that the buildings, structure, object, site or area is of extraordinary importance to the city, state or nation for reasons not based on age.

There are a total of 56 structures within the proposed High First Ward Historic District. Of the 56 structures, 45 (80.36%) are over 50 years in age.

44 structures (78.57%) are classified as contributing, and 12 (21.42%) are classified as noncontributing, of which 10 are recent construction (post-2005). Eight properties are vacant.

High First Ward Historic District Structures Inventory	Contributing Historic Structures	Non Contributing / Non Historic Structures	Vacant
Total Structures = 56	44	12	8
Percent of Total	78.57%	21.42%	n/a

Archaeological & Historical Commission

Planning and Development Department

According to the approval criteria in Section 33-224 of the Historic Preservation Ordinance:

(a) The Houston Archaeological and Historical Commission and the Houston Planning

Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as applicable: S - satisfies NA - not applicable Meets at least one of the following (Sec. 33-224(a): 冈 (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation; (2) Whether the building, structure, object, site or area is the location of a significant local, П state or national event; \boxtimes (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation; \boxtimes (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city; \boxtimes (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood; П (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation; П (7) Whether specific evidence exists that unique archaeological resources are present; (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride. AND П (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based

STAFF RECOMMENDATION

on age (Sec. 33-224(b).

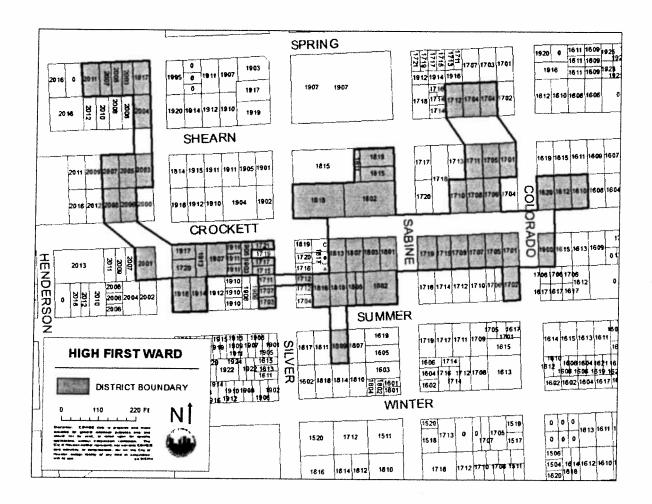
Recommend to City Council the Historic District Designation of the High First Ward Historic District.

HAHC ACTION

Recommends to City Council the Historic District Designation of the High First Ward Historic District.

EXHIBIT A

MAP OF HIGH FIRST WARD HISTORIC DISTRICT BOUNDARY



TO 14	REQUEST FOR COUNCIL	ACTION					
TO: Mayor via City Secretary				CA#			
SUBJECT: A Resolution providing FY2015 Proposed Operating Budget.	g for a Public Hearing on the	Category #	Page 1	Agenda Item#			
FROM: (Department or other point	of origin):	Origination I	Agenda Date				
Kelly Dowe, Director		-1-1-	. (
Finance Department		5 8 1	`	MAY 1 4 2014			
DIRECTOR'S SIGNATURE:		Council Distr					
Skelly			AL	L			
For additional information contact: Phone:	Kelly Dowe (832) 393-9051	Date and ider Council Action		prior authorizing			
RECOMMENDATION: (Summary)							
City Council call a public hearing on the City Secretary to publish notice.	ne Proposed FY2015 Operating Bud	_	, 2014 and aut	horize the			
Amount of Funding:			Finance Bu	dget:			
N/A							
SOURCE OF FUNDING: [] Gener	ral Fund [] Grant Fund [Enterprise	Fund []	Other (Specify)			
-			. ,	(A) /			
N/A				***************************************			
In order to allow for public input and in Section 102.006), a public hearing is re-	In order to allow for public input and in accordance with the state statute governing municipal budgets (Chapter 102, Section 102.006), a public hearing is required on the proposed FY2015 Operating Budget. The hearing will be held at 1:30 p.m. on June 3, 2014 in the City Council Chambers.						
cc: Marta Crinejo, Mayor's Office David Feldman, City Attorney							
	REQUIRED AUTHORIZA	TION					
Finance Director:	Other Authorization:	Other A	Authorization	1:			

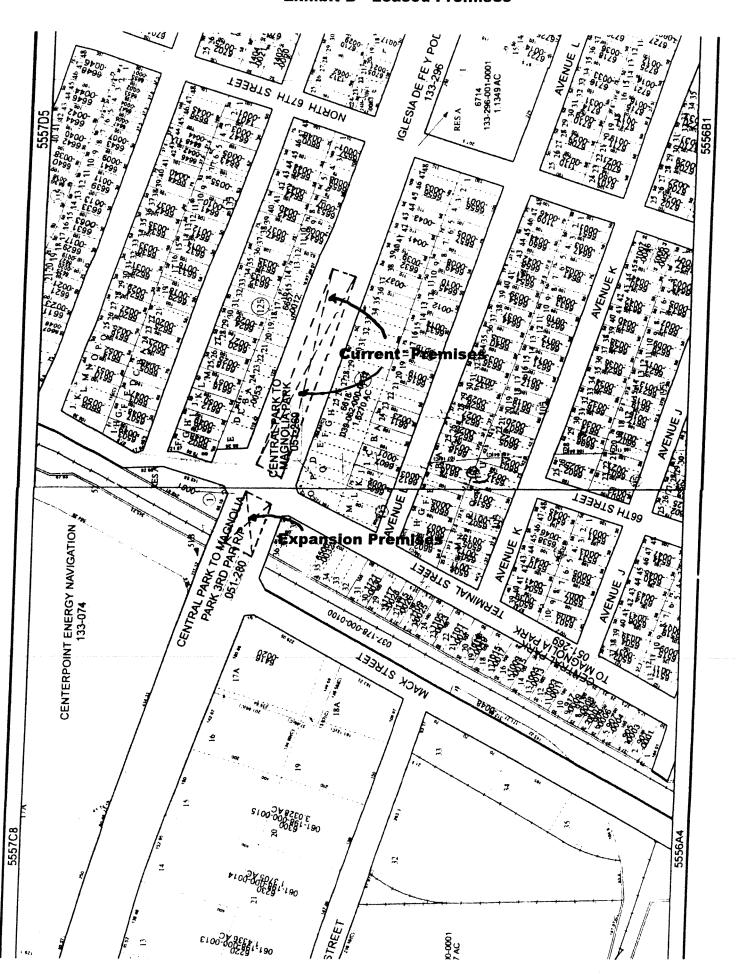
REQUEST FOR COUNCIL ACTION

то:	Mayor via City Secretary						
SUBJECT:	authorizing the Municip	to include additional recitals pal Courts to submit grant nile Case Manager Program	Page 1 of 1		Agenda Item		
FROM	(Department or other po	int of origin):	Origination	Date:	Agenda Date		
	Municipal Courts Departn	nent	May 9, 2014	4	MAY 1 4 2014		
DIRECTOR Bu	r and Presiding Judge	Council Dist	trict(s) affo	ected: ALL			
For additional information contact: Nelly T. Santos Deputy Director			Date and Id Council Act 02/26/2014	ion:	on of prior authorizing		
		713.247.8407	0=/20/2014				
Initiative. Amount an	Amount and Source of Funding:						
	re required at this time (PLANATION:		****				
Governor of \$88,160.00 The purpose juvenile just programs in Though City \$400,000.00 the grant s	The Municipal Courts Department wishes to reapply for a grant with the Criminal Justice Division of the Office of the Governor of Texas for the Juvenile Case Manager Program Delinquency Prevention Initiative in the amount of \$88,160.00. The purpose of this program is to support programs that prevent violence in and around schools and to improve the juvenile justice system and develop effective education, training, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency. Though City departments, per Ordinance 97-776, do have authorization to apply for and accept grants of not more than \$400,000.00 without Council approval, in this case, the granting agency is requiring a resolution of Council to complete the grant submission. Due to an oversight in the original passing of this resolution on February 26, 2014, language required by the granting agency was excluded from Resolution R-2014-3.						
The Grant fo	unded projects must begin	on or after September 1, 2014 a	nd expire on o	r before A	ugust 31, 2015		
·		REQUIRED AUTHORIZA	TION				
Other Authori	zation:	Other Authorization:		Other Aut	thorization:		

10: Iviayor via City Secretary	1	REQUEST FOR COUN	CIL ACTION				
Utility System Master Ordin System Revenue Obligations	SUBJECT: An Ordinance Supplementing the City of Houston, Texas Co Utility System Master Ordinance; providing for the issuance of Combin System Revenue Obligations and authorizing issuance of City of Housto Combined Utility System First Lien Revenue and Refunding Bonds Series					Agenda Item#	
FROM (Department or othe Department of Finance and	r point of	origin):		ion Date:	Agenda D	Date 1 4 2014	
DIRECTOR'S SIGNATURE: Kelly Dowe Director	Council I	Council District Affected:					
For additional information of		C. Green, Controller	Date and	l identification	of prior au	tharisina	
Jennifer Olenick Phone: 832-393-9112 Date and identification of prior authorizing Council action:						tnorizing	
Charisse Mosely		none: 832-393-3529	April 21,	2004 - Ord. No	. 2004-299		
RECOMMENDATION: (Summ			_				
Approve an Ordinance Supp the issuance of Combined Utility System First Lien Reve	tility Syste	the City of Houston, Texas Com Revenue Obligations and a efunding Bonds Series 2014D	ombined Utilit uthorizing issu	y System Mas ance of City o	ter Ordinand f Houston, T	ce; providing fo Fexas, Combined	
Amount and Source of Fundi	ng: Not A	pplicable					
method of accessing cash as bonds that match the usefunding of the commercia Funding a Construction Fun The Finance Working Group	In 1993, City Council began authorizing various commercial paper programs to provide appropriation capacity and ontime funding for various needs of the City. The issuance of commercial paper has provided an expedient, cost-effective method of accessing cash and providing interim financing. The commercial paper notes are later refinanced to fixed rate bonds that match the useful life of the project or equipment being financed. This transaction represents the normal refunding of the commercial paper notes held by the Combined Utility System (CUS) in an amount up to \$185 million. Funding a Construction Fund The Finance Working Group (FWG) also recommends issuing an amount not to exceed \$80 million to be deposited into construction fund 8500. Bond proceeds will be deposited into this construction fund for the direct financing of some CUS						
Summary The total uses of this transaction will not exceed \$265 million (plus any amount associated with refundings of existing bonds for savings). Additionally, as standard course of business, in conjunction with this transaction, the FWG will review possibilities to refinance existing debt if a prudent opportunity to achieve present value savings exists. This amount of debt issued for achieving present value savings could be sizeable, possibly larger than the amount issued for CP refunding and new money purposes, described above.							
Lynch, FTN Financial and Ran	g with Citi nirez & Co	ID Bonds be issued through a group and Piper Jaffray & Co a., Inc. are recommended as cond counsel along with Greenbe	. as co-senior o-managers. N	managers. B	ank of Ame	rica/Merrill	
Recommendation This transaction was presented The FWG recommends appro-	ed to the B	udget & Fiscal Affairs Committ item.	tee on March 2	27 th 2014.			
		REQUIRED AUTHORIZA	ATION				
inance Director:		Other Authorization:		Other Author	ization:		

	TO: Mayor via City Secretary REQUEST FOR C	OUNCIL ACT	ION			
	SUBJECT: First Amendment to Lease Agreement (Parkin Smith Mfg. Co., LLC at 6618 Navigation Blvd.	ng) with J.B.		Page 1 of 1	Agenda Item	
	FROM (Department or other point of origin): General Services Department	Origination 5 8	Date 나	Agenda MAY	Date 2014	
7	DIRECTOR'S SIGNATURE: Scott Minnix Scott Minnix	Council Dis	trict affected	:		
	For additional information contact: Jacquelyn L. Nisby Phone: (832) 393-8023	Council act	entification o ion: 007-0750; da	·	J	
	RECOMMENDATION: Approve and authorize a First Am Smith Mfg. Co., LLC (Tenant) for parking at 6618 Navigation	nendment to L on, Houston, T	ease Agreem exas.	ent (Parki	ing) with J.B.	
	Amount and Source Of Funding: Revenue		Finance Bu	dget:		
	SPECIFIC EXPLANATION: The General Services Departr Lease Agreement with J.B. Smith Mfg. Co., LLC (Tenant), located beneath the Navigation Blvd. overpass, between the additional parking. The tenant has utilized the adjacent proparking since 1982. The original lease provides for a five-year the current market rental rate. The current renewal term con 2017, at a monthly rental of \$500.00 or \$6,000.00 per annual transport of the square footest, and increase the monthly payment to \$662.50 or countersignature by the City Controller. All other terms and conditions of the current lease shall remarked.	for an addition railroad trace perty, consisting the perty, consisting ar base term on Aum. Itage of the emer \$7,950.00 p	onal 5,400 squeks and Terming of 16,464 swith three, five ugust 1, 2012 apployee parkinger annum, e	uare feet on al Street square fee-year ren and will ex	of real property t, to be used for et for employee newal options at expire on July 31,	
	SM:HB:JLN:DW:npb					
	xc: Marta Crinejo, Anna Russell, and Jacquelyn L. Nisby					
_	REQUIRED AUTHOR	RIZATION		CUIC	D# 25 DW 2	
	General Services Department:					
	Cardy					
	Humberto Bautista, P.E. Assistant Director					

F &A 011.A Rev. 3/940



	TO: Mayor via City Secret						
	City of Houston, Texas, and the Purchase and Sale Agreement	roving and authorizing an agreement to Houston Parks Board to accept a to acquire approximately 32.187 acts Park located on South Kirby Driv	n assign	ment of a roperty to	Page 1 of <u>1</u>	Agenda Item#	
	FROM: (Department or other point of origin): Chief Development Office, Office of the Mayor Origination Date: 5 9 14			Date:	Agenda MAY	Date:	
ı)	DIRECTOR'S SICNATURE:	Cour	ncil Dist	rict affected: D			
5	For additional information con Andrew F. Icken 832-393-10	064 Actio	on: #2008	ntification of pr 3-65 (1/23/08), #20 olution 2010-58, (08-298 (0	orizing Council 14/09/08), #2009-257	
RECOMMENDATION: (Summary) Approve an Ordinance approving and authorizing City of Houston, Texas, and the Houston Parks Board to accept an assignment of a Purcacquire approximately 32.187 acres of property to be added to the Houston Sports Park loand appropriate funds					ase and S	Sale Agreement to	
	Amount and Source of Funding: \$1,964,149.22 Parks Consolidated Construction Fund (4502)						
	On November 9, 2010, City Council created the 88 acre Houston Amateur Sports Park LGC by resolution 2010-58 to construct, manage and operate a regional recreational sports field and training facility located between Kirby Drive and Texas 288 along Sims Bayou. The Houston Parks Board (HPB) has now negotiated the purchase of an additional 32.187 acres of property which is adjacent to the existing facility from Green Bank. The City wants to acquire this site to allow expansion of the current facilities located at the Houston Amateur Sports Park and provide trails consistent with Bayou Greenway 2020 along Sims Bayou. In order to accomplish this goal, the City will take an assignment of HPB's contract and pay Green Bank \$1,875,000 for the property. Under the assignment, the City agrees to reimburse HPB its costs in negotiating the contract and for conducting due diligence. These costs total \$89,149.22. With costs and related expenses the total purchase price is \$1,964,149.22.						
	It is recommended that City Cou	uncil approve an ordinance acceptin d by the Houston Parks Board to ac	ng an ass cquire ap	ignment of a Pu proximately 32	archase a	and Sale be added to the	
		REQUIRED AUTHORIZA	ATION				
1	Finance Budget:	Other Authorization:		Other Authoriza	tion:		

REQUEST FOR COUNCIL ACTION

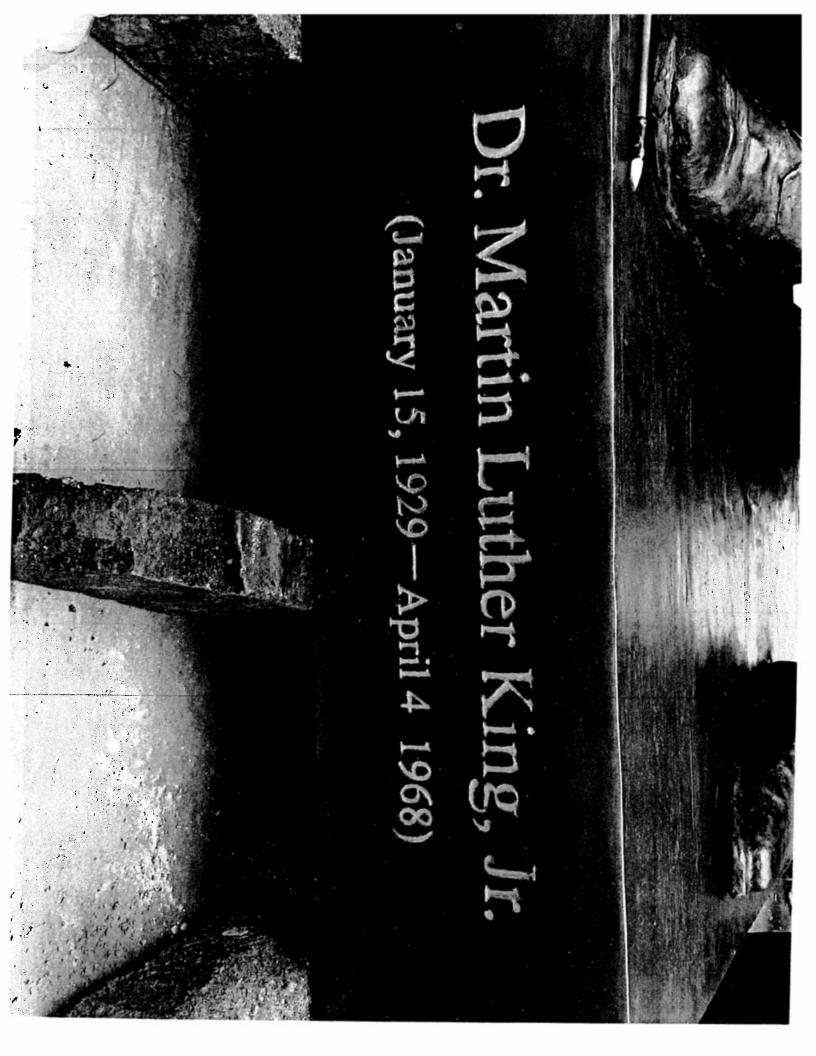
TO: Mayor via City Secretary	4				
SUBJECT: Ordinance authorizing a sec Memorial Park Development Agreeme Conservancy	cond amendment to the ent with the Memorial Park	Category #	f	Page 1 of 1	Agenda Item
					/X
FROM (Department or other point of	origin):	Origination	Date: A	Agenda Date	1 , 0
Houston F	Parks and Recreation Department	May 7, 2014	4	MAY 1	4 20 14
DIRECTOR'S SIGNATURE		Council Dist	rict(s) affe	ected:	
Hos Turner	Joe Turner, Director	C, ϵ	, 1		
For additional information contact:	Joe Furner, Director	Date and Ide	antificatio	n of prior auth	
,	Luci Correa 832-395-7057			er 1, 2008 Ord	
				1, 2004 Motio	
		0952; Februa	arv 20, 20	13 Ordinance 2	013-0149
RECOMMENDATION (Summary): An (Ordinance approving and authorizi	ng the second	d amendm	ent to the Me	morial Park
Development Agreement between the	City of Houston and the Memoria	l Park Conser	vancy		
Amount and Source of Familia					
Amount and Source of Funding: Not	applicable			Finance Bud	dget:
SPECIFIC EXPLANATION:	1			<u> L</u>	
The Houston Parks and Recreation	Department requests approval	of the secon	nd amone	Imant to the	Davidania
Agreement between the City of Housto	on and the Memorial Park Consen	vancy (MPC) a	approved	hy City Counci	l on October 1
2008 (the original Agreement). The fir	st amendment approved by City (Council on Fe	bruary 20	. 2013 dealt s	necifically with
construction and use of the new Memo	orial Park Running Center. The pro	pposed Secon	d Amendr	nent deals wit	h changing the
scope of work on the Seymour Lieber	man Trail and Council authorizat	ion of impro	vements t	o Memorial P	ark during the
annual City-wide Capital Improvement	Plan adoption process.				
As a part of the development under the	ne original Agreement MPC and	the City agro	ad to the	construction l	by NADC of a
retaining wall on the Seymour Liebern	nan Trail at the approximate cost	t of \$700 non	ON MPC	has since rais	oy MPC of a
beyond that amount for comprehensi	ve upgrades to the Seymour Lieb	erman Trail i	ncluding t	nida since rais Aridaes trail r	eu iuiius weii ecurfacina
and trail realignment, removing the ne	eed for the retaining wall. The pro-	oposed seco	nd amend	ment remove	s the
retaining wall from the scope of the o	riginal Agreement and replaces it	with the cor	mplete tra	il improveme	nts.
Section 3.01 of the Original Agreemen	t provides that MPC will, after re	view and app	oroval of t	he Director id	lentify and
design additional public improvements	s needed to implement the Plan	in the Park. S	ection 3.0	1 further pro	vides that
MPC will identify sources of non-City f	unds for construction or impleme	entation of si	uch Projed	cts and Progra	ms for
inclusion in the annual City budget and	the continuous Park capital imp	rovement pl	an, for rev	iew and appr	oval by the
City Council. MPC and City desire to an	nend the Original Agreement as a	amended to	clarify tha	t approval of	a project or a
orogram in the City's annual Parks cap	ital improvement plan constitute	s approval o	f a project	or program a	is required
oursuant to 3.01 without further City C and/or other sources of non-City funds	councii approvai provided funds a	are available	or funding	g is provided b	by MPC
-, -: ethic sources of non-city fullus	••				
Accordingly, the Parties now desire to er	nter into this Second Amendment	for the purpo	se of ame	nding the Orig	inal
Agreement to provide for the changes de	escribed above.	, , ,		U = 11/6	
Council approval is recommended.					
inance Director:	Other Authorization:	1	041		
	Other Authorization:		Otner Auti	norization:	

10: Anyor via City Secretary	REQUEST FOR COUNCIL	ACTION			
Subject: Ordinance making findings of approximately 0.2125 acres of Br renovate Fire Station No. 68 and to station	aeburn Glen Park for a project to			Page 1 of 1	Agenda Iten
FROM (Department or other point or	f origin):	Origina	tion Date:	Agenda Date	//
Houston Parks and Rec	reation Department	1	7, 2014	MAY 1 4	. 2014
DIRECTOR'S SIGNATURE:		Council	District(s) a	ffected:	
& for Turner	Joe Turner, Director			J	
For additional information contact: Luci Correa 832		Council	Action:	ion of prior auth	
RECOMMENDATION:		<i>F</i>	April 9, 2014	Motion No. 2014	4 – 0304
Approve an Ordinance making findings Park for a project to renovate Fire State	ion No. 68 and to expand the park	of appro	ximately 0.2 r the fire sta	125 acres of Bra tion.	eburn Glen
Amount and Source of Funding: No f	unding required			Finance Bud	lget:
SPECIFIC EXPLANATION:					
Braeburn Glen Park (the "Park") is apposed the Lee LeClear Tennis center, a playgrapproximately 0.2125 acres of the Park station ("the Project"). Currently, fire the street to stop traffic on Bissonnet The Project includes expansion of the open up space to allow fire trucks to define the south (front). The Project will improved Gessner.	found and walking trail. The House for a project to renovate Fire State trucks must back in to the fire states of fire trucks can be positioned acparking lot to add space for parking rive through the fire station by encove safety conditions for fire station	ton Fire ton No. 6 tion, whi cross the ng of fire tering the persor	Department 58 and to expect requires for the road in order station personal the notice and for the road and	("HFD") has requently band the parking fire station person to back into the sonnel's personate the public driving the parking	uested to take lot for the fire onnel to be on he fire station. It we will be and witing through gon Bissonnet
Pursuant to Chapter 26 of the Texas Pa on Wednesday, May 7, 2014, at 9:00 a. portion of the Park for the Project, Co he taking of a portion of the Park; and from the taking.	in. No member of the public spoke ity Council must make findings that	at the h	earing. Befo	ore HFD can perr	manently take
ecause there is no space available to rudent alternative to the taking of a p arks and Recreation Department have dewalk entry from the Park parking lo arking lot.	worked together to minimize im	t. HFD, t	the General :	Services Departr	ment and the
ouncil approval is recommended.					
nance Director:	Other Authorization:		Other Autho	orization:	
	,	ı			i

REQUEST FOR COUNCIL ACTION

10: Mayor via City Secretary						
SUBJECT:			Categori			
Ordinance accepting a bronze	sculpture of Dr. Martin Luther King, J	r into	Category #	Pag		Agenda Item
the city Art collection for peri	manent placement at MacGregor Park	and	"	1 01	1	#
authorizing a donation agreen	nent with the Black Heritage Society	anu				1 11
FROM (Department or other	point of origin):	Origina	<u> </u>	<u></u>		100
	• •	Origina	ation Date:	ļ	Agend	da Date:
Parks and Rec	creation Department					
		A	pril 15, 2014		MAY	1 4 2014
DIRECTOR'S SIGNATURE:		Counci	District affect	+04.		
		Counci	District arrec	_		
				D		
Jal / Minon	Joe Turner, Director					
For additional information cor	ntact:	Data a				
, and the second	Luci Correa, 832-395-7057	Council	nd identification	on of	prior a	uthorizing
	Minnette Boesel, 832-393-1097		action:			
DECOMMENDATION (Jui	ne 28, 2006 O	rdinar	nce No.	2006-731
RECOMMENDATION: (Summai	ry)					
Collection from	ommemorative bronze sculpture of Dr ment at MacGregor Park and approving	. Martin	Luther King I	r. inte	the Cit	ty's Dublic Ant
		ng and au	uthorizing an a	greei	ment w	ith the Black
Heritage Society for the donation	on of the artwork.	0	arriorizing arri	BICCI	HEHL W	ин ине віаск
Amount and Source of Funding	: No City Funding Required		T	Finar	so Bud	a.t.
				rillali	ice Bud	get:
SPECIFIC EXPLANATION:		· · · · · · · · · · · · · · · · · · ·				
donated value to be \$120,000. The sculpture, by Kenneth C. Was B inches at the base. The artwork The morial plaza near the inters	Civic Art Ordinance, the Houston Art Ance into the City's Public Art Collectionships of Roanoke Rapids, North Castelli Will be placed at MacGregor Park in the Section of Martin Luther King, Jr. Blvd. in MacGregor Park/Martin Luther King.	rolina, is	7 feet 6 inche	societ es in h	y estim neight a	nd 3 feet by
		·6, 31. DIV	u station.			
ouncil approval is recommended	d.					

	REQUIRED AUTHORIZATIO	N				
nance Director:	Other Authorization:					
	and the control of th	01	her Authoriza	ition:		
		1				





	TO: Mayor via City Secretary Subject: ORDINANCE RELATING TO THE RETAIL GAS		T		RCA#
	RATES OF CENTERPOINT ENERGY ENTEX; APPROVI SUSPENSION OF AN INTERIM RATE ADJUSTMENT AN OTHERWISE MAINTAINING CURRENT RATES IN EFF CHANGED	NG VD	Category #	Page 1 of 1	Agenda Ite
	FROM (Department or other point of origin): Tina Paez, Director	Origination	Date	Agenda Dat	e
	Administration & Regulatory Affairs Department	May 7,	2014	MAY 1	4 20 14
	DIRECTOR'S SIGNATURE	Council Dist		ed:	
	For additional information contact: Toya Ramirez Alisa Talley Phone: (832) 394-9076 Phone: (832) 393-8531	Date and Ide Council Action	on:	f prior author	rizing
	RECOMMENDATION: (Summary) Approve an ordinance relating to the retail gas utility rates of C interim rate adjustment and otherwise maintaining current rates in	CenterPoint Ene effect until cha	F4	npproving susp	pension of an
	Amount of Funding:			FIN Budget	
L	SOURCE OF FUNDING: SPECIFIC EXPLANATION:				

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail gas utility rates of CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company"); approving suspension of an interim rate adjustment and otherwise maintaining current rates in effect until changed. CenterPoint provides natural gas distribution services in the Houston metropolitan area, serving approximately 370,000 residential, 24,000 small general service and 2,300 large volume customers. The City of Houston exercises original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Texas Utilities Code for customers inside city limits.

On March 31, 2014, CenterPoint filed its fourth annual Gas Reliability Infrastructure Program Interim Adjustment ("GRIP") for customers within the Houston Division. The GRIP permits CenterPoint to implement an interim rate adjustment to recover return on the change in invested capital and changes in depreciation and taxes related to the new investment without filing a full base rate change. The GRIP was established during the 78th Legislative Session to incentivize investment in Texas' gas pipeline infrastructure to meet continuing growth in the state and to enhance safety by replacing aging facilities. Pursuant to State Law, the City's role in the GRIP proceeding is to review the application to ensure compliance with GRIP statutory requirements. This includes a ministerial review of the filing to ensure GRIP calculations are correct.

Under the terms of its tariff and the Texas Utilities Code, CenterPoint's current GRIP filing would ordinarily result in a \$6.4 million rate increase for service to retail gas customers within the Houston Division. This is because the filing captures changes in invested capital from January 1, 2013 through December 31, 2013 — a \$29.5 million increase in net investment. However, CenterPoint is requesting that the City suspend the operation of the current interim rate adjustment. If the Company's request is granted, a GRIP rate adjustment will not be implemented. As a result, the Company will not collect the \$6.4 million increase during the current year. Approval of CenterPoint's requested suspension will avoid the following increases in the fixed customer charge for all customer classes: residential customers - \$0.48; small general service - \$0.75; and large volume general service - \$21.91.

ARA recommends that City Council adopt an ordinance relating to the retail gas utility rates of CenterPoint; approving suspension of an interim rate adjustment and otherwise maintaining current rates in effect until changed.

	REQUIRED AUTHORIZATION	
FIN Department:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUN	CIL ACTION				
Subject: Ordinance approving and authorizing a contract be City of Houston and Diversified Utility Consultants, Inc. for e and water regulatory and technical professional consulting se	lantria ana	Category #	Page 1 of 2	Agenda Iten	
FROM (Department or other point of origin):	Origination	Date	Agenda Date		
Tina Paez, Director Administration & Regulatory Affairs Department	May 7	2014	MAY 1	4 2014	
DIRECTOR'S SIGNATURE	Council Dist		ed:		
For additional information contact: Tina Paez, Director Alisa Talley Phone: (832) 393-8500 Phone: (832) 393-8531	Date and Ide Council Acti	entification o	f prior author	rizing	
RECOMMENDATION: (Summary) Approve an ordinance authorizing a contract between the City of Houston and Diversified Utility Consultants, Inc. for electric, gas and water regulatory and technical professional consulting services. Amount of Funding: Initial Allocation - \$25,000; Out Years - \$315,000; Maximum Contract Amount - \$340,000 FIN Budget					
SOURCE OF FUNDING: SPECIFIC EXPLANATION: General Fund (10)			• .		
The Administration & Regulatory Affairs Department (ARA) rauthorizing a contract between the City of Houston and Diversified water regulatory and technical professional consulting services.	recommends the Utility Consul	hat City Cou Itants, Inc. (D	uncil adopt an DUCI) for elect	ordinance ric, gas and	
Pursuant to State Law, the City of Houston exercises exclusive services of investor owned utilities — electric, natural gas and vijurisdiction. These utilities operate under State Law as monopol competition that regulate prices in a free market are not in operate competition. Investor owned regulated utilities in Houston server.	water/sewer ut	ilities — op as they serv	erating within	Houston's forces of	

City of Houston, as the legislatively mandated regulator for services provided within municipal boundaries, is obligated to balance the interests of the utility and the customers — ensure customers receive safe, adequate and reliable utility service at just and reasonable rates; and utilities receive a reasonable return on their investment necessary to maintain the financial integrity of the utility and health of the infrastructure. In order to fulfill its legislatively mandated regulatory obligations, the City is routinely involved in complex and often time critical electric, natural gas and water utility related regulatory projects and proceedings locally, before State regulatory commissions, and before the Texas State Legislature.

For several decades, the City has retained regulatory and rate experts to assist City staff with electric, natural gas, and water/sewer regulatory, legislative and technical projects. Due to the complexity and number of regulatory issues facing the City, and the corresponding state mandated deadlines, the continued assistance of experienced expert utility consultants is necessary, and often critical. For example, in the 2010 CenterPoint Electric Rate Case proceeding, the City's utility experts played an integral role in preserving and protecting the City's franchise fees, a significant revenue source to the City. In this proceeding, Public Utility Commission of Texas (PUC) Staff challenged the City's ability to collect the full amount of its franchise fees. Had PUC Staff prevailed, the City would have experienced a potential \$18 to \$20 million annual reduction in franchise fees. In order to continue to protect the City's franchise fees and other interests as appropriate, the City must diligently monitor and participate in State regulatory commission proceedings and legislative initiatives.

CINID	REQUIRED AUTHORIZATION	
FIN Department:	Other Authorization:	Other Authorization:

|--|

The purpose of the recommended contract is to engage a utility expert with experience across the water, electric and natural gas utility sectors to assist City staff in fulfilling the City's regulatory obligations. The contract also provides a streamlined approach for engaging utility consultants, necessary to ensure the City's timely and effective participation in utility proceedings.

DUCI has specialized knowledge and technical expertise, a thorough understanding of state and local regulations, is familiar with the City's regulated utilities, and has extensive experience before the State regulatory commissions and State Legislature on utility matters. DUCI also has a broad range of expertise and experience in gas, electric and water regulation. DUCI has assisted and guided the City on utility matters for more than ten years. During this period, DUCI exhibited considerable discretion in accepting City related utility projects, and in identifying and recommending technical experts as appropriate and necessary to assist the City on complex regulatory matters. For these reasons, ARA is requesting a contract between the City of Houston and DUCI.

DUCI has assisted the City in several utility related projects and proceedings. Most recent projects include:

- CenterPoint Gas Notice of Inquiry (NOI): Resulted in a settlement between CenterPoint and the City. Under the terms of the agreement: 1) base rates, as approved by the Railroad Commission of Texas Final Order in Gas Utility Docket 9902, absent any regulatory and legislatively mandated adjustments, will remain unchanged until reviewed in the next base rate case; and CenterPoint funding of a City position related to energy issues (\$100,000 annually).
- 2009 CenterPoint Entex Gas Rate Case: CenterPoint requested a \$25.4 million increase in gas rates. This request included a proposed 40.48% increase to the monthly fixed customer charge for residential customers. The Company's request was reduced by \$20.3 million.
- 2009 Southern Water Company (SWC) Rate Case: SWC requested a \$1.3 million water/sewer rate increase. SWC appealed the City's actions to the Texas Commission on Environmental Quality (TCEQ). The TCEQ ultimately adopted substantial decreases to the Company's request based in large part on the City's testimony.
- 2008 Nitsch and Son Water Rate Case: Nitsch requested a 27.43% rate increase. Council adopted a 4.86% increase instead. This increase represented a \$3.15 monthly increase versus the \$17.76 Nitsch proposed increase (based on the average consumption of 6,000 gallons per month). Rates approved by Council remain in place.
- CenterPoint Gas Franchise Fee Audits: The audit resulted in over \$600,000 payment to the City for prior miscalculations and revisions to future calculations to be paid to the City allowing the City to better budget annual payments.

DUCI is also currently assisting the City in several PUC proceedings including a rulemaking related to the recovery of rate case expenses and proceedings related to the transfer of water rate regulation from the TCEQ to the PUC and the development of rate filing packages for certain water utilities. In addition to providing assistance in the upcoming legislative session, which will result in a number of utility related legislative initiatives, it is anticipated that assistance will also be required with other projects including a proceeding regarding the rate filing package for investor owned electric utilities, discovery in rate proceedings, and several routine reviews related to utility rates, interim adjustments and earnings.

Under the proposed professional services agreement, DUCI will continue to assist and provide support on utility matters and will, in close collaboration with the City, hire additional qualified utility experts, as appropriate and necessary. The proposed contract provides for a two-year term with a maximum amount of \$340,000. The initial allocation for the remainder of the 2014 fiscal year — June 1, 2014 through July 31, 2014 — is \$25,000.

The proposed contract spending authority does not include consulting services associated with a water "full base rate proceeding". If an investor owned water/sewer utility operating within Houston files an application to change rates for Houston customers, ARA will request additional spending authority from City Council. This contract does not include legal or consulting services for a natural gas or electric utility "full base rate proceeding." Those services are typically engaged by the City Attorney's Office.

	REQUEST FOR COU	NCIL ACTION		11.00000001100
TO: Mayor via City Secretary				RCA #
SUBJECT: Ordinance Authorizing the		Category #	Page 1 of 2	Agenda Item#
Insurance Policy for Public Employee I	Dishonesty			23
FROM: (Department or other point of	origin):	Origination 1	Date	Agenda Date
Tina Paez, Director				"
Administration & Regulatory Affairs Department	artment	May 6, 2014		MAY 1 4 2014
DIRECTOR'S SIGNATURE:		Council Distr All	icts affected:	•
For additional information contact: Tina A. Paquet Phone:	832-393-8792		•	rior authorizing dinance No. 2013-443

RECOMMENDATION: (Summary)

Authorize the purchase of a Crime Insurance Policy for Public Employee Dishonesty from American International Group, through member company, National Union Fire Insurance Company of Pittsburgh, PA.

Amount of Funding:	\$ 22,634 Year 1 Policy Premium	Budget:
	\$ 28,000 Year 2 Policy Premium	
_	\$ 28,000 Year 3 Policy Premium	
	\$ 78,634 Not to Exceed Premium	

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

Property / Casualty Fund: 1004

SPECIFIC EXPLANATION:

The Administration and Regulatory Affairs Department recommends that Council approve the three-year Crime Insurance Policy for Public Employee Dishonesty proposed by American International Group ("AIG"), through member company, National Union Fire Insurance Company of Pittsburgh, Pa. The three-year policy term begins May 29, 2014. The proposed not to exceed policy premium for the three-year policy term is \$78,634. This not to exceed premium includes base policy premium of \$67,902 and loss adjustment premium of \$10,732. The policy includes computer fraud coverage that protects the City from the use of computers to fraudulently transfer City funds and other property to a third party.

Loss adjustment premium may be charged during the second and third policy years, if claim (loss) payments exceed 20% of the premium applicable to each prior policy year. Proposed premium amounts for each policy year are outlined below.

Policy Year	Base Crime Policy Premium	Loss Adjustment Premium	Not To Exceed Premium
1	\$22,634	-	\$22,634
2	\$22,634	\$5,366	\$28,000
3	\$22,634	\$5,366	\$28,000
Totals	\$67,902	\$10,732	\$78,634

Section 2-39 of the City of Houston Code of Ordinances ("the Code") requires that Public Employee Dishonesty coverage be maintained to cover all employees not covered by the individual public official bonds required in Section 2-37 of the Code. Public employee dishonesty coverage required in Section 2-39 of the Code protects the City from losses resulting from theft committed by an employee acting alone or in collusion with others.

Section 2-40 (b) of the Code requires that Council approve the blanket crime policy form for public employees.

REQUIRED AUTHORIZATION

Finance Department

Date: 5/6/2014 | Subject: Ordinance authorizing the purchase of a Crime Insurance | Originator's Initials | Page 2 of 2 | Policy for Public Employee Dishonesty

A Request for Proposals for a Crime Insurance Policy for Public Employee Dishonesty was advertised in the Houston Chronicle on March 18, 2014 and the Houston Business Journal on March 28, 2014. The City's Insurance Broker of Record, John L. Wortham & Son, L.P., solicited proposals from four insurance carriers and AIG is the only carrier that submitted a completed proposal.

The AIG proposal meets minimum specifications and the requirements of Section 2-39 of the Code.

The terms of the three year policy are as follows: Policy Term: May 29, 2014 to May 29, 2017

<u>Limit</u>: \$2,000,000 per occurrence <u>Deductible</u>: \$10,000 per occurrence

Not to Exceed Premium: \$78,634 (Base Crime Policy Premium: \$67,902 + Loss Adjustment Premium: \$10,732)

Attachment

c: Christopher Newport, Chief of Staff James Koski, Deputy Chief of Staff David Feldman, City Attorney Marta Crinejo, Agenda Director



Interoffice

Administration & Regulatory Affairs

Correspondence

To:

Mayor Annise D. Parker and

Members of City Council

From:

Tina Paez, Director

Administration & Regulatory Affairs

Date:

May 6, 2014

Subject:

2014 Crime Insurance Renewal

Introduction

The purpose of this memorandum is to recommend the purchase of Crime Insurance for Public Employee Dishonesty. Public Employee Dishonesty coverage is required by the City of Houston Code of Ordinances ("the Code"). Section 2-39 of the Code protects the City from losses resulting from theft committed by an employee acting alone or in collusion with others.

Highlights

Recommend purchase of Crime Insurance policy for Public Employee Dishonesty for premium of \$78,634 for a three-year policy term.

- 1) The recommended premium includes a base premium of \$67,902 and a loss adjustment premium of \$10,732. The additional loss adjustment premium will be charged if the claim (loss) payments exceed 20% of the premium applicable to the prior policy year.
- 2) The proposed first year premium of \$22,634 is less than a one percent increase over the expiring annual premium of \$22,454.
- 3) The proposed premium includes a \$2 Million annual per occurrence policy loss limit; this is consistent with the current policy coverage.

Background

Chapter 2, Article II., Division 3, Section 2-39 of the Code requires that Public Employee Dishonesty coverage be maintained to cover all employees not covered by the individual Public Official Bonds required in Section 2-37 of the Code. Section 2-40 (b) of the Code requires that Council approve the blanket crime policy form for public employees.

Current Coverage

The key factors that define a Crime Insurance Policy are (a) number of permanent and temporary City employees, (b) annual per occurrence loss limit, (c) coverage offered and (d) deductible.

The City's current Crime Insurance policy provided through American Insurance Group ("AIG") includes Public Employee Dishonesty and Computer Fraud Insurance, which protects the City from theft by employees, through the use of computers to fraudulently transfer City funds and other property to a third party. The term of the City's current crime policy is one-year, from May 29, 2013 to May 29, 2014. The policy premium for the current policy term is \$22,454.

Mayor Annise Parker and Members of City Council 2014 Crime Insurance Renewal May 6, 2014 Page 2 of 2

Proposed Coverage

Wortham directly marketed four insurance carriers. AIG is the only carrier that submitted a complete proposal. Chubb declined to quote on the basis that they will no longer underwrite this form of coverage for governmental entities. Travelers provided an indication that they would quote with a deductible of \$400,000. AIG proposed a \$10,000 deductible as required in the minimum specifications. AIG's proposed policy deductible provides broader coverage with conditions that are consistent with the current policy.

The term of the City's recommended Crime Policy is three-years. The effective date of the policy is May 29, 2014. The proposed, not to exceed policy premium, for the three-year policy term is \$78,634, which includes \$67,902 base crime policy premium and \$10,732 loss adjustment premium. The loss adjustment premium could be charged only during the second and third policy years, if the claim (loss) payments exceed 20% of the premium applicable to the prior policy year.

Recommendation

The Administration & Regulatory Affairs Department recommends that the City accept the proposed Crime Insurance policy for Public Employee Dishonesty. Wortham, our insurance broker, agrees with this recommendation.

If you have any questions, please call Tina A. Paquet at (832) 393-8792.

Tina Paez, Director

TP:TAP:MDH

cc: Christopher Newport, Chief of Staff James Koski, Deputy Chief of Staff

David Feldman, City Attorney Marta Crinejo, Agenda Director

Tina A. Paquet, ARA



Goal Modification Request Form

To:	Assistant Director	Solicitation Number: NA
	Office of Business Opportunity	Estimated Dollar Amount: § 22,500
From:	Tina Paez, Director Requestor's Name/Title Administration and Regulatory Affairs Department	
Type of	Solicitation: Bid Proposal VOther	
PREVIO Goal on If goal w	Broker of Record, John L. Wortham & Son, LP, solicinal insurance markets; insurance required by City of House Contract (if any): Yes \[\sqrt{N} \] Last Contract: \[\frac{0\%}{2} \] Was Goal Met: Yes as not met, what percentage did the vendor a sn't goal achieved: \[\frac{1}{2} \]	nchieve?
BELOW	(Waiver, Reduced Goal, Goal Revision After Ad	dvertisement, OR Cooperative or Inter-Local Agreement)
WAIVEI	***	
	esting a <u>waiver</u> of the MWBE Goal: Yes or waiver:	/ No _
	A public or administrative emergency with unusual immediacy;	y exists which requires the goods or services to be provided
	City department to be able to select its	such a specialized, technical or unique nature as to require the s contractor without application of MWSBE provisions (such in financial advisors or technical consultants);
	If application of MWSBE provisions v City or unduly delay acquisition of the interest of the City; or	would impose an unwarranted economic burden or risk on the he goods or services, or would otherwise not be in the best

If the possible MWSBE participation level based on MWSBE availability would produce negligib MWSBE participation.
Other: Purchase of Public Employee Dishonesty Insurance
Detailed Explanation of waiver reason: Nature of procurement (insurance policy) from domestic and international insurance markets does not provide an opportunity for MWSBE participation. All fees for insurance related services are included in the policy premium.
REDUCED GOAL (To be completed by the department prior to advertisement) I am requesting a MWBE contract-specific goal below the following citywide goals: Construction (34%); Professional Services (24%); Purchasing (11%) Yes No If yes, complete a Contract-Specific Goal Setting Worksheet and submit with this form.
GOAL REVISION AFTER ADVERTISEMENT I am requesting a revision of the MWBE Goal: Yes No Original Goal: New Proposed Goal: Service Number of Solicitations Received: Estimated Dollar Amount: \$ Detailed reason for request:
COOPERATIVE OR INTER-LOCAL AGREEMENT Is this a Cooperative/Inter-Local Purchasing Agreement? Yes No Goal Requested: If yes, what type: Yes No
Concurrence: July A. Pagrot 39514 Department Initiator Date Department Director or Designee Date
Approved by: OBO Assistant Director or Designee Date

į	To: Mayor via City Secretary	REQUEST FOR COUN	CIL ACTIO	N					
	SUBJECT: Science Applications Inter Contract for Regional Catastrophic Pro		os	Category	Page 1 of 1	Ag #	enda Item		
	FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety, and Homeland Security		Origination Date: 4/22/2014		Agenda Date MAY 1 4 2014				
	DIRECTOR'S SIGNATURE:	NATURE: C.			Council District affected:				
h	For additional information contact: Phone:								
	RECOMMENDATION: (Summary)	Amend the reference ordinance to expand the scope of work and increase the maximum contract amount with Science Applications International Corporation (SAIC) for regional catastrophic preparedness planning, training, and exercise services.							
	Amount of Funding:	\$73,345	F & A Budget:						
	SOURCE OF FUNDING: [X] Grant Fu	ı nds: \$73,345 Texas Division of E	Emergency Management (pass-through from DHS)						
	 Counties: each of the 13 count Regional partners, non-profits, County Manufacturers Associati Other "advisory" members: US 	The City of Houston is the fisca eam (RCPT) of public and private sumerous plans, models, and tools ophic disaster. Organizations involvitments), Galveston, Pasadena, De	al agent for sector repro- to assist to yed with the er Park, La AC, METRO istrict nt of State	or this \$12 m esentatives w he region in le RCPT includ Porte, Bayton , CenterPoint	nillion gra as conver being moi e: wn Energy, t	uthorizing 2013-0950 lase the maximum SAIC) for regional on from DHS) lage in regional ant program. A ned to lead the ore prepared to			

SCOPE OF WORK

In the first phase of the program, our site completed a comprehensive planning baseline and the development of regional Concepts of Operations for response to catastrophic disasters. In the second phase, Science Applications International Corporation (SAIC)/Leidos* supported the development of a Training and Evaluation Plan for the Regional Catastrophic Preparedness Initiative. In phase three, SAIC/Leidos supported the region with the development and implementation of trainings and exercises to increase responder readiness for catastrophes. This scope of work is an additional modification to the third phase, which involves the design and implementation of additional training, exercises, and documentation support specifically for mass fatality management and evacuation capability testing. SAIC/Leidos will be responsible for the design and delivery of an additional Family Assistance Center exercise and an Evacuation Hub Drill.

VENDOR SELECTION

Following the publication of a Request for Qualifications, a review team of regional subject matter experts convened to review the proposals received from vendors. The team recommended SAIC to support this effort, and the recommendation was approved by the RCPT's Executive Committee. SAIC/Leidos is also an approved vendor through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC), and will be charging the City rates that are consistent with their H-GAC agreement.

*SAIC has separated their business units, and the unit supporting our program is now called Leidos.

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

To⇒Mayor via City Se	To-Mayor via City Secretary REQUEST FOR COUNCIL ACTION						
SUBJECT: URS Grou Preparedness Plannin	SUBJECT: URS Group Incorporated —Contract for Regional Catastrophic Preparedness Planning for Cyber Disruption Response Planning		Category	Page	Agenda Item		
1	FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security			1 -	nda Date Y 1 4 2014		
DIRECTOR'S SIGNATURE:		Counci	Council District affected: All				
For additional Inform	For additional Information contact: Richard Retz Phone: 832-393-0924 Date and Identification of prior authorizing Council action:						
of planning tools and tec	RECOMMENDATION: (Summary) The City of Houston intends to award a contract to support the development and delivery of planning tools and technical assistance workshops to aid in the development of a cyber disruption preparedness planning for governmental agencies within the 13-county Houston-Galveston Area Council region.						
Amount of Funding:	\$290,000.		F & A Bud	get:			
SOURCE OF FUNDIN	G: [X] Grant Funds: \$290,000. Texas D	ivision of Emergency	Management (p	ass-through	n from DHS)		

SPECIFIC EXPLANATION:

In 2008, the U.S. Department of Homeland Security awarded grants to ten high-risk urban areas to engage in regional catastrophic preparedness planning. The City of Houston is the **fiscal agent** for this \$12 million grant program. A **Regional Catastrophic Planning Team** (RCPT) of public and private sector representatives was convened to lead the initiative. The RCPT has developed numerous plans, models, and tools to assist the region in being more prepared to respond to and recover from a catastrophic disaster. Organizations involved with the RCPT include:

- Cities: Houston (multiple departments), Galveston, Pasadena, Deer Park, La Porte, Baytown
- Counties: each of the 13 counties in the H-GAC region
- Regional partners, non-profits, and private sector, including: H-GAC, METRO, CenterPoint Energy, the East Harris County Manufacturers Association, the Downtown Management District
- Other "advisory" members: US Coast Guard, FEMA, the Department of State Health Services, the Texas Division of Emergency Management, the Harris County Department of Education

SCOPE OF WORK

In the first phase of the program, our site completed a comprehensive planning baseline and the development of regional Concepts of Operations for response to catastrophic disasters. The second phase of the program, which is ongoing, is the training and exercise phase. The third phase a focuses on specific planning gaps. Our goal in this project is to better prepare the region for a catastrophic cyber disruption event. The City of Houston intends to award this contract to support the building of comprehensive cyber disruption tools and plans for agencies within the 13-county Houston-Galveston Area Council region. The required deliverables for this project are:

- 1) Development of Cyber Disruption Self-Assessment Tools and related educational workshops.
- 2) Development of Cyber Disruption Response Training Tools and related educational workshops.
- 3) Development of Cyber Disruption Response Planning Tools and related educational workshops.
- 4) Design and conduct a Cyber Disruption event exercise for Emergency Management and IT personnel.

Throughout the entire project, the Regional Catastrophic Planning Team intends to ensure that all appropriate stakeholder groups are engaged and actively involved in the process. This will include but not be limited to city and county jurisdictions within the 13-county Houston-Galveston Area.

VENDOR SELECTION

Following the publication of a Request for Qualifications, a review team of regional subject matter experts convened to review the proposals received from vendors. The team recommended URS Group Incorporated to support this effort, and the recommendation was approved by the RCPT's Executive Committee.

	REQUIRED AUTHORIZA	TION
F & A Director:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary	REQUEST FOR COUNCIL	ACTION		RCA#
SUBJECT: An ordinance approvi agreement for the Reserve at Clear La Clear Lake LLC and Clear Dorado L Chapter 380 of the Texas Local Govern	ake between the City, Trendmaker and Associates L.P. pursuant to	Category #	Page 1 of <u>2</u>	Agenda Item#
Andy Icken, Chief Development Office	nt of origin):	Origination [Date 7 14	Agenda Date MAY 1 4 2014
DIRECTOR'S SIGNATURE	EK-	Council Distri		
For additional information contact: Gwendolyn F. Tillotson Phone: 8	Phone: 332-393-0937	Date and ide Council Action		prior authorizing
RECOMMENDATION: (Summary) That the City Council approve an ordi ("Agreement") between the City, Trend Dorado") pursuant to Chapter 380 of th Amount of Funding: SOURCE OF FUNDING: [] G SPECIFIC EXPLANATION:	inance approving an economic de dmaker Clear Lake LLC ("Trendma	aker") and Clea	eement for the Dorado Land	d Associates L.P. ("Clea
allows municipalities to grant or loan promote economic development and s 674, the City established the City of Hothe Agreement with Trendmaker and Con a site consisting of approximately 4 "Development Site"). The Development restriction waiver from the previous Commission for the property, enabling the	timulate business and commercial buston Chapter 380 loan/grant processor Clear Dorado for The Reserve at C 12 acres located in the general vict Site is a reclaimed restricted site property owner, ExxonMobil, and the Development Site to be utilized	I development. gram. The Adi lear Lake, a co cinity of El Dora a and the deve d secured stat	Subsequent ministration no ommercial and ado Blvd and (loper, Fidelis I te sanction fr	ly, by Ordinance No. 99- by proposes to enter into I residential development Clear Lake City Blvd (the Realty Partner secured a from the Texas Railroad
Trendmaker owns 372 acres of the D million to build more than 741 single Development"). The Residential Devel support the Residential Development, to enhancing the economic and mobility El Dorado Blvd. from Clear Lake City Blvd. landscaping. The proposed roadway	Reserve at Clear Lake Residential Development admaker owns 372 acres of the Development Site (the "Trendmaker Property on to build more than 741 single family residential units in multiple phases delopment"). The Residential Development will add \$265 million in ad valorem for the Residential Development, Trendmaker intends to construct roadway implementing the economic and mobility conditions of the area. The planned public forado Blvd. from Clear Lake City Blvd. to the northern boundary of the development and Clear Lake City Blvd., (3) a western collector road to Space City scaping. The proposed roadway improvements will be constructed to me roughfare Plan, as applicable, and to meet all design and construction required Works and Engineering			period (the "Residential rendmaker Property. To the related utilities critical clude (1) the extension of the ction improvements at Elewalk improvements and this of the City's Major
The Reserve at Clear Lake Commercial Clear Dorado owns 40 acres of the Demillion to construct approximately 250,0 Development"). The Commercial Development stated \$121,000,000 in annual saled detention facility to increase the usable clearing and relocation of the detention and (3) intersection improvements at Clear improvements will be constructed to me Works and Engineering and other governorms.	evelopment Site (the "Clear Dorac 2000 square feet of commercial development will add approximately \$ es volume for the Clear Dorado Properties of the commercial realm. In infrastructure and related appurted ar Lake City Blvd. and Space Ceret all design and construction received.	elopment as a 35 million in a operty. Clear I The planned enances, (2) th ter Blvd. and r	single phase plus valorem tax Dorado intendi public impro ne extension de related traffic s	project (the "Commercial value and generate an s to relocate an existing vements include (1) the of Clear Lake City Blvd., signal improvements. All
	REQUIRED AUTHORIZA	TION		
Other Authorization:	Other Authorization:		Authorizatio	on:
		Control of American		

p. 2

The development will be constructed in phases and is expected to be completed in December 2017, with the commercial scheduled to begin in the first phase. The projected property tax revenue for the combined residential and commercial development over a 30 year period is \$76 million assuming a modest growth rate of 3%. The maximum reimbursement for the public improvements to be constructed by Trendmaker and Clear Dorado is \$9,828,400 from the incremental property and sales taxes generated from the Development Site. The term of the agreement is the earlier of the final reimbursement payment or ten years.

The Reserves at Clear Lake project was presented to the Budget and Fiscal Affairs Committee on March 4, 2014.

cc: City Secretary
Mayor's Office
Legal Department
Finance Department
Marta Crinejo

10. MIRAYOF VIR CITY SECTEDARY REQUEST FOR COUNCIL ACTION					
SUBJECT: Juvenile Justice and Delinquency Pro	evention Grant Application		Category	Page 1 of 1	Agenda Item # 27
FROM (Department or other point Katherine Tipton, Director Department of Neighborhoods	of origin):	Origination Date: Agenda Date 03/17/2014 MAY 1 4 2			Date 1 4 2014
		Counc	il District affec	ted: All	
DIRECTOR'S SIGNATURE:			nd Identification	on of prior	authorizing
For additional information contact	: Patricia Harrington (832) 393-0897				
RECOMMENDATION: (Summary) A Juvenile Justice and Delinquency Pre	approval of an ordinance authorizing a evention Program funding from the G	applicati overnor	on and accepta s Criminal Justic	nce of sub ce Division	sequent I.
Amount of Funding: \$118	3,014 Grant Funds		Finance Di	rector:	
[x] Gran	rprise Fund				
Background The Governor's Criminal Justice Division is soliciting grant applications for juvenile justice and delinquency prevention programs during the state's fiscal year 2015 grant cycle. The purpose of these grants are to support programs that provide services to delinquent and at-risk youth from one of five priority areas developed by the Governor's Juvenile Justice Advisory Board. Services that impact youth prior to their involvement in the juvenile justice system or at their first offense to divert them from a path of serious, violent or chronic delinquency are a priority of the Juvenile Justice Advisory Board. If awarded the grant funds will be used to hire two counselors to provide delinquency diversion services specifically for girls which includes individual intervention case management and facilitation of an existing Anti-Gang Office initiative called the Ladies Choice Empowerment Program. Both components address risk factors and behaviors that can lead to a youth's first involvement and/or further involvement in the justice system. Through Ladies Choice youth will participate in structured support groups that use curriculum that promotes resiliency, self-esteem, pro-social role modeling, peer support, improved family relations, and commitment to school. The counselors will also provide individual case management services which includes risk and needs assessment, service plan development,					
Request for Council Action Applicants must submit documentation from their governing entities authorizing submission of the application, designating an authorized official to apply for, accept, reject, alter or terminate the grant, and assuring that all funds will be returned to CJD in the event of loss or misuse of awarded funds.					
	REQUIRED AUTHORIZATIO)N			
Finance Director:	Other Authorization:		Other Authoriz	ation:	

To: Mayor via City Secreta	ry	REQUEST FOR (COUNCIL ACTI	ON			
SUBJECT: Juvenile Accountability Block	k Grant Applicati	on		Category	Page 1 of 1	Agenda Item # 28	
FROM (Department or other	er point of origin	1):	Originat	tion Date:	Agenda Date		
Katherine Tipton, Director Department of Neighborhood	ds		03/	17/2014	MAY	1 4 2014	
DIRECTOR'S SIGNATURE:		Council District affected: All					
DIRECTOR'S SIGNATURE:		Date and Identification of prior authorizing Council action: 03-31-10 2010–239					
For additional information	cia Harrington 393-0897	04-27-11 2011–293 03-28-12 2012–248 05-15-13 2013–463					
RECOMMENDATION: (Sum Juvenile Accountability Block Juvenile Accountability Interv	Grant funding fr	om the Governor's Crir	izing application ninal Justice Div	and acceptar	nce of sub	sequent ation of the	
Amount of Funding:	\$59,999 \$6,667	Grant funds Match		Finance Di	rector:		
	x] General Fun x] Grant Fund] Enterprise F] Other						
SPECIFIC EXPLANATION:							
Background							

The U.S. Department of Justice provides a Juvenile Accountability Block Grant (JABG) to the Governor's Criminal Justice Division (CJD) to address juvenile offenses through accountability-based programs. These are non-competitive allocations based on an annual calculation of juvenile crime data from the Houston area. The funding supports the continued operation of the Juvenile Accountability Intervention Program, an initiative implemented by the Mayor's Anti-Gang Office for juvenile offenders and their parents/guardians. Program services include:

- Support Services: Through assessment, delinquent youth and their parents/guardians receive intervention through
 individual case management services that include risk and needs assessment, service plan development, referrals for
 screening, testing and treatment services, pro-social role modeling, consistent monitoring and contact, and follow up
 and after care.
- **Skill Building:** Youth and families are provided with skill building and awareness workshops for topics that include consequences of delinquency, personal responsibility, gang/drug/alcohol resistance, conflict resolution, managing emotions, making good choices, and healthy parenting.
- School Safety Enhancement: To enhance school safety, delinquency prevention presentations are conducted for students to educate on consequences of negative activities, and awareness trainings are conducted for school personnel to educate on the warning signs of gang activity. Incident response and mediation services at schools that have experienced gang related violence to reduce the possibility of gang retaliation and future violence are also provided.

Request for Council Action

Applicants must submit documentation from their governing entities authorizing submission of the application, assuring that all funds will be returned to CJD in the event of loss or misuse of awarded funds, committing the match, and designating an authorized official to apply for, accept, reject, alter or terminate the grant award.

	REQUIRED AUTHORIZA	TION	
Finance Director:	Other Authorization:	Other Authorization:	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

	0						
Contract Amount to \$785,000 for a C	Contract between the City and Por	ter Hedges LLP to	1 of 1	#			
provide construction-related legal ser		stem and approving and		20			
	authorizing a First Amendment to the Contract			29			
FROM (Department or other point of	of origin):	Origination Date	Agenda				
David M. Feldman, City Attorney		April 28, 2014	MAY 1 4 2014				
DIRECTOR'S SIGNATURE:		Council District at	fected:				
		All					
For additional information contact:							
Phone:	832-393-6431	Date and identification authorizing Council					
Thone.	October 31, 2012; C						
		January 15, 2014; C					
RECOMMENDATION: (Summary)							
Adopt an ordinance amending Ordina	nce No. 2012-925 to increase the	Maximum Contract Am	ount to \$7	785.000 for a			
Contract between the City and Porter	Hedges LLP to provide constructi	ion-related legal services	s for the H	louston Airport			
System and approving and authorizing	g a First Amendment to the Contra	act.		P			
Amount and Source of Funding:							
0.170.000 171.00							
\$450,000 HAS Revenue Fund (8001	.)						
SPECIFIC EXPLANATION:							
The managed and in the second of the second	2012 005 t	•					
The proposed ordinance amends Ordinand different funding for the contract	nance No. 2012-925 to increase th	ne maximum contract am	ount, whi	ch will allow			
additional funding for the contract, as additional year.	well as approves a First Amendm	ent to the contract to ext	end the te	rm for one			
additional year.							
Porter Hedges LLP provides construct	ion-related legal services for the I	Houston Airport System	(HAS), as	s directed by			
the City Attorney. Legal services to de	ate have included consultation, re	search, advice, drafting,	attendanc	e at meetings.			
filing of the lawsuit City of Houston v.	Webber, LLC and Klotz Associat	tes, Inc., and other repres	sentation r	elated to			
specialized construction-related matter	s assigned by the City Attorney.	•					
			_				
Specifically, Porter Hedges has assiste	d the City with resolving a disput	e over detects in the per	formance	of City			
Project No. 648, which provided for co	instruction of taxiways. The amo	unt of additional funding	g is intend	led to address			
ongoing matters related to the lawsuit, documentation, and court appearances.	mending initial discovery, review	w and analysis of all rela	tea report	s and			
documentation, and court appearances.							
David Peden and John Hawkins, the at	torneys who will provide most of	the legal services for the	e benefit o	of the Houston			
Airport System, will charge \$400.00 pe	er hour.						
Due to the unique and limited nature of	this representation, no M/WBE g	good faith goal has been	establishe	ed for this			
agreement.							
	REQUIRED AUTHORIZATI	ON					
Other Authorization:	Other Authorization:	O4h A 4h					
Mario C. Diaz, Director, HAS	Other Authorization:	Other Authori	zation:	unobeshapesoa			
Mario G. Diaz, Director, rigo	Table 1	March control of the		пейенайа <u>н</u> иун			
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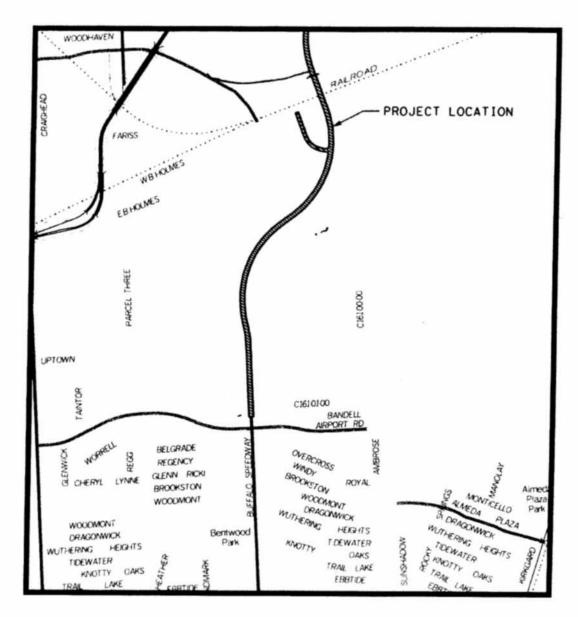
REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance amend		Page	Agenda Item				
Contract Amount to \$345,000 for a 0	Contract between the City and Walte	r P. Moore for	1 of 1	#			
construction-related consulting servi	ces for the Houston Airport System a	and approving and					
authorizing a First Amendment to the)00			
FROM (Department or other point	of origin):	Origination Date	Agenda	Date			
h α	! L	*					
David M. Feldman, City Automery	Dr.	April 28, 2014	MAY	1 4 2014			
DIRECTOR'S SIGNATURE:							
DIRECTOR'S SIGNATURE:		Council District a	ffected:				
		4.11					
For additional information and at		All					
Phone:	For additional information contact: Martin Buzak Phone: 832-393-6431 Date and identification authorizing Countered in the property of the pro						
Filone.	832-393-0431	authorizing Counc		010 005			
		October 31, 2012; (
		January 15, 2014; (Jra. No. 21)14-11			
RECOMMENDATION: (Summary)							
Adopt an ordinance amending Ordina	ance No. 2012-935 to increase the M	aximum Contract Am	ount to \$3	45 000 for a			
Contract between the City and Walter	P. Moore for construction-related co	onsulting services for	the Houst	on Airnort			
System and approving and authorizin	g a First Amendment to the Contract			om i import			
Amount and Source of Funding:							
\$100,000 HAS Revenue Fund (800	1)						
SPECIFIC EXPLANATION:							
The proposed ordinance amends Ordi	nance No. 2012-935 to increase the r	naximum contract am	ount, which	ch will allow			
additional funding for the contract, as	well as approves a First Amendment	t to the contract to ext	end the te	rm for one			
additional year.							
W. Ic. D. M.							
Walter P. Moore provides construction	n-related consulting services for the	Houston Airport Syste	em (HAS),	as directed			
by the City Attorney and in consultation	on with Porter Hedges LLP. Consult	ting services to date h	ave includ	ed testing,			
analysis, consultation, research, advice	e, reports, and attendance at meeting	s related to specialize	d construc	tion-related			
matters relating to City of Houston v.	Webber, LLC and Klotz Associates, I	nc.					
CasaiGastles Walter D.M.	and on the second						
Specifically, Walter P Moore has assis	sted the City with resolving a dispute	over defects in the pe	erformance	of City			
Project No. 648, which provided for co	onstruction of taxiways. In order to f	ully diagnose the defe	cts, the fir	m reports			
directly to a law firm engaged by the (city. A majority of the requested fun	ding is necessary test	ing by thir	d-parties.			
Due to the unique and limited actions	C.A. ' A CONTROL						
Due to the unique and limited nature of agreement.	i uns representation, no M/WBE goo	od faith goal has been	establishe	d for this			
agreement.							
	DECUIDED AUTHODIZATION						
•	REQUIRED AUTHORIZATION			diversity of the second			
Other Authorization:	Other Authorization:	Othor Author					
Mario C. Diaz, Director, HAS	Other Authorization,	Other Authoriz	zation:	A. e-interest in the state of t			
A A	was a second and a	PRODUCE OF THE PROPERTY AND THE PROPERTY OF TH		in the second			
	- Administrative	So construction of the con					
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TO: Mayor via City	Secretary REQUEST FOR	R COUNCIL ACTION					
			Pag 1 of				
FROM: (Department o	r other point of origin):	Origination Date:		Agenda Date:			
Department of Public	Works and Engineering	5/8/14		MAY 1 4 2014			
Daniel W. Krunger, P.	of Wh	Council District affected:	e K				
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: An Ordinance approv Services LLC and app	ing a Pipeline Reimbursement Agree	ment between the City o	f Hous	ston and Copano NG			
Amount and Source of Total of \$260,784.15 f	Funding: from Fund 4040 – METRO Projects Co	enstruction DDSRF.	P. É	5/5/2014			
improve traffic circulati Major Thoroughfare Fr	STIFICATION: Buffalo Speedway Pavin ion, mobility and drainage in service are reeway Plan standards. The construction of the page to facilitate the constr	a. These improvements won of this roadway requires	ill upgr	rade existing roadway t			
four lane, divided, con- and necessary underg	: Buffalo Speedway project provides for crete roadway with storm drainage, cur fround facilities. Along the roadway alig flict with proposed construction of Buff	bs, sidewalks, driveways, Inment exist a 6-inch natu	street	t lighting, traffic contro			
	peedway Paving and Drainage project a d on the south. The project is located i						
SCOPE OF THIS AGREEMENT: Under the terms of this agreement, the City of Houston will reimburse the owner's actual cost for the relocation of their pipeline after the work has been completed and the City has audited the final billing from the owner. Copano NGL Services LLC has estimated the relocation cost to be \$226,768.83. This estimate has been reviewed and approved by The Public Works & Engineering Department. The City is not obligated to pay any cost in excess of the cost estimate provided by the owner of the pipeline. The Public Works & Engineering Department request the appropriation of \$260,784.15 which includes \$226,768.83 for reimbursement cost and \$34,015.32 for CIP Cost Recovery.							
ACTION RECOMMENDED: It is recommended that City Council adopt an Ordinance approving a Pipeline Reimbursement Agreement between the City of Houston and Copano NGL Services LLC and appropriate funds. DWK:DRM:RK:JHK:SMC H:\designiv-SB-DIV\00 - STAFF FOLDERS\campagna 2\Buffalo Speedway-petroleum pipelines\Pipeline RCA's\20SMC58.Kinder Morgan 6in.doc WBS Number N-000784-0001-7, (1.2 DSGN RCA_Pipeline Agreement)							
LTS No. 10853	REQUIRED AUTHOR	IZATION	CUIC	# 20SMC58			
Finance Department:	Other Authorization:	Other Authoriza	ation:				
		Black					
	STATE OF THE PROPERTY OF THE 	Daniel R. Mene	ndez, F	P.E., Deputy Director			

Engineering and Construction Division

EXHIBIT 1



VICINITY MAP

COUNCIL DISTRICT KEY MAP NO. 532 X, 572 B,F

BUFFALO SPEEDWAY EXTENSION FROM WEST AIRPORT TO HOLMES ROAD WBS NO. N-000784-0001-3 FILE NO. SB9240

	ating the 2700 block of Yupon Street,	east	Category	Pag	'e	Agenda Iten
	estheimer Streets as a Special Minimum		#			# 22
FROM (Department or other patrick Walsh, P.E. Director Planning and Development Depa	March 19, 20					da Date Y 4 2014
DIRECTOR'S SIGNATURE:		offected: MAY 1 4 2014				
For additional information con Ph	1		d identificat l action:N/A	ion of	fprior	authorizing
side, between California and W	mary) Approval of an ordinance des Vestheimer Streets as a Special Minir inances, and establishing a 24'-0" spe	mum B	uilding Line	lock (Block	of Yup k, pursi	on Street, east uant to
Amount and Source of Funding:				Fina	nce Bu	dget:
made. The notification further state within thirty days of mailing. One application and protest at the Octo Minimum Building Line Block.	wners indicating that the special minim ted that written protest could be filed we written protest was filed. The Houstonber 17, 2013 meeting and voted to reconnect adopt an ordinance establishing	with the on Planr commen	Planning and ning Commiss d the City Co	l Deve sion c ouncil	elopmer onsider establis	nt Department red the sh the Special
Attachments: Planning Commis Evidence of Support, Map of the A	ssion Approval, Special Minimum Buil Area, Protest Letters	lding Li	ne Block App	olicati	ion & P	etition,
xc: Marta Crinejo, Agenda Di Anna Russell, City Secreta David M. Feldman, City A Gary Dzierlenga, Legal De	ary					
	DECHIDED AUTHODIZAT	TON	THE RESIDENCE OF THE PROPERTY AND PROPERTY OF THE PROPERTY OF			
Finance Director:	REQUIRED AUTHORIZAT Other Authorization:		ther Author	izatio	ın:	mill-ord-divide an interess of the state of
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION Page Agenda Item SUBJECT: Award Design/Build Contract Drymalla Construction Company, Inc. 1 of 2 Transporter/Mobile Vehicle Inspection Area WBS No. H-000110-0001-4 **Origination Date** Agenda Date FROM (Department or other point of origin): General Services Department MAY 04 2014 Council District(s) affected: MAY 1 4 2014 **DIRECTOR'S SIGNATURE** cott Mun Scott Minnix For additional information contact: Date and identification of prior authorizing Council action: Phone: 832-393-8023 Jacquelyn L. Nisby 🏏 RECOMMENDATION: Award Design/Build Contract and appropriate funds for the project. **Amount and Source Of Funding:** Finance Budget: \$1,174,000.00 Public Health Consolidated Construction Fund (4508) \$1,400,000.00 Special Waste Transportation & Inspection Fund (2423) \$2,574,000.00 Total Funding The General Services Department (GSD) recommends that City Council award a SPECIFIC EXPLANATION: Design/Build Contract to Drymalla Construction Company, Inc. to provide pre-construction and construction phase services for the Department of Health and Human Services (DHHS) Transporter/Mobile Vehicle Inspection Area The Environmental Health Division will use this area to inspect Waste Transportation Vehicles and Mobile Food Units in order to ensure compliance with code and food safety requirements. The new building will be located on vacant land, adjacent to the Environmental Health facility. On November 1 and November 8, 2013, GSD advertised a Request for Qualifications (RFQ) containing selection criteria that ranked the respondents on experience, technical approach, and quality assurance program. The Statements of Qualifications (SOQ) were due on November 21, 2013 and four teams responded. GSD formed a selection committee comprised of representatives from GSD and DHHS. The selection committee evaluated the respondents and interviewed all four teams. The team of Drymalla Construction Company, Inc. ENVIRONMENTS&co received the most points and offers the best value for the City based on the advertised criteria. PROJECT LOCATION: 7411 Park Place, (Key Map 535N) PROJECT DESCRIPTION: The transporter/mobile vehicle inspection area will consist of a new 6,000 square foot preengineered building with a standing seam metal roof and masonry façade, staff office area, cashier booth / reception desk, break room, waiting room for visitors, public and staff restrooms, circulation space, computer network / security room, electrical room, storage, and janitor's closet. Site improvements will be heavy-duty concrete driveways, a standalone inspection canopy, storm water drainage, retention pond, electrical, water and wastewater systems, visitors and staff parking, site lighting, security fence, electrically operated gates with card access, CCTV cameras, and landscaping. **CUIC ID# 25CONS243** REQUIRED AUTHORIZATION NOT

General Services Department:

Department of Health and Human Services:

Tylun I William

Stephen L. Williams, M.Ed., M.P.A Richard A. Vella Chief of Design & Construction Division

Director

à.	Date	SUBJECT:	Award Design/Build Contract Drymalla Construction Company, Inc. Transporter/Mobile Vehicle Inspection Area WRS No. H-000110-0001-4	Originator's Initials KTH	Page 2 of 2
			WBS No. H-000110-0001-4		

AWARD: It is recommended that City Council award a design/build contract to Drymalla Construction Company, Inc. and appropriate funds for the project, including an additional appropriation of \$8,500.00 for engineering and testing services under the existing contract with Austin-Reed Engineering, LLC. The following amounts for construction and contingency are based on the funds currently identified in the FY 2014 Capital Improvement Plan. The final cost of construction will be submitted to the director for approval as part of the Guaranteed Maximum Price (GMP) proposal.

FUNDING SUMMARY:

\$ 2,574,000.00	Total Funding
\$. 42,318.00	Civic Art (1.75%)
\$ 8,500.00	Engineering and Testing Services
\$ 2,523,182.00	Total Estimated Contract Services
\$ 105,000.00	4.34% Contingency (Estimate)
\$ 2,156,353.00	Estimated Construction Phase Services
\$ 261,829.00	Pre-Construction Phase Services

M/WBE PARTICIPATION: A combined M/WBE/SBE goal of 28% has been established for pre-construction and construction phase services. Upon completion of the pre-construction phase (design), the contractor will submit the list of proposed certified firms with the issuance of the GMP proposal.

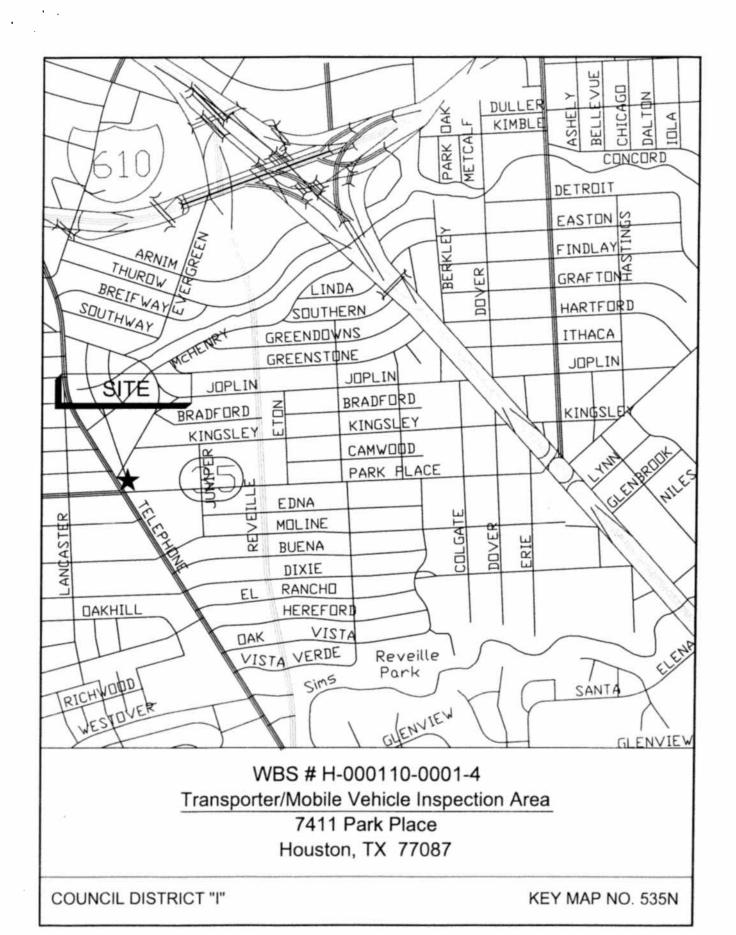
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

HIRE HOUSTON FIRST: This procurement is exempt from the City's HireHouston First Ordinance. Bids/proposals were not solicited because the department is utilizing the design-build project delivery method for this project.

SM:JLN:RAV:CRC:KTH:kth

c: Marta Crinejo, Jacquelyn L. Nisby, Claudette Manning, Morris Scott, Christopher Gonzales, Minnette Boesel, Gabriel Mussio, Felicia Williams, Benjamin Hernandez, File

F&A 011.A Rev. 3/94 7530-0100403-0



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION SUBJECT: Professional Engineering Services Contract Page Agenda Item 1 of 2 HMA Consulting, Inc. Department-wide Security Upgrades WBS No. H-000SEC-0001-3 Agenda Date FROM (Department or other point of origin): **Origination Date** General Services Department MAY 1 4 2014 **DIRECTOR'S SIGNATURE** Council District(s) affected: B, C, D, H, J, J, K Scott Minnix For additional information contact: Date and identification of prior authorizing Jacquelyn L. Nisby Phone: 832-393-8023 Council action: RECOMMENDATION: Approve professional engineering services contract with HMA Consulting, Inc., and appropriate funds for the project. Amount and Source Of Funding: **Finance Budget:** \$199,000.00 Public Health Consolidated Construction Fund (4508) SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a professional engineering services contract with HMA Consulting, Inc., to perform design services for the Department of Health and Human Services - Department-wide Security Upgrades. The current security system at each facility consists of only intrusion detection systems, which do not adequately deter burglary, thefts or vandalism of City property. PROJECT LOCATIONS: 22 facilities - See attached list. PROJECT DESCRIPTION: Install employee badge readers and automatic gate operators on one entry gate, employee badge reader entry devices on one main entry door, and security camera system for interior of the building and parking lot at each facility. SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis. 178,000.00 **Basic Services** 21,000.00 **Additional Services** 199,000.00 **Total Funding** M/WBE INFORMATION: An M/WBE goal of 24% has been established for this contract. The engineer has submitted the following certified firm to achieve the goal: **Firm Work Description** % of Contract Amount Jones Engineers, L.P.(MDBE) Electrical Service Design \$42,720.00 24% REQUIRED AUTHORIZATION CUIC ID# 25DSGN98 General Services Department: Department of Health and Human Services: Stephen L. Williams, M.Ed., M.P.A Richard/A.

Director

7530-0100403-0

Chief of Design & Construction Division

F&A 011. Rev. 3/94

Date SUBJECT

SUBJECT: Professional Engineering Services Contract

HMA Consulting, Inc.
Department-wide Security Upgrades

WBS No. H-000SEC-0001-3

Originator's Initials KTH

Page 2 of 2

Site Locations	Street Address & ZIP	Key Map	Council District
Cochran Building	1906 Cochran, 77009	493H	Н
Acres Homes MSC	6719 W. Montgomery, 77091	412Y	В
Administration Building Casa De Amigo Health	8000 N. Stadium Drive, 77054	532M	K
Center	1809 N. Main, 77009	493G	Н
Denver Harbor MSC	6402 Market Street, 77020	494H	Н
Fifth Ward MSC	4014 Market Street, 77020	494F	В
Hiram Clarke MSC	3810 West Fuqua, 77045	572S	K
John Peavy MSC	4014 Market Street, 77020	494F	В
Kashmere MSC	4802 Lockwood, 77026	454Y	В
Magnolia MSC	7037 Capitol Street, 77011	494Z	1
Northeast MSC	9720 Spaulding, 77016	454D	В
Northside Clinic	8504 Schuller, 77093	454E	Н
Old Braeswood Lab Park Place Environmental	1115 S. Braeswood, 77030	533E	D
Health	7411 Park Place Blvd., 77087	535N	1
Riverside Health Center	3315 Delano, 77004	493Y	D
Southwest MSC	6400 High Star, 77074	531E	J
Crockett Warehouse	1818 Crockett, 77007	493F	Н
Sunnyside Health Center	4605 Wilmington, 77051	573D	D
Sunnyside MSC	9314 Cullen, 77051	573D	D
Third Ward MSC	3611 Ennis Street, 77004	493Y	D
West End Health Center	190 Heights Blvd., 77007	493E	С
West End MSC	170 Heights Blvd, 77007	493E	С

MSC - Multi-Service Center

SM:JLN:RAV:CRC:KTH:kth

c: Marta Crinejo, Jacquelyn L. Nisby, Claudette Manning, Mary Villarreal, Benjamin Hernandez, Morris Scott, Christopher Gonzales, Tom Edwards, Felicia Williams, File

REQUEST FOR COUNCIL ACTION

	between the City of Hou (TxDOT) for the Construction	portation Project Advance Fundin ston and Texas Department of T on of Buffalo Speedway Overpass Ra	ransportation	Page 1 of 2	Agenda Item #
	Separation WBS No. N-000784-0002-	7.			35
	FROM (Department or oth	er point of origin):	Origination	Date	Agenda Date
	Department of Public Works	s and Engineering	5/9	14	MAY 1 4 2014
7	Daniel W. Krueger, P.E	JK	Council Dist K 34C	rict affected:	
	Ravi Kaleyatodi, P.E., CPM Senior Assistant Director P	Jahredi 4/2/14	Date and ide Council action		rior authorizing
	RECOMMENDATION: (Sur Adopt an Ordinance approv Department of Transportation	ing and authorizing an Advance Fu	unding Agreem	ent between the	e City of Houston and Texas
	Amount and Source of Fun	nding: \$11,700.00 from Fund 4040-	METRO Proje	cts Construction	DDSRF. P. 4/24/2014
1	authorizing the State to under	FICATION: The Texas Transportat take and complete a highway improve separation over Holmes Road and	ement generall	y described as ex	ute Order Number 113791 stend Buffalo Speedway south
		e scope of this project is to construct ific Railroad, with a connection to H		eedway overpas	s railroad grade separation at
	LOCATION : The project is go South and Kirby Drive to the	enerally bounded by West Bellfort to East The project is located in Key N	the North, Sou Map Grid 534 2	th Main to the we	est, Wildcat Golf Course to the
	SCOPE OF THE AGREEMENT: The City of Houston will be responsible for engineering and construction services, construction management, and 20% of construction costs. The City of Houston will also be responsible for TxDOT's plan review and construction engineering costs. The City of Houston will prepare plans and specifications to TxDOT standards, bid, and construct the project. The City will maintain the facilities upon the completion of construction.				ble for TxDOT's plan review
,	TXDOT is currently requestir	ng the City to reimburse \$11,700.00	for plan review	v costs.	
ı	-TS No.10077	CUIC ID #	20TAA122		
F	inance Department:	Other Authorization:	0	ther Authorizat	tion:
-				Red	m
A CONTRACTOR AND A CONT			D		dez, P.E., Deputy Director

Engineering and Construction Division

Date	SUBJECT : Local Transportation Project Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) for the Construction of Buffalo Speedway Overpass Railroad Grade	Initials	Page _2_ of _2
	Separation WBŚ No. N-000784-0002-7.		

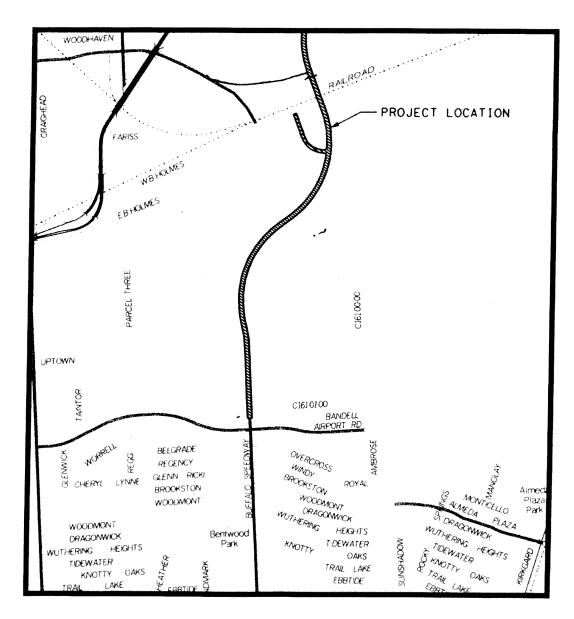
<u>ACTION RECOMMENDED:</u> It is recommended that the City Council adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and TxDOT and appropriate funds.

ph ph DWK:DRM:RK:TAA

H:\constr\A-SB-DIV\Interagency\TxDOT Projects\0912-72-311 Buffalo Speedway Overpass Railroad Grade Separation\Agreement\20TAA122 doc

:: File – TxDOT – Buffalo Speedway Overpass Railroad Grade Separation

EXHIBIT 1



VICINITY MAP

COUNCIL DISTRICT DK >~ KEY MAP NO. 532 X, 572 B,F

BUFFALO SPEEDWAY EXTENSION FROM WEST AIRPORT TO HOLMES ROAD WBS NO. N-000784-0001-3 FILE NO. SB9240

REQUEST FOR COUNCIL ACTION

- mayor via only occ	TEQUEST OF	- COUNCIL ACTION			
	gineering Services Contract betw Heights, John Brashear and Me 001-0001-3.		Page 1 of <u>2</u>	Agenda Item #	
FROM (Department or other	point of origin):	Origination Date	Agenda	Date	
Department of Public Work	s and Engineering	5914	MAY	1 4 2014	
Director's Signature:	. 1/	Council District affected:			
Daniel W. Krueger, P.E.	Why	C and H	2		
For additional information of Ravi Kaleyatodi, P.E., CPM Senior Assistant Director	Jalot 417/14	Date and identification of prio Council action:	r authoriz	zing	
RECOMMENDATION:					
An ordinance approving a P appropriate funds.	rofessional Engineering Services	Contract with R. G. Miller Eng	ineers, Ir	nc. and	
Amount and Source of Fund DDSRF.	ing: \$302,200.00 from Fund 4042	S – Street & Traffic Control and الاس بارات	,	Prainage 4	
	FICATION: This project will replacets. The existing streets are of projects.			de ditches with	
	nis project consists of the design for drainage, street lighting and nec		concrete	paving, curbs,	
	ea is generally bound by White 0 leights Boulevard on the west. Th				
Basic and Additional Service	ID FEE: Under the terms and sco s, as applicable, for Phase I – Prel s. This requested appropriation is	iminary Design, Phase II - Fina	l Design,	and Phase III –	
The Basic and Additional Se	rvices are being funded for Phase	e I only of this contract.			
The total Basic Services Fee amount of \$182,204.00.	for Phase I is based on the cost o	f time and materials with a not-	to-excee	d agreed upon	
	Fee for Phase I, to be paid either aude, but are not limited to Topogr				
	The total cost for Phase I is \$302,200.00 to be appropriated as follows: \$262,731.50 for Contract Services and \$39,468.50 for CIP Cost Recovery.				
LTS No. 9111			CUIC ID	#20BB173	
Finance Department:	Other Authorization:	Other Authorization	*	10	
		15000		5	
		Daniel R. Menende	z, P.E., Ď	eputy Director	

Engineering and Construction Division

Date	SUBJECT: Professional Engineering Services Contract between the City and R. G. Miller Engineers, Inc. for Houston	1
	Heights, John Brashear and Memorial Heights Paving and	\



Page 2 of <u>2</u>

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

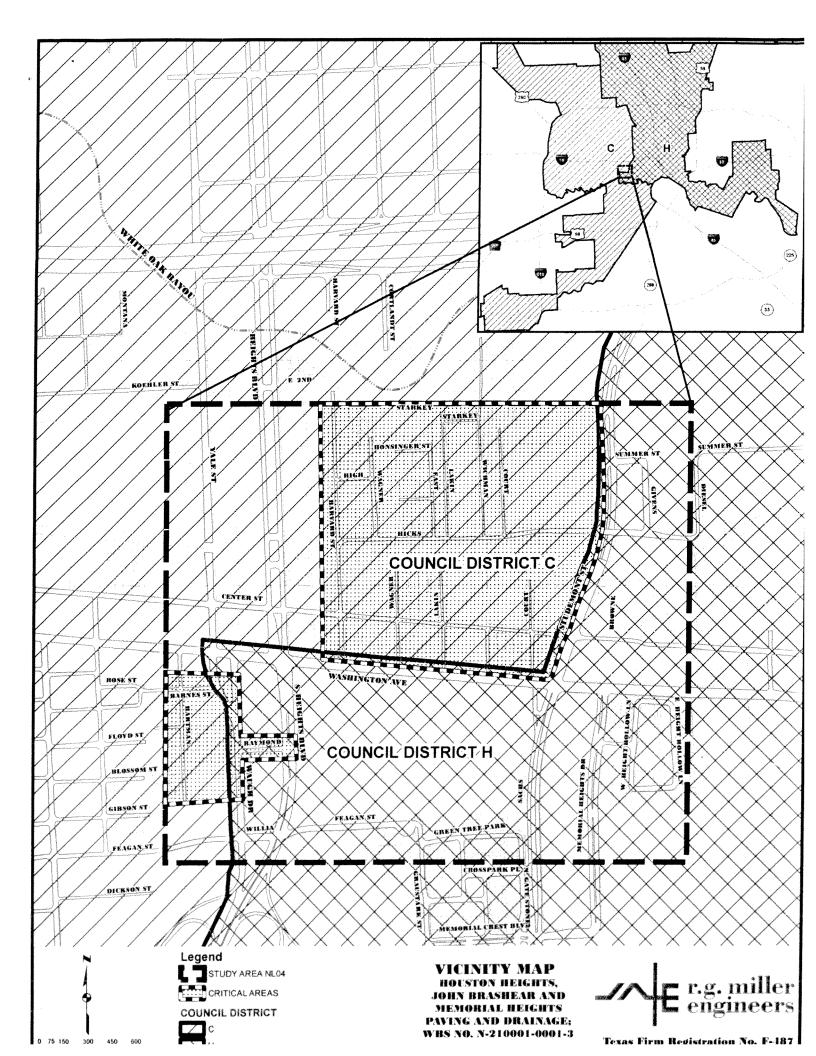
M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
Kuo & Associates, Inc. H T & J, LLC	Surveying Services Hydrology and Hydraulic Services	\$57,137.50 \$16,000.00	21.75% _6.09%
	TOTAL	\$73,137.50	27.84%

DWK:DRM:RK:MS:BB:mg

H:\design\A-NP-DIV\Bikeway Files\Ben\N-210001-0001-3 NSR Houston Heights\1.0 Design Contract\1.2 RCA\Design\208B173 21014.doc

ec: File No. (1.2 RCA)



REV. 11/06

REQUEST FOR COUNCIL ACTION

	TEQUEUT OF	COOKOL AOTION			
Engineers, Inc.	ngineering Services Contract beto for Potomac and Nantucket Area 410002-0001-3.		Page 1 of <u>2</u>	Agenda Item	
FROM (Department or other	point of origin):	Origination Date	Agenda	Date	
Department of Public Work	s and Engineering	5/8/14	MAY	1 4 2014	
Director's Signature: Council District affected: G Rm					
Ravi Kaleyatodi, P.E., CPM Senior Assistant Director	Waloto 4/15/19	Date and identification of pr Council action:	ior authori:	zing	
RECOMMENDATION: (Sumi	mary)				
Approve a Professional Eng	gineering Services Contract with L	Inited Engineers, Inc. and ap	propriate f	funds.	
Amount and Source of Fund DDSRF	ing: \$ 358,100.00 from Fund 40	42 - Street & Traffic Control		Drainage	
address and reduce the risk	FICATION: This project is part of of structural flooding. Improvement street conveyance and sheet flow	nts include replacement and u	n (CIP) and pgrade of t	d is required to the storm sewe	
DESCRIPTION/SCOPE : The paving, curbs, sidewalks, displayments, and Nantucket area.	nis project provides for the design riveways, and necessary underg	of storm drainage improvement of utilities. The project w	ents, nece vill serve t	ssary concrete he Potomac &	
LOCATION : The project are the north, and Westheimer F	ea is generally bound by Briarmead Road on the south. The project is	d on the west, Fountainview o located in Key Map Grids 49	n the east, 1N and 49	, San Felipe on 91S.	
Additional Services, as application	D FEE: Under the terms and scop cable, for Phase I - Preliminary De ted appropriation is for Phase I - P	esign, Phase II - Final Design	. Phase III	- Construction	
Basic and Additional Service	es are being funded for Phase I or	nly of this contract.			
The total Basic Services Fee amount of \$137,442.00.	for Phase I is based on the cost o	f time and materials with a no	t-to-exceed	d agreed upon	
\$173,909.00. The Additional	The total Additional Services Fee for Phase I, to be paid either as lump sum or on a reimbursable basis, is \$173,909.00. The Additional Services include, but are not limited to surveying, geotechnical investigation, and environmental site assessment.				
The total cost for Phase I is \$46,749.00 for CIP Cost Rec	\$358,100.00 to be appropriated covery.	as follows: \$311,351.00 for	r Contract	Services and	
LTS No. 9465			CUIC ID	#20RM02	
Finance Department:	Other Authorization:	Other Authorizatio	n:		
		Ann	<u> </u>		
		Daniel R. Menendo	ez, P.E., De	eputy Director	
		Engineering and C			

Date	SUBJECT: Professional Engineering Services Contract between the City and United Engineers, Inc. for Potomac and	Originator's Initials	Page 2 of <u>2</u>
	Nantucket Area Drainage and Paving. WBS No.: M-410002-0001-3.	Rm	_

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

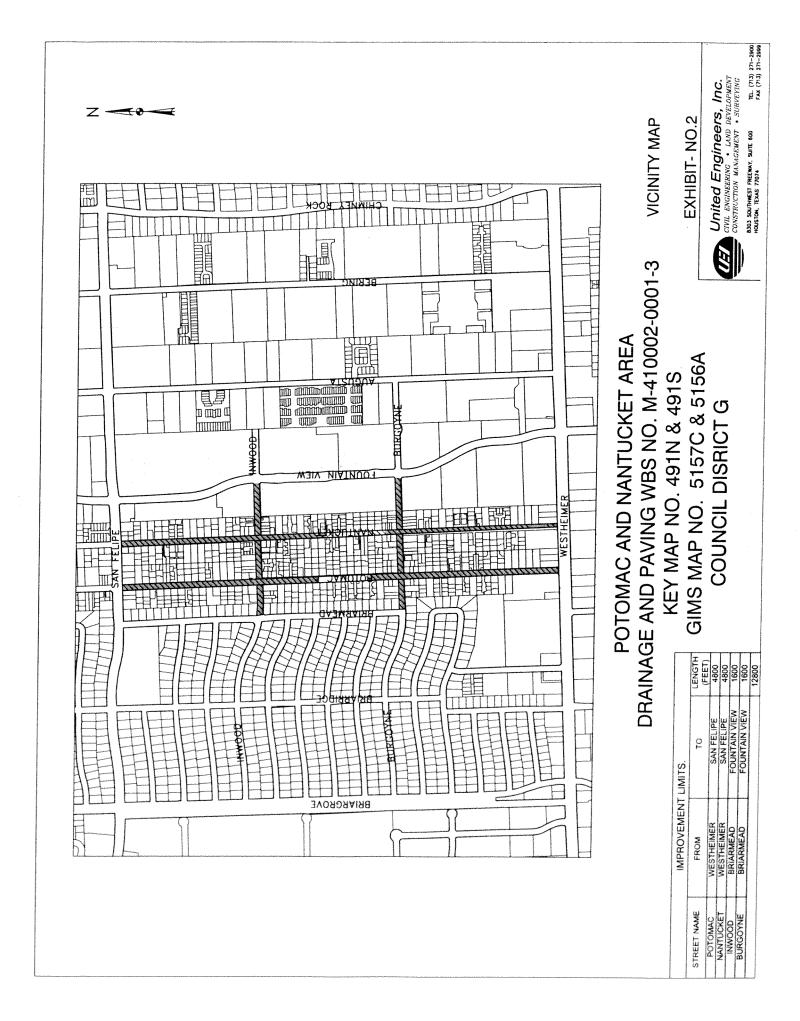
<u>M/WBE INFORMATION</u>: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

	Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
1. 2. 3. 4. 5.	Austin-Reed Engineers, LLC B & E, Reprographics, Inc. H&H Engineering Services, Inc. HVJ Associates, Inc. Rahaman and Associates, Inc. DBA Western Group Consultants	Geotechnical Services Reproduction Services Engineering Services Environmental Services Topographic Survey	\$ 37,418.00 \$ 8,000.00 \$ 14,000.00 \$ 3,685.00 \$ 71,350.00	12.02% 2.57% 4.50% 1.18% 22.92%
		TOTAL	\$ 134,453.00	43.19%

DWK:DRM:RK:DPS:EM:RM:kW

H:\design\STORM WATER ENGINEERING\SECTION\00 - PROJECTS\Potomac and Nantucket (M-410002-1) - D14_C17\1.0 DESIGN CONTRACT\1.2 RCA\02 RCA UEI M-410002-0001-3.doc

c: File No. M-410002-0001-3 (1.2 RCA)



REQUEST FOR COUNCIL ACTION

	Cretary REQUEST FOR	H COUNCIL ACTION			
SUBJECT: Additional Ap between the City of House Order Bridge Rehabilitatio WBS No. N-00445N-0031	propriation for Professional En ston and Nathelyne A. Kennedy n Design/Replacement -3	gineering Services Contract & Associates, L.P. for Work	Page 1 of <u>2</u>	Agenda Item	
FROM (Department or othe	r point of origin):	Origination Date	Agenda	Date	
Department of Public Work	ks and Engineering	5/8/14	Agenda Date MAY 1 4 2014		
DIRECTOR'S SIGNATURE:	DIRECTOR'S SIGNATURE: Council District affected				
paniel W. Krueger, P.E.	W. Krueger, P.E.				
	For additional information contact Havi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Date and identification of prior authorizing Council action: Ordinance No. 2013-0010, data 01,03,2013				
RECOMMENDATION: (Sum Approve an Ordinance app Nathelyne A. Kennedy & A.	ropriating additional funds to the I	Professional Engineering Servi	ces Cont	ract with	
Amount and Source of Func \$230,000.00 from Fund 404 Original(previous) appropria	ding: 40-METRO Projects Construction ations \$230,000.00 from Fund 404	DDSRF UP 5/5/2 40- METRO Projects Construct	0 14 tion DDS	RF	
PROJECT NOTICE/JUSTIFICATION: This project is required to provide professional engineering services address local bridge structure repairs/rehabilitation design citywide. DESCRIPTION/SCOPE: This project will allow for evaluation of existing bridges which have received below standard inspection reports and prepare design plans to rehabilitate or replace existing bridges a bridge/roadway structures throughout the City.					
LOCATION: Citywide.					
por engineering assignment	ND FEE: This is a work order design as needs arise. The project soll – Final Design and Phase III - Co	one consists of Phase I - Fno	Orders ineering	will be issued Analysis and	
and/or roadway. Such studie	llysis Services: The scope of word dition, and necessary recommend es and designs will consist of prelings, reports and cost estimates.	lation of remedial measures fo	or the acc	signed bridge	
the City in securing bids for	Phase II – Final Design: The Consultant will prepare detailed construction documents required to obtain approval from appropriate governmental authorities and public and private utilities. Additionally, the Consultant will assist the City in securing bids for the construction of proposed bridge repair/replacement based upon the construction documents, attend pre-bid conferences and assist the City in evaluating the bid tabulation.				
LTS No.10905	REQUIRED AUTHO	PRIZATION	CUIC ID	#20SG20	
Finance Department:	Other Authorization:	Other Authorization:			
-		Me 18	_		
		Daniel R. Menendez, P.E., [Engineering and Construction	Deputy D	irector	
•	•			1	

	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Nathelyne A.	Originator's	Page
Date		Initials	2 of <u>2</u>
A.	Kennedy & Associates, L.P. for Work Order Bridge Rehabilitation Design/Replacement WBS No. N-00445N-0031-3	SG	

Phase III – Construction Phase Services: The Consultant will provide professional services during construction to achieve a completed project in accordance with the purpose and intent of the Construction Documents.

<u>PREVIOUS HISTORY AND SCOPE</u>: The City Council approved the original contract by Ordinance 2013-0010 on January 2nd, 2013. The original project assignments included for Phase I engineering assessment reports for Lockwood Bridge expansion joint conditions, Suspension Foot Bridge over Buffalo Bayou on Westcott St. (Hogg's) and West Lake Houston Parkway Bridge bearing pad displacement assessment and Phase II design for Lockwood Bridge expansion joints replacement.

<u>SCOPE OF SUPPLEMENT AND FEE:</u> Additional funds are necessary for investigation study for existing bridge structure at Gulf Bank at Hardy Toll Road and Phase III services for Lockwood Bridge joints replacement as well as other engineering assignments as needs arise.

The total requested appropriation is \$230,000.00 to be appropriated as follows: \$200,000.00 for Contract services and \$30,000.00 for CIP cost recovery.

<u>PAY OR PLAY PROGRAM:</u> The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the consultant has elected to provide health benefits to eligible employees in compliance with City policy.

<u>M/WBE INFORMATION</u>: The M/WBE goal for the project is set at 24%. The original contract appropriation is \$200,000.00. The consultant has been paid \$40,917.00(20.45%) to date. Of this amount \$13,057.30 (31.91%) has been paid to M/WBE sub consultant to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$400,000.00 and the consultant has updated the following program to achieve this goal.

Name of Firm	Work Description	Amount	% of Total Contract
1.Paid Prior MWBE Commitment	Various Services	\$13,057.30	3.26%
2.Unpaid Prior MWBE Commitment		\$80,942.70	20.23%
3.CSF Consulting, L.P.	Engineering Services	\$80,000.00	20.00%
4. HVJ Associates, Inc.	Geotechnical Investigation	\$8,000.00	2.00%
5.Kuo & Associates, Inc.	Surveying Total	\$6,000.00 \$188,000.00	<u>1.50%</u> 47.00%

DWK:DRM:RK:JHK:TO:SG

tildesign\A-SB-DIV\WPDATA\TC-SG\Project\W.O.Bridge Repairs N-00445N-0031(NAK)\Design Folder\Addl, Appro.RCA Design.docx

WBS No.N-00445N-0031-3 (1.2 DSGN RCA Contract)

REQUEST FOR COUNCIL ACTION

	,	COUNCIL ACTIO		-	
SUBJECT: Additional Ap Services Contract between Engineering Corporation for Hirsch to Homestead. WBS No. N-000813-0001-3	the City of Houston Laura Koppe Road Par	and Dannenbaum	1 of 2	Agenda Item #	
From: (Department or other	point of origin):	Origination Date		Agenda Date	
Department of Public Works	and Engineering	5/8/14		MAY 1 4 2014	
Daniel W. Krueger, P.E. Council District affected: B Daniel W. Krueger, P.E. For additional information contact: Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director Council District affected: B Date and identification of prior authorizing Council action: Ordinance # 2013-0309 Dated: 4/10/2					
					Recommendation: (Summary) Approve an Ordinance appropriating additional funds for Professional Engineering Services Contract with Dannenbaum Engineering Corporation.
Amount and Source of Funding: \$1,634,610.00 from Fund 4042 – Street & Traffic Control and Storm Drainage DDSRF. Original (Previous) appropriation of \$347,303.00 from Fund 4042 – Street & Traffic Control and Storm Drainage DDSRF.					
PROJECT NOTICE/JUSTIFIC (CIP) and is necessary to me drainage in the service area. DESCRIPTION/SCOPE: This widening to collector street sta include a four- lane undivided sidewalks, streetlights, signals	et City of Houston designs project consists of the ndards per major thorough concrete roadway with	n and safety standa design of approxinghfare freeway plan. curbs, an undergrou	ards and in	oprove traffic mobility and	
LOCATION: The project area project is located in Key Map G	is generally bounded b rids 454F, 454G and 454	y Hirsch on the we IH.	st and Hon	nestead on the east. The	
PREVIOUS HISTORY AND SO 2013-0309. The scope of service - Final Design, Phase III - Con Phase I - Preliminary Design of provided recommendations for	ces under the original corn distruction Phase Service only and consultant has c	itract consisted of P s and additional ser	hase I - Pre vices - Fund	liminary Design, Phase II	
SCOPE OF THIS CONTRACT Basic services and Additional stasks: Phase II-Final Design miscellaneous services. The fe and \$134,857.00 for Phase III-negotiated on a lump sum bas basis. The total Additional Servi	Services. The requestent, Phase III— Construction of \$682,170.00 is need Construction Phase Sentis. Additional Services and	d additional approp on Phase Services ded for Phase II-wh vices. The total Bas te to be paid either	riation will a s, Additiona nich include ic Services as lumo su	accomplish the following al Services and certain as Final Design Services fees of \$817,027.00 are	
LTS # 10118 F	REQUIRED AUTHORIZA	TION	CUIC	ID #20AZA15	
Finance Department:	Other Authorization:	Other A	uthorizatio	Mildrationaria and a company of the season o	
		4	201_		
		Daniel R	. Menendez	z, P.E., Deputy Director	

Date	SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Dannenbaum Engineering Corporation for Laura Koppe Road Paving and Drainage: Hirsch to Homestead. WBS No. N-000813-0001-3	Originator's Initials	Page 2 of 2	
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The total requested appropriation is \$1,634,610.00 to be appropriated as follows: \$1,421,400.00 for contract services and \$213,210.00 for CIP cost recovery.

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

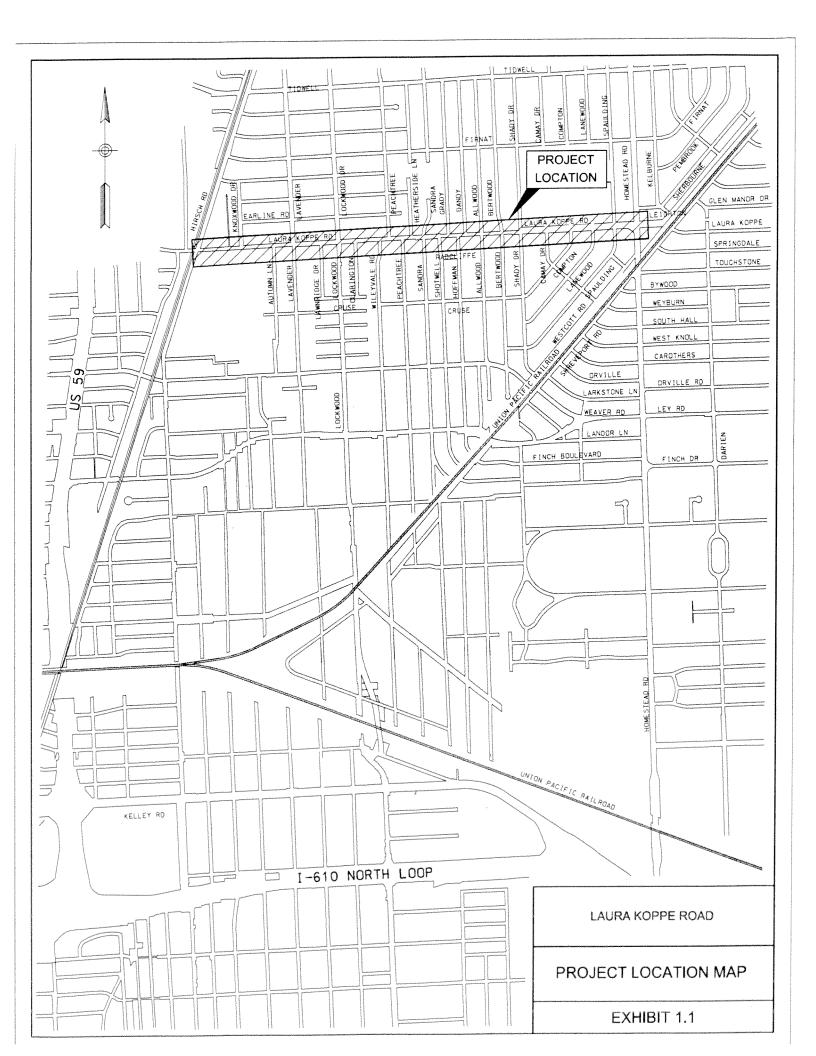
M/WBE INFORMATION: The M/WBE goal established for the project is 24%. The original Contract totals \$302,003.00. The consultant has been paid \$152,837.22 (50.61%) to date. Of this amount \$14,024.61 (9.18%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$1,723,403.00. The consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
1.Paid Prior M/WBE commitment		\$ 14,024.61	0.81%
 2.Unpaid Prior M/WBE commitment 3.Kuo & Associates, Inc. 4.Crouch Environmental Services, Inc. 5.ISANI Consultants, LP 6.Amani Engineering, Inc. 7.Geotest Engineering, Inc. 	Survey Environmental Site Assessment II Traffic Signal Utility Research Geotechnical Engineering	\$ 94,415.00 \$262,360.00 \$ 19,997.21 \$ 46,484.00 \$110,008.00 \$ 39,867.50	5.48% 15.22% 1.16% 2.70% 6.38% 2.31%
	TOTAL	\$587,156.32	34.06%

DWK:DRM:RK:JHK:SC:AA

H:\design\A-SB-DIV\00 - PROJECTS\N-000813-0001-3 Laura Koppe Reconstruction\2-RCA 3-14-2014.doc

ec: WBS No. N-000813-0001-3 (1.2 DSGN RCA)



REV 11/06

REQUEST FOR COUNCIL ACTION

				·		
Zollars, Inc. for Linkwood D	SUBJECT: Professional Engineering Services Contract between the City and Huitt-Zollars, Inc. for Linkwood Drainage and Paving. WBS No. N-210002-0001-3.					
FROM (Department or other	point of origin):	_	ion Date	Agenda	Date	
Department of Public Work	s and Engineering	5	5/8/14	MAY	1 4 2014	
Director's Signature: Daniel W. Krueger, P.E.	× F					
For additional information confact: Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Date and identification of prior authorizing Council action:					zing	
RECOMMENDATION:						
An ordinance approving a P funds.	rofessional Engineering Services	Contract	with Huitt-Zollars, Ind	c. and ap	propriate	
Amount and Source of Fund DDSRF.	ing: \$1,017,000.00 from Fund 404	42 – Stree	et & Traffic Control ar & P. 4/	nd Storm	Drainage	
Pre-Engineering Report for the DESCRIPTION/SCOPE: The curbs, sidewalks, driveways, LOCATION: The project are Link to the east and Ilona Lasscope of Contract Al Services for Phase I, Phase I	e paving, storm, water and wastevel the Linkwood area developed by the Linkwood area developed by the list project provides for the design of street lighting and necessary under a is generally bound by South Braine to the west. The project is located to the west. The project is located to the lighting and Additional Service.	Walter P. f the storm derground eswood to ated in Ke e contract s. The Ba	Moore Associates, In drainage including of utilities. The horth, Murworth by Map Grid 532N. St, the Consultant will asic Services Fee for	nc. Oncrete ro Drive to the state of the s	ne south, Stella	
on the level of effort with a not-to-exceed agreed upon amount of \$141,477.00. Additional Services associated with Phase I have been estimated at \$191,680.00. The fees for Basic Services Phase II, Phase III and Additional Services have been estimated on a lump sum basis. The Contract also includes certain Additional Services to be paid on a reimbursable basis. The Additional Services include Civil Engineering, Pipeline Video Televising, Environmental Services, Traffic Engineering, Reprographics and						
American Disabilities Act Co	mpliance Services. The total Add	itional Se	rvices appropriation i	s \$260,2	60.00.	
LTS No. 9112				CUIC ID#	#20RF09 N	
Finance Department:	Other Authorization:		Other Authorization		1 "	
			mm	2		
			Daniel R. Menendez	z, P.E., D	eputy Director	

Engineering and Construction Division

subject: Professional Engineering Services Contract between the City and Huitt-Zollars, Inc. for Linkwood Drainage and Paving. WBS No. N-210002-0001-3.	Originator's Initials	Page 2 of <u>2</u>
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Upon completion of the limited Basic Services for Phase I, a report will be generated and the recommendations will be presented to the Technical Review Committee. This report will refine the findings of the pre-engineered study, thus defining the scope of services for the final design. The scope for Phase II, Final Design will be based on the final recommendations in the Record of Decision Action Items from the Technical Review Committee. Final Design fees shall be re-negotiated for the scope of the streets to be reconstructed.

The total Basic Services Fee will be \$623,834.00 and the total Additional Services Fee will be \$260,260.00 for a total contract amount of \$884,094.00. The requested total appropriation of \$1,017,000.00 will be appropriated as follows: \$884,094.00 for Contract Services and \$132,906.00 for CIP Cost Recovery.

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

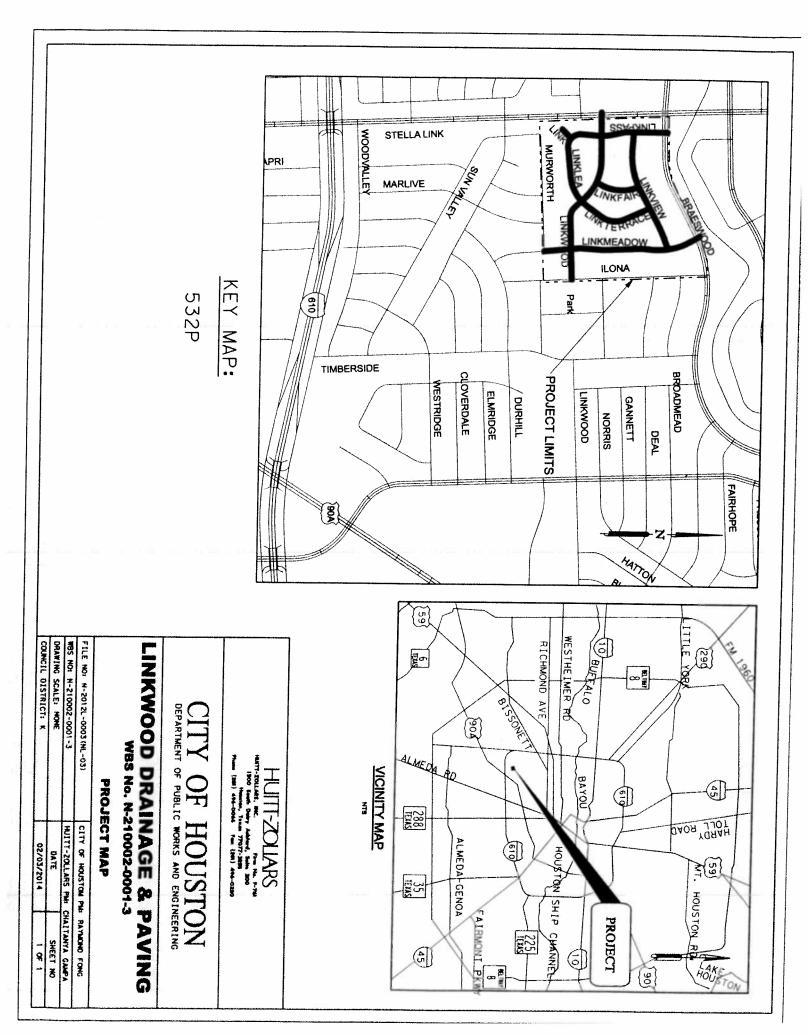
<u>M/WBE INFORMATION</u>: The M/WBE goal for the project is set at 24%. The Consultant proposed the following to meet the goal.

	Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
1.	ISANI Consultants, L.P.	Civil Engineering	\$65,000.00	7.35%
2.	Chief Solutions, Inc.	Pipeline Video Televising	\$10,000.00	1.13%
3.	Crouch Environmental Services, Inc.	Environmental Services	\$11,000.00	1.24%
	Midtown Engineers, LLC	Traffic Engineering	\$45,000.00	5.09%
1	Geotest Engineering, Inc.	Geotechnical Engineering	\$42,500.00	4.81%
6.	B & E Reprographics, Inc.	Reprographics	\$ 6,000.00	0.68%
	KIT Professionals, Inc.	Civil Engineering	\$40,000.00	4.52%
8.	J.K. Wagner & Company, Inc.	Tree Protection	\$10,000.00	1.13%
	Accessibility Check	American Disabilities Act		
	•	Compliance Services	\$ 3,000.00	<u>0.34%</u>
		TOTAL	\$232,500.00	26.29%

DWK:DRM:RK:MS:BB:RF:mg

H:\design\A-NP-DIV\Bikeway Files\Raymond\N-210002-0001-3 NSR Linkwood\1.0 Design Contract\1.2 RCA\Design\20RF09 021714.doc

ec: File No. (1.2 RCA)



T	O: Mayor via City Secretary	REQUEST FOR	R COUNCIL.	ACTION		
Personal de la location de la constantina del constantina de la constantina de la constantina del constantina de la constantina del constantin	SUBJECT: Professional Engine Houston and Jaymark Engineer WBS No. N-320610-0002-3	eering Services Contraction for Saf	ct between th fe Sidewalk f	ne City of Program.	Page 1 of 2	Agenda Item #
	From: (Department or other p	point of origin):	Origination	n Date		Agenda Date
	Department of Public Works an	nd Engineering				MAY 1 4 2014
35	Director's Signature:	all M				
7	Ravi Kaleyatodi, P.E., CPM Pl Senior Assistant Director	ystood 46/14	Date and id Council ac		on of pric	or authorizing
	Recommendation: (Summary An ordinance approving a Proand appropriate funds.	y) fessional Engineering	Services Co	ntract with	Jaymark	Engineering Corporation
-	Amount and Source of Fundi	ng: \$500,000.00 from	Fund 4040A	- METRO	Construct	ion - Other. P. 2/11/2014
PROJECT NOTICE/JUSTIFICATION: This project is part of the Safe Sidewalk Program. This program is a continuing effort by the City to construct sidewalks throughout the City of Houston. DESCRIPTION/SCOPE: The project consists of the design of approximately 50,000 linear feet of sidewal people with disabilities, in neighborhoods adjacent to schools, and along major thoroughfares.					ear feet of sidewalks for	
	LOCATION: This project is local	ated throughout the City	and is locat	ed in variou	us Key Ma	ap Grids.
SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services, and Additional Services The consultant will prepare layouts and drawings, conduct feasibility analysis, develop detailed cost esting for construction, and prepare final plans and specifications for construction. The Basic Services Fee for project is computed on a lump sum amount per foot of sidewalk designed. Negotiations with the Consultant resulted in an estimated total Basic Design Fee of \$62,374.00 for Phase I; \$201,546.00 for Phase II - Design and \$25,000.00 for Phase III - Construction Phase Services. The total Additional Services Fe \$146,080.00. The Additional Services include Surveying, Tree Protection, Texas Department of Licensing Regulation Services, Quality Control Analysis, Reproduction Services and Engineering Design Support.					and Additional Services. o detailed cost estimates sic Services Fee for this with the Consultant have 6.00 for Phase II - Final Iditional Services Fee is artment of Licensing and	
	The total cost of the project is \$500,000.00 to be appropriated as follows: \$435,000.00 for Contract services and \$65,000.00 for CIP Cost Recovery.					for Contract services
- Adaption (major)	PAY OR PLAY PROGRAM: Tregarding health benefits for em to eligible employees in complia	iployees of City contrac	equires comp tors. In this	oliance with case, the C	the City' Consultan	s 'Pay or Play' ordinance t provides health benefits
	LTS No. 8377	REQUIR	ED AUTHOR	RIZATION		CUIC ID #20SIK58
-	Finance Department:	Other Authorization	:	Other Au	thorizatio	on:

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

Date	SUBJECT: Professional Engineering Services Contract between the City of Houston and Jaymark Engineering Corporation for Safe Sidewalk Program.	Originator's Initials	Page 2 of 2
	WBS No. N-320610-0002-3		

<u>M/WBE INFORMATION:</u> The M/WBE goal established for this project is 24%. The Consultant has proposed the following plan to meet the M/WBE goal:

201	TOTAL	\$109,000.00	25.06%
Accessible Compliance	Plan Review & Site Inspection for ADA Compliance	\$ 2,500.00	0.57%
AGC Group Inc.	Civil Engineering	\$24,000.00	5.52%
Rahaman and Associates, Inc., DBA Western Group Consultants	Land Surveying	\$82,500.00	18.97%
Name of Firms	Work Description	<u>Amount</u>	% of Total Contract

DWK:DRM:RK:MS:SK:as

H:\design\A-NP-DIV\Sidewalks\N-320610-0002-3\1.0 Design Contract\1 2 RCA\Design RCA for N-320610-0002-3.doc

c: File No. N-320610-0002-3 (1.2 RCA)

TO: Mayor via City	Secretary REQUI	EST FOR COUNCIL ACTION			
SUBJECT: Profession Professionals, Inc. for WBS No. R-000035-00	Wastewater Force Main Ren	Contract between the City and KIT newal and Replacement	Page 1 of <u>2</u>	Agenda Item	
FROM (Department or of Department of Public W		Origination Date	Agenda MAY	Date 1 4 2014	
Director's Signature: Daniel W Krueger, P.E., Director Council District affected: A, B, G, I					
Keni ka	Date and identification of prior authorizing Council action: Phone: (832) 395-2326 Senior Assistant Director				
RECOMMENDATION: (S An ordinance approving funds.	ummary) a Professional Engineering	Services Contract with KIT Professiona	als, Inc. ε	and appropriate	
		r and Sewer System Consolidated Cons	2/18	2/2014	
PROJECT NOTICE/JUS program.	TIFICATION: This project is	part of the City's ongoing force main re	newal ar	nd replacement	
DESCRIPTION/SCOPE: following lift stations:	This project consists of th	e force main renewal and/or replacem	ent asso	ciated with the	
LOCATION: Name Woodsman Trail Annunciation	Address 7027 Woodsman Trail 6920 Annunciation	<u>Key Map</u> 411N 455A, 415N, 415P, 415S, 415W		incil District A B	
Old Stone Trail Piping Rock Tanya Circle Plum Creek	15531 Old Stone Trail 13910 Piping Rock 15726 Tanya Circle 8307 South Loop E.	488F 488P, 488S, 488T 488F 535F		G G G	

Banner Road 4072 1/2 Banner Road 455Y, 455Z

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$138,675.00. The total Basic Services appropriation is \$538,669.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include Route Topographical Survey, Acquisition Survey, Geotechnical Investigation, ESA Phase I and II, Subsurface Investigation, Tree Protection Plans, Traffic Control Plans, Storm Water Pollution Prevention Plan, Special Permits, Reproduction Services, Drug Testing Services, Technical Review Committee Meeting, Existing Conditions Survey, Independent Construction Cost Estimate, and Others. The total Additional Services appropriation is \$564,332.00.

LTS No. 8662		CUIC ID #20AKH41
Finance Department:	Other Authorization Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

 Date	SUBJECT: Professional Engineering Services Contract between the City and KIT Professionals, Inc. for Wastewater Force Main Renewal and Replacement	Originator's Initials	Page 2 of <u>2</u>
	WBS No. R-000035-0011-3.	•	

The total cost of this project is \$1,268,452.00 to be appropriated as follows: \$1,103,001.00 for Contract services and \$165,451.00 for CIP Cost Recovery.

PAY OR PLAY PROGRAM:

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

<u>M/WBE INFORMATION</u>: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

	Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
:	 Amani Engineering, Inc. Associated Testing Laboratories, Inc. Bradlink LLC 	Land Surveying Geotechnical Investigation Engineering Support Services	\$200,000.00 \$122,000.00 \$ 2,500.00	18.13% 11.06% <u>0.23%</u>
		TOTAL	\$324,500.00	29.42%

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

c: File No. R-000035-0011-3

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

	SUBJECT: Profession Associates, Inc., for No proposed Williamcrest WBS No. R-000536-002	al Engineering Services Contract rthbrook Diversion and Abandonme Lift Station and Gravity Diversion of 22-3.	between the City and Klotz ent Phase 1 – Construction of f Willow Meadow Lift Station	Page 1 of <u>2</u>	Agenda Item #	
	FROM (Department or ot	her point of origin):	Origination Date	Agenda		
	Department of Public W	orks and Engineering	5/8/14	l	1 4 2014	
40	Daniel W. Krueger, P.E.,	Director	Council District affected:	<u> </u>	1 4 20 14	
U	Ravi Kaleyatodi, P.E., CF Senior Assistant Director	PM Phone: (832) 395-2326	Date and identification of prior Council action:	authoriz	ing	
	RECOMMENDATION: (Su					
		a Professional Engineering Services				
	Amount and Source of Fun	ding: \$1,027,456.00 Water and Sev	ver System Consolidated Const	r		
			M.P. 2	25/20	und No. 8500.	
	PROJECT NOTICE/JUST infrastructure by consolidate	IFICATION: This project is part of the ting its wastewater lift station facilities.	/			
	<u>DESCRIPTION/SCOPE</u> : This project consists of providing professional engineering services for the design of new Williamcrest Lift Station (location to be determined), 24-inch force main (to manhole SW063067), and gravity system to Williamcrest Lift Station.					
	LOCATION: The project area is generally bounded by Willow Meadow Drive on the north, Williamcrest Street on the south, Braes Forest Drive on the east, Ranier Drive on the west. The project is located in Key Map Grid 530X.					
f	SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary for Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$202,650.00. The total Basic Services appropriation is \$626,020.00.					
AS	additional Services includes for the state of the state o	ertain Additional Services to be paid Route Topographic Survey, Geotech Tree Protection Plans, Stormwater se Presentation and Recommendati	either as lump sum or on a reim nical Investigation, Environmen	ibursable	basis. The	
E	TS No. 8792		CINC ID #00=			
Fi	nance Department:	Other Authorization:	CUIC ID #20TH1: Other Authorization:	5	<u> </u>	
	ر	Jun Chang, P.E., D.WRE, Deputy D	15th	1		
REV.	11/06	Public Utilities Division	irector Daniel R. Menendez, P Engineering and Consi	'.E., Depu truction D	ity Director Division	

SUBJECT: Professional Engineering Services Contract between the City and Klotz Associates, Inc., for Northbrook Diversion and Abandonment Phase 1 – Construction of proposed Williamcrest Lift Station and Gravity Diversion of Willow Meadow Lift Station.	Initials	Page 2 of <u>2</u>
WBS No. R-000536-0022-3.	,	

The total cost of this project is \$1,027,456.00 to be appropriated as follows: \$893,440.00 for Contract services and \$134,016.00 for CIP Cost Recovery.

PAY OR PLAY PROGRAM:

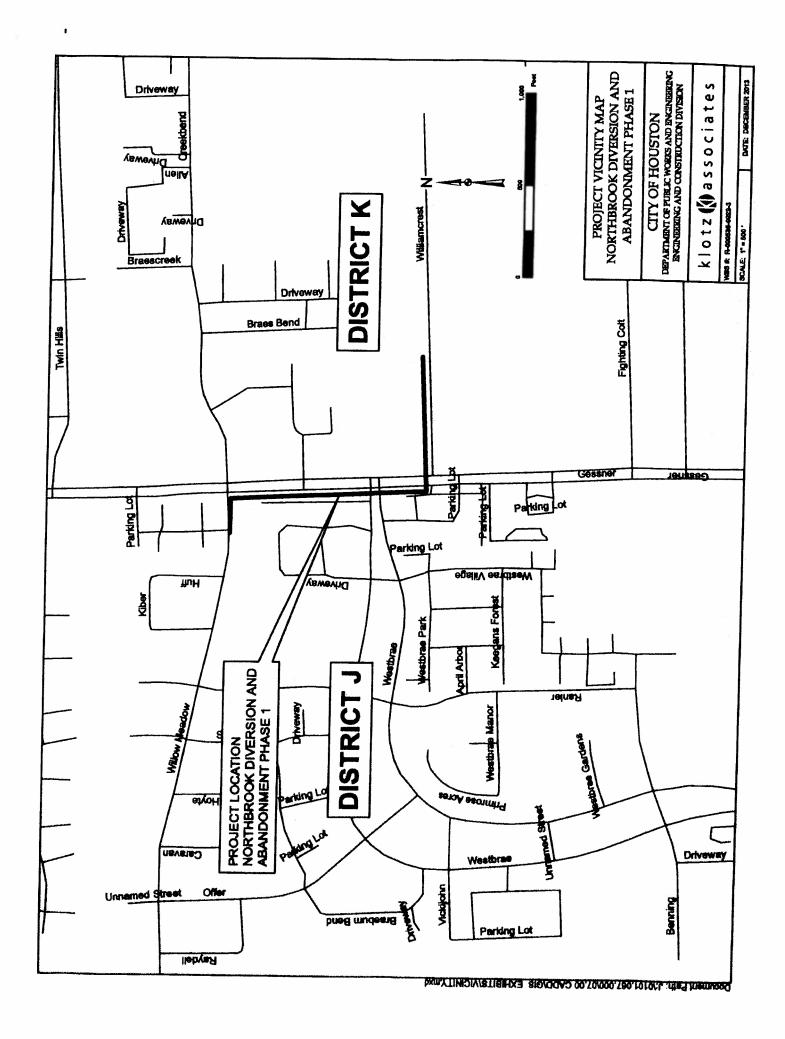
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.

<u>M/WBE INFORMATION</u>: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	<u>Amount</u>	% of Total Contract
 Access Data Supply, Inc. Berg-Oliver Associates, Inc. Geotest Engineering, Inc. Gunda Corporation, LLC Gupta & Associates, Inc. United Engineers, Inc. 	Administrative Services Environmental Services Geotechnical Services Engineering Services Electrical Instrumentation Design Land Surveying	\$ 5,000.00 \$20,000.00 \$50,000.00 \$95,000.00 \$90,000.00 \$84,000.00	0.56% 2.24% 5.60% 10.63% 10.07% <u>9.40%</u>
	TOTAL	\$344,000.00	38.50%

DWK:DRM:RK:EN:IMR:TH:JA:pa

c: File No. R-000536-0022-3 (1.2)



TO:	Mayor via City Sec		FOR COUNCIL ACTION		V
between	n the City of Houston a	Construction Management and In and Gunda Corporation for Storm and M-430220-0016-4.	spection Services Contract Water and Paving Projects;	Page 1 of <u>1</u>	Agenda Item #
FROM	I (Department or oth	er point of origin):	Origination Date		Agenda Date
Departi	ment of Public Works	and Engineering	5/8/14		MAY 1 4 2014
DIRECTOR'S SIGNATURE: Council District affected: All Baniel W. Krueger, P.E., Director					
	ditional information		Date and identification of	prior authorizi	ng
Joseph	T. Myers, P.E.		Council action:	N/A	
	Assistant Director	Phone: (832) 395-2355 ummary) Approve Professional	Construction Management or	d Innocestion Con	
Gunda (Corporation and appro	opriate funds.	Construction Management an	d inspection Ser	vices Contract with
Amoun	t and Source of Fund	ding: \$100,000.00 from Fund 40	40 - METRO Projects Const	ruction DDSRF	and \$100,000.00
from Fu	nd 4042A - Street and	I Traffic Control and Storm Drain	nage DDSRF-A.	5/1/2014	
PROJE	CT NOTICE/JUSTI TO Drainage projects.	FICATION: This project is a par	t of the City's Capital Improv	ement Plan (CII	r) for Street, Bridge
and Stor	m Drainage projects.				
DESCR Branch	AIPTION/SCOPE: To the Department of I	his Contract provides for Constru Public Works and Engineering in	ction Management and Inspection with Street, Bridge	ection Services for ge and Storm Dr	or the Construction ainage projects.
LOCAT	ΓΙΟΝ: The projects a	re located throughout the City of	Houston.		
contract represen	administration, proc	ND FEE: This contract will proviessing pay estimates, coordinate cument control, project closeout, g.	ing schedules, evaluating p	roposals and cl	hange orders, site
health be	R PLAY PROGRAM enefits for employees nce with City policy.	1: The proposed contract requires of City contractor. In this case, t	compliance with the City's he contractor provides health	'Pay or Play" or benefits to elig	rdinance regarding gible employees in
Project fi	unding for construction ation of \$200,000.00 v	n management services will be ap will provide for limited pre-constr	propriated with the construct ruction review and preparatio	ion contract awa n as required.	ard. The requested
M/W/SB project.	BE PARTICIPATION	N: Gunda Corporation has propos	sed the following firm to achie	eve the 24% M/V	V/SBE goal for this
NAME OF FIRM Othon, Inc. WORK DESCRIPTION Inspection/ Administrative Services 24%					
	RM:JTM:PK:ha				
LTS No).10562	REOUIRED	AUTHORIZATION		20HA2974
Finance	Department:	Other Authorization:	Other Authorization:		YO
			am		Communication
·· - /			110		**Constitution
			Daniel R. Menendez, P. Engineering and Constr		ctor

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and Infrastructure Associates, Inc., for Waterline and Sanitary Page Agenda Item # 1 of <u>1</u> Sewer Projects; WBS No. R-000020-0018-4 and S-000020-0018-4. FROM (Department or other point of origin): **Origination Date** Agenda Date Department of Public Works and Engineering MAY 1 4 2014 DIRECTOR'S SIGNATURE: Council District affected: All Daniel W. Krueger, P.E., Directof For additional information contact: Date and identification of prior authorizing magh T. Myn 4/23/14 Council action: N/A Joseph T. Myers, P.E Senior Assistant Director Phone: (832) 395-2355 RECOMMENDATION: (Summary) Approve Professional Construction Management and Inspection Services Contract with Infrastructure Associates, Inc., and appropriate funds. Amount and Source of Funding: \$40,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500. PROJECT NOTICE/JUSTIFICATION: This project is a part of the City's ongoing program to replace/upgrade its wastewater and water facilities. **<u>DESCRIPTION/SCOPE:</u>** This Contract provides for Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with Water and Sewer projects. **LOCATION:** The projects are located throughout the City of Houston. SCOPE OF CONTRACT AND FEE: This contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering. PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play" ordinance regarding health benefits for employees of City contractor. In this case, the contractor provides health benefits to eligible employees in compliance with City policy. Project funding for construction management services will be appropriated with the construction contract award. The requested appropriation of \$40,000.00 will provide for limited pre-construction review and preparation as required. M/W/SBE PARTICIPATION: Infrastructure Associates, Inc., has proposed the following firms to achieve the 24% M/W/SBE goal for this project. NAME OF FIRM WORK DESCRIPTION **PERCENTAGE** Progressive Consultant Engineers, PLLC 1. Inspection/ Administrative Services 12% 2. SP Engineering, Inc. Inspection/ Administrative Services 12% DWK:DRM:JTM:PK:ha LTS No. 9276 REQUIRED AUTHORIZATION 20HA288 Finance Department: Other Authorization: Other Authorization:

> Jun Chang, P. El, D. WRE, Deputy Director Public Utility Division

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract A Improvements #3. WB:	Award for Citywide Intersection Redesign and Street Safety SS No. N-310662-0045-4			Page 1 of <u>2</u>	Agenda Item #		
FROM: (Department or	ROM: (Department or other point of origin): Origination Date		tion Date:		Agenda	Date:	
Department of Public W	orks and	d Engineering	5	18/14		MAY	
			Council	District af	fected:	KK	<u> </u>
Ravi Kaleyatodi, P.E., O Senior Assistant Directo	For additional information contact: Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director Date and identification of prior authorizing Council action:					rizing	
RECOMMENDATION: (S Accept low bid, award co	ummary) onstructio	on Contract and appropriate	funds				
Amount and Source of F		\$1,072,643.00 METRO		Construct	ion DDSF		d No.4040
PROJECT NOTICE/JUST program and is required	IFICATIOI to meet s	N: This project is part of the standards for intersection sa	intersec afety, trat	tion redes	ign and st y and acc	troot and	4.
pays, improved curb radi	r this proj	ct includes safety and capa ans work, new pavement m ect is 400 calendar days. T 5 locations:	arkings	navement	traffic cic	annin ata	
	#	Location		Key Map#	Council District		
	1	Kempwood at Blalock		450L	Α		
_	2	Clear Lake City at Space Cen	ter	618A	E		
and the state of t	3	Deep Forest Dr. at W Little Y	ork Rd.	411X	Α		
and the second s	4	Blalock Rd. north of Clay Rd.		450G	А		
and the second s	5	W Bellfor St. at Lakes of 61	0 Dr.	532U	K		
BIDS: This project was advertised for bidding on February 28. Bids were received on March 20, 2014. The five (5) bids are as follows: Bidder 1. Traffic Systems Construction, Inc. \$930,930.93 2. Main Lane Industries, L.P. \$1,185,305.50 3. Jerdon Enterprise, L.P. \$1,249,249.49 4. ISI Contracting, Inc. \$1,364,642.00 5. Total Contracting Limited \$1,850,343.35							
LTS No. 10963						CUIC II	D #20KBH15
Finance Department:	Other Au	uthorization:		Other Aut Daniel R. Engineeri	Menende): z, P.E., E	Deputy Director on Division

Date	Subject: Contract Award for Citywide Intersection Redesign and Street Safety Improvements #3. WBS No. N-310662-0045-4	Originator's Initials	Page 2 of <u>2</u>
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<u>AWARD:</u> It is recommended that this construction contract be awarded to Traffic Systems Construction, Inc. with a low bid of \$930,930,93 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$1,072,643.00 to be appropriated as follows:

	Bid Amount	\$930,930.93
	Contingencies	\$46,547.00
•	Engineering and Testing Services	\$30,000.00
	CIP Cost Recovery	\$65,165.07

Engineering and Testing Services will be provided by Austin-Reed Engineers, LLC 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 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

<u>M/WBE PARTICIPATION:</u> No City M/WBE participation goal is established for this project as the contract amount does not exceed the threshold of \$1,000,000.00 required for a goal oriented contract per Section 15-82 of the Code of Ordinances

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION SUBJECT: Contract Award for Chasewood Lift Station Replacement and Willowchase Page Agenda Item # Lift Station Diversion. WBS No. R-000267-0083-4 & R-000267-00F4-4. 1 of 2 FROM: (Department or other point of origin): Origination Date: Agenda Date: MAY 1 4 2014 Department of Public Works and Engineering Director's Signature: **Council District affected:** A&K Daniel W. Krueger, P.E., Director Fer-additional information contact: Date and identification of prior authorizing Council action: Ravi Kaleyatodi, P.E., CPM, Phone: (832) 395-2326 Senior Assistant Director RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds. Amount and Source of Funding: \$1,993,610.00 Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 4/10/2014 PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to renew/ replace inefficient components of the existing wastewater treatment plant facilities. **<u>DESCRIPTION/SCOPE</u>**: This project consists of Replacement of Chasewood Lift Station and Diversion of flows and elimination of the Lift Station at Willowchase location. The Contract duration for this project is 360 calendar days. This project was designed by CP&Y, Inc. **LOCATION:** The facilities are located at: Facility Address Key Map Council District 1. Willowchase Lift Station 8350 FM 1960 West 369M 2. Chasewood Lift Station 69831/2 Chasewood 570V K BIDS: This project was advertised for bidding on December 13, 2014. Bids were received on January 23, 2014. The two (2) bids are as follows: Bidder **Bid Amount** 1. BRH-Garver Construction, L.P. \$1,748,758.00 2. Reytec Construction Resources, Inc. \$2,285,774.00 LTS No. 9802 **CUIC ID #20GK77 Finance Department:** Other Authorization: Other Authorization: lun Cháng, P.E., D.WRE Deputy Director Daniel R. Menendez, P.E., Deputy Director

Engineering and Construction Division

Public Utilities Division

Date Subject: Contract Award for Chasewood Lift Station Replacement and Willowchase Lift Station Diversion. WBS No. R-000267-0083-4 & R-000267-00F4-4. Page 2 of 2

<u>AWARD:</u> It is recommended that this construction contract be awarded to BRH-Garver, L.P. with a low bid of \$1,748,758.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$1,993,610.00 to be appropriated as follows:

•	Bid Amount	\$1	1,748,758.00
•	Contingencies	\$	87,437.90
•	Engineering and Testing Services	\$	35,000.00
•	CIP Cost Recovery	\$	122,414.10

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

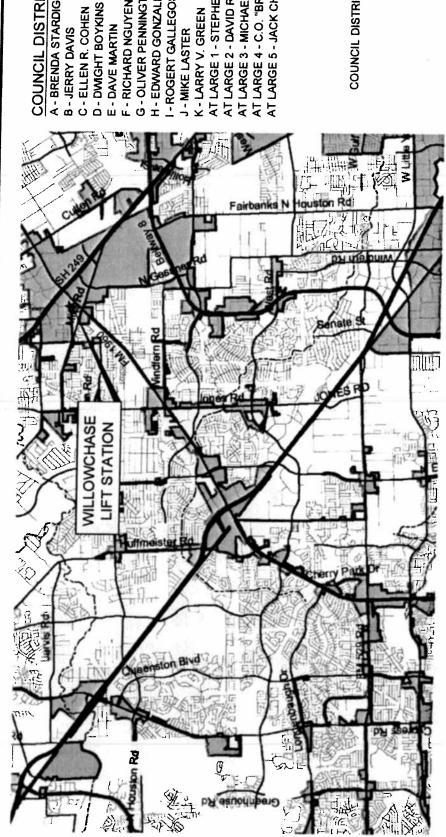
M/WSBE PARTICIPATION: The contract was advertised with an MBE Goal of 11% and a WBE Goal of 7%. The contractor submitted a Good Faith Effort which the Office of Business Opportunity (OBO) approved.

MBE - Name of Firms 1. Briones Construction & Supply, LTD. 2. T Construction L.L.C. 3. Medcalf Fabrication, Inc.	Work Description Supply of Jacking Pipe Material Utility Work & Miscellaneous Paving Metal Fabrication Services TOTAL	Amount \$ 77,820.00 \$ 55,436.00 \$ 17,138.00 \$150,394.00	% of Contract 4.45% 3.17% 0.98% 8.60%
<u>WBE - Name of Firms</u> 1. Jimerson Underground, Inc.	Work Description Utility Work & Excavation TOTAL	Amount \$173,652.00 \$173,652.00	% of Contract 9.93% 9.93%
SBE - Name of Firms 1. Automation Nation, Inc.	Work Description SCADA Software Engineering TOTAL	Amount \$ 5,946.00 \$ 5,946.00	% of Contract 0.34% 0.34%

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

DWK:DRM:RK:EN:BZ:GK:MS:pa

c: File No. R-0267-83-2



COUNCIL DISTRICTS

- A BRENDA STARDIG
 - B JERRY DAVIS
- E DAVE MARTIN
- F RICHARD NGUYEN
- G OLIVER PENNINGTON
 - H EDWARD GONZALES
 - I ROGERT GALLEGOS
- K LARRY V. GREEN
- AT LARGE 1 STEPHEN C. COSTELLO AT LARGE 2 - DAVID ROBINSON
- AT LARGE 4 C.O. "BRAD" BRADFORD AT LARGE 3 - MICHAEL KUBOSH
 - AT LARGE 5 JACK CHRISTIE, D.C.

COUNCIL DISTRICT A

11757 Katy Freeway, Suite 1540 Houston, TX, 77079 713–532–1730 Fax: 713–532–1734 TBPE Firm No. F–1741

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

HOUSTON, TX 77070

8350 FM 1960 WEST

KEY MAP NO. 369M

VICINITY MAP

GIMS MAP NO. 4965a

WILLOWCHASE LIFT STATION PROJECT VICINITY MAP COUNCIL DISTRICT A BRENDA STARDIG

COMPANY	
WBS NO: R-000267-00F4-4	CITY OF HOUSTON PM
DRAWING SCALE: NONE	CALMER KHAN, P.E.
MARCH 2014	SHEET NO. 1 OF 1

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION SUBJECT: Contract Award for Lift Station Renewal and Replacement, 54-inch Gravity Page Agenda Item # Sewer Line. 1 of 2 WBS No. R-000267-0100-4 FROM: (Department or other point of origin): **Origination Date:** Agenda Date: Department of Public Works and Engineering 4/24/14 MAY 1 4 2014 Director's Signature: Council District affected: C&JM Daniel W. Krueger P.E., Director For additional information contact; Date and identification of prior authorizing Council action: Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director **RECOMMENDATION:** (Summary) Accept low bid, award construction Contract and appropriate funds. Amount and Source of Funding: \$22,154,500.00 Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 4/10/2014 PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to improve the wastewater infrastructure by consolidating its wastewater lift station facilities through flow diversion using gravity sewer system. DESCRIPTION/SCOPE: This project consists of construction of approximately 14,720 linear feet of 54-inch gravity sewer trunk line including manholes and other appurtenances. The Contract duration for this project is 1,020 calendar days. This project was designed by S&B Infrastructure, LTD. LOCATION: The project is located along Renwick Drive from Gulfton Drive in the north to North Braeswood Boulevard in the south. The project is located in Key Map Grids 531A, E, J, N & S. BIDS: This project was advertised for bidding on December 06, 2013. Bids were received on January 23, 2014. The eight (8) bids are as follows: Bidder **Bid Amount** 1. BRH-Garver Construction, L.P. \$18,522,663.80 2. Ric-Man Construction, Inc. \$19,479,615.00 3. Texas Sterling Construction Co. \$19,720,691.50 S.J. Louis Construction at Texas, LTD. 4. \$22,829,370.00 5. E.P. Brady, LTD. \$23,986,596.05 6. Super Excavations, Inc. \$25,262,000.00 7. Southland Contracting, Inc. \$26,000,000.00 **Bradshaw Construction Corporation** 8 \$33,567,682.00 LTS No. 9929 **CUIC ID #20TH16 Finance Department:** Other Authorization: Other Authorization: Allmy 1 Jun Chang, P.E., D.WRE Deputy Director Daniel R. Menendez, P.E., Deputy Director Public Utilities Division **Engineering and Construction Division**

Date	Subject: Contract Award for	Lift Station Renewal and O	Nei erim a ta a ta	
	Replacement, 54-inch Gravity Sev WBS No. R-000267-0100-4	ver Line.	Priginator's Initials -₁M	Page 2 of <u>2</u>

<u>AWARD:</u> It is recommended that this construction contract be awarded to BRH-Garver Construction, L.P. with a low bid of \$18,522,633.80 and Addenda Numbers 1, 2 and 3 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$22,154,500.00 to be appropriated as follows:

•	Bid Amount	\$18,522,663.80
•	Contingencies	\$ 926,133.19
•	Engineering and Testing Services	\$ 150,000.00
•	CIP Cost Recovery	\$ 555,703.01
•	Construction Management Fee	\$ 2,000,000.00

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

Construction Management Services will be provided by Jacobs Project Management Co., 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 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 benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

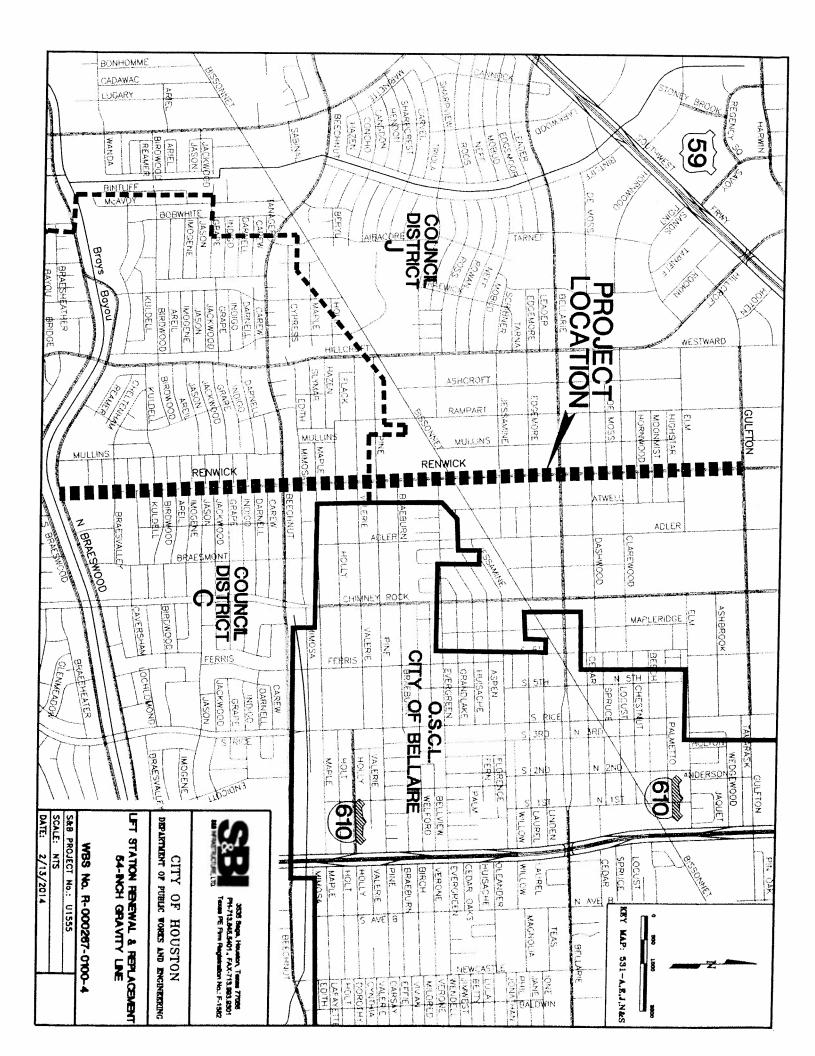
M/WSBE PARTICIPATION: The Contractor has submitted the following proposed program to satisfy the 6% MBE goal, and 2% WBE goal for this project.

1. 2. 3.	MBE - Name of Firms Briones Construction & Supply, LTD. P.A. Berrios Trucking T Construction L.L.C.	Work Description Supplier of Construction Trucking Utility Construction	Materials TOTAL	Amount \$ 56,679.00 \$136,859.00 \$276,501.00 \$470,039.00	% of Contract 0.31% 0.74% 1.49% 2.54%
	WBE - Name of Firms Choctaw Pipe & Equipment Incorporated Jimerson Underground, Inc.	Work Description Supplier of Construction Utility Construction	Materials TOTAL	Amount \$ 32,962.00 \$266,781.00 \$299,743.00	% of Contract 0.18% 1.44% 1.62%
1. 2. 3.	Regional Traffic Services LLC	Work Description Grouting Erosion Control Traffic Control Hardware Rehabilitation	TOTAL	Amount \$517,681.00 \$ 7,480.00 \$128,812.00 \$ 59,500.00 \$713,473.00	% of Contract 2.79% 0.04% 0.70% 0.32% 3.85%

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

DWK:DRMRK:EN:IMR:TH:pa

c: File No. R-000267-0100-3 (3.7)



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION SUBJECT: Contract Award for Waterline Rehab and Replacement Project II, Page Agenda Item # WBS No. S-000035-0233-4, File No. WA 11145 1 of 2 FROM: (Department or other point of origin): **Origination Date: Agenda Date:** Department of Public Works and Engineering MAY 1 4 2014 DERECTOR'S SIGNATURE Council District affected: All Daniel W. Krueger. For additional information contact: Date and identification of prior authorizing Sonne Forrest Council action: Phone: 832.395.2487 Senior Assistant Director RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds. Amount and Source of Funding: \$1,983,099.81 Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 4/29/2014 **PROJECT NOTICE/JUSTIFICATION**: This project will provide for a work order based rehabilitation of water lines up to 16-inches in diameter in the distribution system on an emergency basis throughout the City. **DESCRIPTION/SCOPE:** Work shall include the replacement of limited segments of the distribution system, improvement and/or new installation of main water lines and service lines. The main lines range in diameter up to 16-inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The contract duration for this project is 365 calendar days. This is a work order based contract with projects assigned on an as-needed basis. **LOCATION:** The project area is generally bounded by the City Limits. **<u>BIDS</u>**: Bids were received on February 13, 2014. The six (6) bids are as follows: Bidder **Bid Amount** 1. Grava, LLC. \$1,870,571.25 2. D. L. Elliott Enterprises, Inc. \$2,065,593.00 3. T. Construction, LLC. \$2,083,322.25 4. Reytec Construction Resources, Inc. \$2,242,885.50 5. Horseshoe Construction, Inc. \$2,313,802.50 6. Resicom, Inc. \$2,366,990.25 LTS No. 9799 CUIC#20YWF43 Other Authorization Finance Department: Other Authorization: Jan Chang, P.E., D.WRE, Deputy Director **Public Utilities Division**

Date	Subject: Contract Award for Waterline Rehab and Replacement Project II,	Originator's Initials	Page 2 of 2
	WBS No. S-000035-0233-4, File No. WA 11145		

AWARD: It is recommended that this construction contract be awarded to Grava, LLC with a low bid of \$1,870,571.25.

PROJECT COST: The total cost of this project is \$1,983,099.81 to be appropriated as follows:

•	Bid Amount	\$1,870,571.25
•	Contingencies	\$93,528.56
•	Engineering and Testing Services	\$19,000.00

Engineering and Testing Services will be provided by Ninyo & Moore, 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.

<u>PAY OR PLAY PROGRAM</u>: 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.

<u>M/WBE PARTICIPATION</u>: The contractor has submitted the following program to satisfy the 12.00% MBE goal, and 8.00% WBE goal for this project.

MBE-Name of Firm	Work Description	Amount	% of Contract
D & D Underground Utilities	Waterline repairs, Fire Hydrants and Valves Replacement	\$224,468.54	12.00%
	TOTAL	\$224,468.54	12.00%
WBE-Name of Firm	Work Description	Amount	% of Contract
Minority Woman Construction	Waterline repairs, Fire Hydrants and Valves Replacement	\$149,645.69	8.00%
	TOTAL	\$149,645.69	8.00%

DWK:YWF:SA:SM:sm cc: Yvonne Forrest

Yvonne Forrest Sam Lathrum

Sandeep Aggarwal, P.E.

File No. WA 11145

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION Contract Award for Rehabilitation of Water Storage Tanks at Various SUBJECT: Page Agenda Item # Locations - Package 3 1 of 2 WBS No. S-000600-0043-4. FROM: (Department or other point of origin): **Origination Date:** Agenda Date: Department of Public Works and Engineering MAY 1 4 2011 DIRECTOR'S SIGNATURE: **Council District affected:** Daniel W A, C, E, F, G & J For additional information contact: Date and identification of prior authorizing Council action: Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director **RECOMMENDATION: (Summary)** Reject low bid, return bid bond, award construction contract to the next low bidder and appropriate funds. Amount and Source of Funding: \$1,718,900.00 from Water and Sewer System Consolidated Construction Fund No. 8500. M.P. 4/28/2014 PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Storage Tank Rehabilitation and Replacement Program and is required to ensure compliance with the Texas Commission on Environmental Quality regulations.

DESCRIPTION/SCOPE: This project consists of rehabilitation of four (4) ground storage tanks, three (3) hydropneumatic tanks and one (1) elevated storage tank at six (6) pumping stations in accordance with the technical specifications, project drawings and contract documents. The contract duration for this project is 420 calendar days. This project was designed by IDS Engineering Group.

LOCATION: The project sites are as follows:

Water Plant	Tank ID	Location	Council District
 Park Ten Central Braeswood Eisenhower Park District 51 Rosewood Sharpstown # 2 	GST-1, HPT-1	1300 Langham Creek Dr., Key Map 447Y.	A
	GST-1	9100 Bob White Dr., Key Map 530R.	C
	HPT-1 & 2	13501 Aqueduct Rd., Key Map 418A.	E
	GST-1	4000 Wilcrest Dr., Key Map 529C.	F
	EST-1	12844 Westheimer Rd., Key Map 488U.	G
	GST-1	8619 Bellaire Blvd., Key Map 530E.	J

LTS # 1	0678	CUIC ID# 20RS135	íA.
Finance Department	Other Authorization:	Other Authorization:	
	Jun Chang, P.E., D.WRE FOR	flow 1	
	Jun Chang, P.E., D.WRE	Daniel R. Menendez, P.E.	
	pehary phecror	Deputy Director	
	Public Utilities Division	Engineering and Construction Division	

Date
Subject: Contract Award for Rehabilitation of Water Storage Tanks at Various Locations – Package 3.
WBS No. S-000600-0043-4.

Page 2 of 2

<u>BIDS:</u> This project was advertised for bidding on January 24, 2014. Bids were received on February 20, 2014. The two (2) bids are as follows:

Bidder

1. N. G. Painting, L.P.

2. Blastco Texas, Inc.

Bid Amount

\$1,460,150.00 (Not met 'MWSBE program goal')

\$1,467,690.00

<u>AWARD:</u> The low bid of \$1,460,150.00 was submitted by N. G. Painting, L.P. The apparent low bidder was not responsive in that the bid submitted did not include a utilization plan fulfilling the participation goal of the solicitation and did not provide evidence of good faith effort to do so, as determined by OBO. It is recommended that this construction contract be awarded to the next low bidder, Blastco Texas, Inc., who met the established 'MWSBE program goal' with a bid of \$1,467,690.00.

PROJECT COST: The total cost of this project is \$1,718,900.00 to be appropriated as follows:

Bid Amount \$1,467,690.00
 Contingencies \$73,384.50
 Engineering and Testing Services \$75,000.00
 CIP Cost Recovery \$102,825.50

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

<u>HIRE HOUSTON FIRST:</u> 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

MWBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 9% MBE goal and 6% WBE goal for this project.

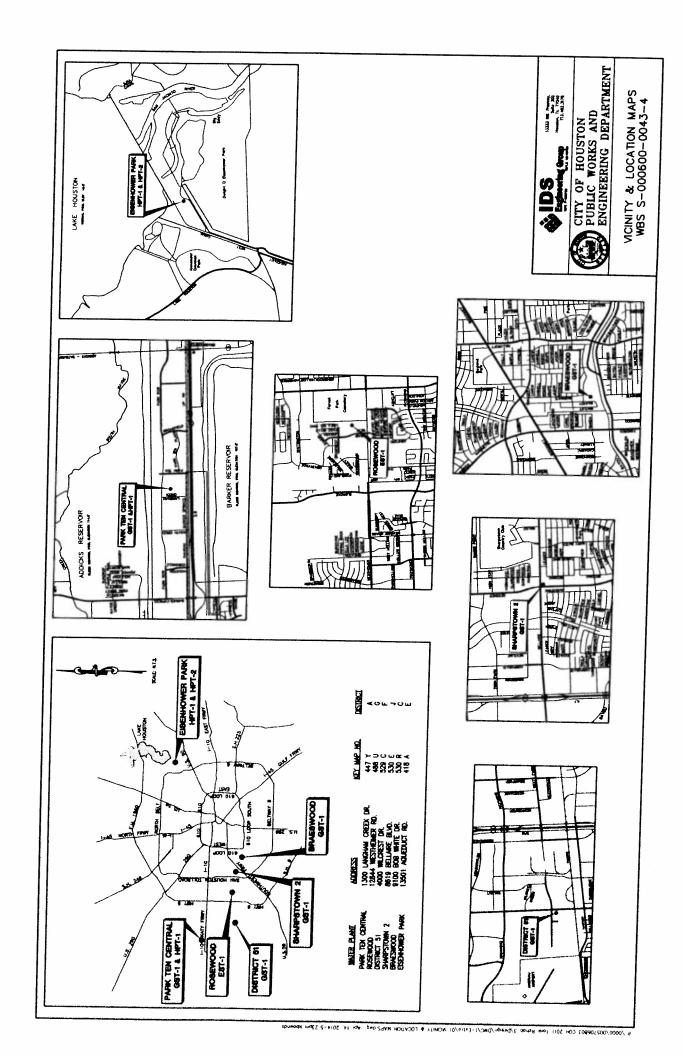
MBE - Name of Firms1. Texas Fluid Power Products, Inc.2. Atlantic Petroleum & Mineral Resources, Inc.	Work Description Plumbing Equipment Fuel Dealer	<u>Amount</u> \$60,949.00 \$75,000.00	% of Contract 4.15% 5.11%
	MBE Subtotal	\$135,949.00	9.26%
WBE - Name of Firms Arc Light Electric, Inc.	Work Description Electrical Installation	<u>Amount</u> \$91,165.00	% of Contract 6.21%
	TOTAL	\$227,114.00	15.47%

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

DWK:DRM:RK:HH:SD:RS:TT:tt

H:\design\A-WS-DIMWPDATA\RS\S-000600-39-3\S-000600-0043\Post Bid\Construction RCA_S-000600-0043-4.docx

File No. S-000600-0043-3 (3.7)



TO:	Mayor via City Secretary REQUEST FO	R COUNCIL ACTION			
SUB	JECT: Contract Award for Installation of Short Segm Locations. WBS No. S-000700-A009-4.	nent of Water Lines At Various	Page Agenda Item #		
	M (Department or other point of origin): artment of Public Works and Engineering	Origination Date 5/8/14	Agenda Date MAY 1 4 2014		
ر (el W. Krueger, P.E., Director	Council District affected: D, E & I	MB		
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director Date and identification of prior authorizing Council action:					
REC	RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.				
Amount and Source of Funding: \$2,345,600.00 from Water and Sewer System Consolidated Construction Fund No. 8500. 4/28/2014					
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.					
	DESCRIPTION/SCOPE: This project consists of the construction of approximately 15,904 linear feet of 4-inch, 6-inch,				

DESCRIPTION/SCOPE: This project consists of the construction of approximately 15,904 linear feet of 4-inch, 8-inch, and 12-inch water lines. The project also includes construction of service lines, fire hydrants, valves, fittings, connections, and other appurtenances. The contract duration for this project is 230 calendar days. This project was designed by SES Horizon Consulting Engineers, Inc.

LOCATION: The project areas are located in various locations in Council Districts D, E & I. This project is located in key map grids 493Y, 494U&Y, 533J&Z, 535ST&X, 536JN&S, 574E and 534R.

BIDS: This project was advertised for bidding on January 24, 2014. Bids were received on March 06, 2014. The six (6) bids are as follows:

	Bidder	Bid Amount
1.	Metro City Construction, L.P.	\$2,036,195.20
2.	Scohil Construction Services, LLC	\$2,076,402.00
3.	D.L. Elliott Enterprises, Inc.	\$2,128,374.78
4.	Grava, LLC	\$2,198,794.00
5.	Resicom, Inc.	\$2,743,305.00
	Reliance Construction Services, L.P.	\$2,986,101.50

AWARD: It is recommended that this construction contract be awarded to Metro City Construction, L.P. with a low bid of \$2,036,195.20 and that Addendum 1 & 2 be made a part of this contract.

LTS No. 10809		CUIC ID #20MB133
Finance Department:	Other Authorization:	Other Authorization:
	Jun Chang, P.E., D.WREFOR	Daniel R. Menendez, P.E.,
	Deputy Director	Deputy Director
	Public Utilities Division 🛵 🗸	Engineering and Construction Division

1	Originator's Initials かみ	Page _2_ of _2
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PROJECT COST: The total cost of this project is \$2,345,600.00 to be appropriated as follows:

•	Bid Amount	\$2,036,195.20
•	Contingencies	\$101,809.76
•	Engineering and Testing Services	\$65,000.00
•	CIP Cost Recovery	\$142,595.04

Engineering and Testing Services will be provided by JRB Engineering, LLC. under a previously approved contract.

<u>HIRE HOUSTON FIRST:</u> 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.

<u>PAY OR PLAY PROGRAM:</u> 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.

<u>M/WBE PARTICIPATION:</u> The contractor has submitted the following proposed program to satisfy the 12 % MBE goal and 8 % WBE goal for this project.

1.	MBE - Name of Firms D&D Underground Utilities	Work Description Waterline Services	Amount \$250,044.77	% of Contract 12.28%
		TOTAL	\$250,044.77	12.28%
1.	WBE - Name of Firm H & E Aggregate, L.L.C.	Work Description Bank Sand, Stabilized Materials	<u>Amount</u> \$20,361.95	% of Contract 1.00%
2.	C&C Traffic Control	Traffic Control/Flaggers	\$81,447.81	4.00%
		TOTAL	\$101,809.76	5.00%
1.	SBE - Name of Firm Mickie Service Company, Inc.	Work Description Water Mains and Hot Taps	<u>Amount</u> \$65,158.25	% of Contract 3.20%
		TOTAL	\$65,158.25	3.20%

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

DWK:DRM:RK:HH:ACM:MB:ofa

H:\design\A-WS-DIV\WPDATA\BM700-On Call-SES\10-Short Segment\Post Bid\A009\Post Bid\S-000700-A009-4 RCA.doc

File: S-000700-A009-4 (3.7)

REQUEST FOR COUNCIL	ACTION				
TO: Mayor via City Secretary		***************************************	RCA#		
SUBJECT: Ordinance granting Commercial Solid Wests Organic F.	Category #	Page 1 of 1	Agenda Item#		
Ordinance granting Commercial Solid Waste Operator Franchise		1 .5	2) 5		
FROM: (Department or other point of origin):	Origination I)oto	1 0 0		
Tina Paez, Director		Origination Date 4/28/2014 Agenda Date			
Administration & Regulatory Affairs	4/20/2014	MAY 0 7 201			
DIRECTOR'S SIGNATURE:	Council Distr	icts affected:	MAY 1 A AA		
Ha la		icis affected.			
4 CC 8		ALL			
For additional information contact:	Date and iden	tification of p	rior authorizing		
Juan Olguin The Phone: (832) 393-8528	Council Actio		•		
Naelah Yahya Phone: (832) 393- 8530					
RECOMMENDATION: (Summary)		***************************************			
(cumuly)					
Approve ordinance granting Commercial Solid Waste Operator Franch	ise				
Amount of Funding:		FIN Budget:			
REVENUE		- La Langett			
SOURCE OF FUNDING: [] General Fund [] Grant Fu	nd [] Ent	erprise Fund	[] Other		
(Specify)					
SPECIFIC EXPLANATION:					
It is recommended that City Council approve ordinances granting Confollowing solid waste operator pursuant to Article VI, Chapter 39. The particle Confolids dba Advance Vacuum Trap Services	ommercial Solid proposed Franchi	Waste Operatorse is:	or Franchise to the		
The proposed ordinance grant the Franchise the right to use the City's proposed transporting solid or industrial waste from commercial properties locate this grant, each Franchisee agrees to pay to the City an annual Franchise payable quarterly. To verify Franchisee compliance with the franchise, has the duty to maintain, required customer records during regular by standard release and indemnification, default and termination, liquidal proposed franchise term is 10 years from the effective date.	d within the City se Fee equal to a the City has the usiness hours.	of Houston. I which of their and the right to inspect the franchise of th	n consideration for tual gross revenue, t, and the company		
The Pay or Play Program does not apply to the solid waste franchises.					
			Water March Control of the Control o		
			OSE CONTRACTOR AND ADDRESS OF THE AD		
			netronomicala		
REQUIRED AUTHORIZA	TION				
REVUINED AUTHORIZA	1 1 1 J N		1		

		REQUEST FOR COUNCIL A	CTION		
ļ	O: Mayor via City Secretary		STION	RCA	#
re	UBJECT: A motion to set a public garding the designation of a Tax or Breckenridge Group Houston Te	Abatement Reinvestment Zone	Category #	Page 1 of 1 of 1	Agenda Item#
Ę.	ROM: (Department or other poin	t of origin):	Origination I	L Date	Agenda Date
	ndy Icken, Chief Development Offi ayor's Office	cer	58	14	MAY 1 4 201
K	GNATURE:		Council Dist		i:
G\	ECOMMENDATION: (Summary)	Phone: 832-393-0937 A motion to set a public bear	date 9/16/09; 2014-0245 da	Council Action 2011-1167, doi: 10.00000000000000000000000000000000000	on: 2009-858, late 12/14/11,
ue	signation of a Tax Abatement Rei	ivestment Zone for Breckenridge	Group Housto	n Texas, LP	Tregarding the
An	nount of Funding: Not Applicable			Finance Bud	lget:
[]	Other (Specify)	eneral Fund [] Grant Fund	[] Enter	prise Fund	
SP	ECIFIC EXPLANATION:				
citie guid as ordereq	te law requires cities to adopt reements, and each approved abases' tax abatement guidelines and delines and criteria on March 12, well as modified the language to er issued by the Department of Nuires that the governing body hold exestment zone.	Itement agreement must meet the criteria expire after two years. 2014 continuing the City's eligibil provide for tax abatements on pleighborhood to secure, repair or	City Council ity to enter introperties that	State law al renewed the tax abatem have been the case 212,201	so provides that tax abatement ent agreements ne subject of an
Heigapp repr 201	ckinridge Group Houston Texas Leloper and property manager anghts — Houston, a 736 bed stude roximately 7.7 acres of land. Tesents the first Houston project. 4 with all supporting documentationstruct the student housing project	ent housing development compri The property is located on 1907 Aspen Heights submitted a tax of	exas. The device of the sing 1-4 bedro 1/1905 Cullen	veloper will c oom fully furr Blvd, Houst	onstruct Aspen nished units on on, 77023 and
~g. c	City reviewed the application are eement was presented to Budget a variance from the City.	nd the tax abatement agreemen and Fiscal Affairs Committee on A	t is currently pril 29, 2014.	in process. The applican	The proposed t is not seeking
cc:	Marta Crinejo, Agenda Director Anna Russell, City Secretary David Feldman, City Attorney Deborah McAbee, Senior Assis				
		REQUIRED AUTHORIZATION			
Fina	nce Director:	Other Authorization:		thorization:	

REQUEST FOR COUN	CIL ACTION	[DC.	A # 10003
eb-Based Diversity Manag	gement	Category # 4 & 5	Page 1 of 2	A# 10082 Agenda Iten
`origin):			Agenda Date	e 100 4 201
			MAY 0	F 7 20 14
Il,		rict(s) affected	j	
Phone: (832) 393-0615 Phone: (832) 393-8723	Date and Ide	ntification of pon:	prior authorizi	ng
prove the sole source pure	chase of R2G	anow web-ba	ased diversity	,
99,188.00			Finance Budg	get
n Consolidated Fund (180)0)		<u> </u>	
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advantages Business Ento of reports required by Ci Hire Houston First reports ules and enhancements to ovide more requested info e staff. The Office of Busi om since year 2004, allow	terprises (SM bity Ordinance that are distr to the B2G sormation to va- siness Opporta- ving OBO to a	AWBDE) par e or Executi tributed cityw system that various stake tunity has us	rticipation goative Order, in- wide. This put will allow the eholders. Add sed this custo	pals on City including the urchase will ne Office of Iditionally, it omized and
stem developed exclusively	lv for the Mav	vor's Office o	of Rusiness O	Innortunity
lire Houston First Ordinar urce contractor for this pur	nce. Bids/pro rchase.	oposals wer	e not solicite	d because
REQUIRED AUTHORIS				
1 Por Suprik Carl Cost So	ing Ordinance and Approveb-Based Diversity Managervices for the Office of Business (832) 393-0615 Phone: (832) 393-8723 the appropriation of \$99,1 prove the sole source pured support services in the total support services and support support support support support support services and vendors the support services of the support services of the support services of the support services and vendors the support services of the support services and vendors the support services of	ing Ordinance and Approve the Sole eb-Based Diversity Management dervices for the Office of Business Origin: Origination April 26 Council Distraction April 27 Council Distraction All Date and Ide Council Action Phone: (832) 393-8723 The appropriation of \$99,188.00 out of prove the sole source purchase of B2G of support services in the total amount of support services in the sole source purchase of Business Opportunity and The City Purchase of Business Opportunity and support services in the sole source purchase of Business Opportunity and support services given to issue a purchase order to Appartments and vendors to search for advantages Business Enterprises (SM of reports required by City Ordinance dire Houston First reports that are distules and enhancements to the B2G solvide more requested information to versitaff. The Office of Business Opportunity and The City Purchase order to Appartments and vendors to search for advantages Business Enterprises (SM of reports required by City Ordinance directions and enhancements to the B2G solvide more requested information to versitaff. The Office of Business Opportunity and The City Purchase order to Apparent services in the total amount of the solvent services in the solvent services in the total amount of the solvent services in the solv	eb-Based Diversity Management tervices for the Office of Business Origin): Origination Date April 28, 2014 Council District(s) affected All Date and Identification of Council Action: Phone: (832) 393-0615 Phone: (832) 393-8723 The appropriation of \$99,188.00 out of the Equipment of Support services in the total amount of \$99,188.00 In Consolidated Fund (1800) Siness Opportunity and The City Purchasing Ageing the appropriation of \$99,188.00 out of the prove the sole source purchase of Business to Govern the sole source purchase of Business to Govern the sole source purchase of Business to Govern the sole source purchase or Business to Govern the Support services in the total amount of \$99,188.00 out of the provide the sole source purchase of Business to Govern the Support services in the sole given to issue a purchase order to AskReply, Inc. Expartments and vendors to search for certified firm advantages Business Enterprises (SMWBDE) par advan	Ing Ordinance and Approve the Sole eb-Based Diversity Management dervices for the Office of Business Origination Date April 28, 2014 Agenda Date MAY Agenda Pate MAY Agenda Date MAY Agenda Pate MAY Agenda Date MAY Agenda Pate MAY Agenda

Date: 4/28/2014	Subject: Authorize an Appropriating Ordinance and Approve the Sole	Originator's	Page 2 of 2
4/26/2014	Source Purchase of B2Gnow Web-Based Diversity Management System Software and Support Services for the Office of Business Opportunity\S17-H25031	Initials MS	
This recomn	nendation is made pursuant to Chapter 252, Section 252.022 (а) (7) (A) "a procu	rement of item
	lable from only one source" of the Texas Local Government Co		
	MWBE Zero Percentage Goal Document approved by the Office	ce of Business Op	portunity
Buyer: Murdock	c Smith		



Interoffice **CORRESPONDENCE**

To:

Marsha Murray

Assistant Director, OBO

From:

Katrina Williams

Staff Analyst, OBO

Date:

April 11, 2014

CC:

Subject: M/WBE 0% Goal Request for Sole Source

Item or Scope of Services: B2G Procurement System

The total dollar value is: \$99,188

I am requesting approval of a: 0% goal

Justification:

The Office of Business Opportunity has used the B2G Now system since 2004, which allows OBO to record certification data, information for contracts being monitored and other procurement data. In addition, the system allows all departments and vendors to search for certified firms to meet S/MWBE participation goals on City contracts. This system allows OBO to produce several types of reports, required by City Ordinance or Executive Order, including the Small, Minority, Women and Disadvantaged Business Enterprises (SMWBDE) Awards report and the Hire Houston First reports which are distributed citywide.

This web-based software is a sole source purchase, without any opportunities for divisibility for SMWBE participation, therefore a 0% goal is requested for this purchase. B2Gnow is a proprietary system that has been developed exclusively for OBO. No other company is qualified or authorized to provide the annual maintenance and service that is required by the City of Houston to use the system.

B2G has been customized and tailored over the years to meet OBO's specific business needs. Utilizing another company would jeopardize the ability to maintain all operations, reports, and current processes throughout the entire department. Bids/proposals were not solicited because the department is currently utilizing this system.

In advance, thank you for your assistance.

Signed by:

OBO, Staff Analyst

Approved by:

Office of Business Opportunity, Assistant Director

Parke & Wenny





5025 N. Central Avenue, #494 Phoenix, AZ 85012 Voice: 602-325-9277 Fax: 866-892-2913

January 10, 2013

City of Houston Attn: Katrina Williams 611 Walker Street Houston, TX 77002

Re: Renewal of B2Gnow Sole Source Annual Service Fees

Dear Ms. Williams:

Thank you for your renewal of the B2Gnow annual service fee for the period of July 1, 2013 until June 30, 2014. Included the annual service agreement is:

- · Hosting and management of a high availability, secure technology infrastructure
- 24/7 unlimited access to the B2Gnow system
- Unlimited staff and vendor accounts in the system
- · Access to all system upgrades and enhancement
- Phone and email support for staff
- First level email support for vendors
- Up-to-date quick guides, training manuals, online help & video training
- Unlimited online staff training as available

The B2Gnow Diversity Management System is a proprietary system that has been developed exclusively by B2Gnow. No other company is qualified or authorized to provide the annual maintenance and service that is required by the City of Houston to use the system.

If you have any questions regarding the B2Gnow annual service fee, please don't hesitate to contact me directly at 602-325-9277.

Best Regards

Frank Begalke Chief Operating Officer AskReply, Inc. (dba B2Gnow)



Correspondence Council Member Ellen Cohen District C

To:

Mayor Annise Parker All Council Members

From:

Ellen Cohen

Council Member, District C

Date:

05/07/14

Cc:

Marta Crinejo, Agenda Director Anna

Subject:

Amendment to Item #14

Russell, City Secretary

I move to amend Item 14 on the May 7, 2014 City Council agenda as follows:

1. Amend the last sentence of the definition of "place of public accommodation" in Section 17-2 of Exhibit A of the Ordinance to read as follows:

"For purposes of article IV of this chapter, the leasing office, visitor parking area and model units of a multi-family housing facility shall not be considered a place of public accommodation."

- 2. Amend Section17-112 of Exhibit A of the Ordinance by adding new Subsections (i) and (j) to read as follows:
 - "(i) The provisions of this article do not apply to discrimination based on age.
 - "(j) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, bad faith means wholly without foundation in law or fact, or done solely for the purpose of harassment."
- 3. Amend Section 17-123 of Exhibit A of the Ordinance to read as follows"

"Sec. 17-123. Housing for the elderly exempted.

The provisions of this article relating to familial status, age and pregnancy do not apply to housing for older persons."

4. Amend Subsection 17-131(a) of Exhibit A of the Ordinance by adding a new sentence at the end of the subsection, which shall read as follows:

"If the complaint, other than a complaint referred pursuant to subsection (b) of this section, states a claim that is within the jurisdiction of a federal or state agency, the fair housing administrator may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint."

5. Amend the first line of Subsection 17-131(f) of Exhibit A of the Ordinance to read as follows"

"Except as to complaints that are referred to a federal or state agency, within 10 days after the filing of a complaint, the fair housing administrator shall:"



55A 14 2014 Interoffice

Correspondence Council Member Larry V. Green District K

To:

Mayor Annise Parker

All Council Members

From:

Larry V. Green

Council Member, District

Date:

May 7, 2014

Cc:

Marta Crinejo, Agenda Director

Anna Russell, City Secretary

Subject:

Equal Rights Ordinance Amendment

I move to amend Article III (Contracting), Section 17-41 (Prohibition against discrimination in awarding contracts) to include:

"The language of this article shall not be interpreted to conflict with provisions of Chapter 15 of the City of Houston Code of Ordinances."



CITY OF HOUSTON _____



Correspondence Council Member Jerry Davis District B

To:

Mayor Annise Parker

All Council Members

From:

Jerry Davis

Council Member, District B

Date:

Cc:

Marta Crinejo, Agenda Director

Subject:

Equal Rights Ordinance Amendment

I move to amend Article IV (Public Accommodations), Section 17-54 (Exemptions) to include:

This article shall not apply to:

(4) Discounts on any product, service, or facility for any person on the basis of age, or military status.



City Council

Robert Gallegos Houston Council Member District I

To:

Mayor

Council Members

City Secretary

From:

Robert Gallegos

Houston Council Member

District I

Date:

May 7, 2014

Subject: Motion to amend Item 14

I move to amend Item 14 on the May 7, 2014 City Council agenda as follows:

Add a new Section 2A to the Ordinance, which shall follow Section 2 and read as follows:

"Section 2A. That the following definition of employer in Section 17-2 of the Code of Ordinances shall become effective on the first anniversary of the effective date of this Ordinance:

'Employer means a person who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.'

That the following definition of employer in Section 17-2 of the Code of Ordinances shall become effective on the second anniversary of the effective date of this Ordinance:

'Employer means a person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization."

Respectfully submitted,

Robert Gallegos

Houston Council Member

District I



55 January 1 2014 Interoffice 2014

Correspondence

To:

Mayor Annise Parker

Honorable Council Members

From:

Mayor Pro-Tem Ed Gonzalez

Council Member, District H

cc:

Marta Crinejo, Agenda Director

Anna Russell, City Secretary

Date:

May 7, 2014

Subject:

Equal Rights Ordinance Amendment

I move to amend Article I, Section 17-2 (Definitions) so as to change the definitions of the terms "Gender Identity" and "Sex" to read as follows:

"Gender Identity means an individual's innate identification, appearance, expression or behavior as either male or female. Although the same may not correspond to the individual's body or sex as assigned at birth."

"Sex is defined as the biological differences between men and women."

I further move to amend Article IV, Section 17-51(b)(Prohibition against discrimination in public accommodation) to read as follows:

"It shall be unlawful for any place of public accommodation or employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if, under all the facts and circumstances, the defendant reasonably believed that the person discriminated against was seeking access to the facility for an unlawful purpose. Nothing in section shall require construction of a new bathroom shower room, or similar facility."

Sincerely.

Mayor Pro-Cem Ed Gonzale: Council Member District H



Mayor Annise D. Parker

Houston Council Members

From:

Oliver Pennington

Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #1

Subject: Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to edit Section 6 of the Ordinance by:

Replace the effective date of the ordinance from: "the thirtieth day next following the date of its passage and approval by the Mayor" to "September 1, 2014".



Mayor Annise D. Parker **Houston Council Members**

From:

Oliver Pennington

Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #2

Subject: Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to edit Section 17-51 (b) by:

Delete the first two sentences "It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if the defendant had a good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility."

Replace with:

"It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally, and with the absence of good faith, deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity."



Mayor Annise D. Parker

Houston Council Members

From:

Oliver Pennington

Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #3

Subject: Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to:

Insert the following after the second sentence of Section 17-52(b):

"As part of such investigation, the office of the inspector general shall provide to the party being investigated for violating this article an affidavit in which such party shall have the ability to disclose the factual basis of its good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility. If such affidavit is received by the office of the inspector general within 30 days and the facts stated in the affidavit states such good faith belief comprehensively (in terms of the behavior, clothing, hairstyles, activities, voice or mannerisms of the person discriminated against), the office of the inspector general shall dismiss the case with prejudice. By not providing such an affidavit to the inspector general during the preliminary investigation, the person being investigated shall not be deemed to waive the affirmative defense contained herein, which may still be raised in connection with any such legal proceeding regarding these claims."



Mayor Annise D. Parker Houston Council Members From:

Oliver Pennington Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #4

Subject: Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to edit:

Sec 17-121 (a)(1)a. – Replace the number "3" with the number "8".

Sec 17-121 (a)(1)b. - Replace the number "3" with the number "8"



CITY OF HOUSTON

Mayor Annise D. Parker **Houston Council Members** From:

Oliver Pennington Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #5

Subject:

Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to:

Insert at the end of Sec.17-55 (b):

"Provided, however, that upon a first time conviction for an offense under this Article IV, the defendant shall be placed on deferred adjudication and, provided there are no convictions for additional offenses committed under this Article IV by the defendant within one calendar year, all penalties for the offense shall be dismissed and waived and the original case shall be dismissed."



CITY OF HOUSTON _

Mayor Annise D. Parker **Houston Council Members** From:

Oliver Pennington

Council Member

District G

Anna Russell, City Secretary

Date:

May 7, 2014

Amendment #6

Subject: Equal Rights Ordinance

Written Amendment by Council Member Pennington:

For Agenda Item number 14 of the May 7, 2014, City of Houston Council Agenda, I move to:

Amend Exhibit A of the Ordinance by deleting the text of Article V in its entirety and reserving the Article number and Sections 17-61 through 17-64.



MOTION NO. 2014

MOTION by Council Member Bradford that the proposed Ordinance amending Chapters 2, 15 and 17 of the Code of Ordinances, be amended to incorporate "in accordance with federal law" into Section 17-122 (a)(2)

Seconded by Council Member Laster

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

	mination on the basis of protected		Page Agenda Item	
in City employment, City services, City contracting practices, housing, public accommodations and private employment			1 of 1 #	
FROM (Department or other point o	f origin):	Origination Date	Agenda Date	
	- ,	5/2/2014	MAY 14 2014	
Legal Department			1994	
DIRECTOR'S SIGNATURE:		Council District affected:		
of Malex		All		
For additional information contact: Phone:	David M. Feldman 832-393-6412	Date and identification of prior authorizing Council action: Ord. 75-166 (2/12/75), Ord. 2006-412 (4/26/2006); Ord. 78-1538 (8/9/1978), Ord. 2013-428 (5/8/2013)		
RECOMMENDATION: (Summary) That City Council amend Chapters 2, 15, and 17 of the Code of Ordinances to prohibit discrimination on the basis of protected characteristics in City employment, City services, City contracting practices, housing, public accommodations and private employment				
Amount and Source of Funding: N/A				
SPECIFIC EXPLANATION: Houston is the only major metropolitan area in the country that does not prohibit discrimination in places of public accommodation. Additionally, there is no protection against discrimination in employment on the basis of sexual orientation or gender identity. This ordinance provides that all persons living in or visiting the City will be entitled to be treated with equal dignity, respect and status, and have the right to be free from discriminatory and unequal treatment. It makes unlawful in certain settings intentional discrimination on the basis of the protected characteristics of sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity or pregnancy.				
The proposed ordinance builds on and consolidates several existing City ordinances and policies. It adds portions of existing Chapter 2 of the Code of Ordinances, City employment and City services, along with Executive Order No. 1-50, to the fair housing protections of Chapter 17 of the Code. It expands on Chapter 15 of the Code to address discrimination in employment on City contracts and subcontracts. Additionally, the ordinance prohibits discrimination in places of public accommodation. It also prohibits discrimination in private employment for employers with 50 or more employees, but exempts 501(c)(3) private membership clubs, certain governmental entities and religious organizations from the definition of "employer."				
Complaints of discrimination in a covered category are made to the Office of Inspector General, which will investigate and attempt to conciliate with the complainant. If conciliation is not possible, the Inspector General will refer the complaint to the City Attorney for appropriate action. Complaints of discrimination in employment by a private employer or in housing that are within the jurisdiction of a state or federal agency will be referred to the appropriate agency. Violation of the provisions of the ordinance relating to discrimination in private employment, public accommodations or housing is a Class C misdemeanor, subject to a fine of not less than \$250 or more than \$500, with a \$5000 cap on the aggregate fines relating to the same complaint filed by a complainant. In addition, multiple complaints of discrimination in public accommodations involving the same incident and alleging the same discrimination will be treated as a single complaint.				
	REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Author	rization:	



City of Houston, Texas, Ordinance No. 2014-____

AN ORDINANCE AMENDING CHAPTERS 2, 15 AND 17 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, PROHIBITING DISCRIMINATION ON THE BASIS OF PROTECTED CHARACTERISTICS IN CITY EMPLOYMENT, CITY SERVICES, CITY CONTRACTING PRACTICES, HOUSING, PUBLIC ACCOMMODATIONS, AND PRIVATE EMPLOYMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT UNLAWFUL; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council finds that all persons living in, working in or visiting the City are entitled to be treated with equal dignity and respect and have the right to be free from discriminatory and unequal treatment: and

WHEREAS, the City of Houston seeks to provide an environment that is free of any type of discrimination based on sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, or pregnancy ("Protected Characteristics"); and

WHEREAS, the City Council finds that achieving and maintaining a discrimination-free environment is necessary to effectively serve the public by enabling the City to recruit and train qualified employees and to procure and provide services to the public; and

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to incorporate the nondiscrimination policy of the City into contracts entered into by the City for which it spends public funds; and

WHEREAS, the City Council finds that discrimination on the basis of Protected Characteristics in privately owned and operated public accommodations, including restaurants, bars, entertainment venues and places of public amusement, hotels and motels and public conveyances ("Public Accommodations") results in the unjust exclusion of persons and a diminution of their dignity, respect, and status contrary to the public policy of the City and the Constitutional principles on which the United States was founded; and

WHEREAS, the City Council finds that it is necessary, appropriate and the proper responsibility of government to make discrimination in Public Accommodations unlawful in the City; and

WHEREAS, the City Council finds that discrimination in employment results in the unequal treatment of persons and a diminution of their dignity, respect and status contrary to the public policy of the City and the Constitutional principles on which the United States was founded: and

WHEREAS, the City Council finds that it is necessary, appropriate, and the proper responsibility of government to make discrimination in Private Employment unlawful in the City; and

WHEREAS, the City Council recognizes the rights of each person to obtain housing without regard to Protected Characteristics; and

WHEREAS, the City Council finds that discrimination in housing on the basis of Protected Characteristics is contrary to the public policy of the City and the Constitutional principles on which the United States was founded; and

WHEREAS, the City Council finds that it is in the best interests of the City and its citizens to make discrimination in housing on the basis of Protected Characteristics unlawful in the City; NOW, THEREFORE,

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

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

Section 2. That Chapter 17 of the Code of Ordinances, Houston, Texas, is hereby amended in its entirety to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. That Article XIV of Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby repealed and reserved.

Section 4. That Section 15-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the thirtieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this day of	, 2014.
Mayor of the City of Houston	
Prepared by Legal Dept City Attorney Requested by the Honorable Annise D. Parker, Mayor L.D. File No. 0391300324001	

EXHIBIT A

Chapter 17

EQUAL RIGHTS

ARTICLE I. IN GENERAL

Sec. 17-1. Public policy declared.

It is the policy of the city that all of its residents and persons subject to its jurisdiction shall not be subject to discrimination based on an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity or pregnancy.

Sec. 17-2. Definitions.

In this chapter:

Age means, for purposes of sections that address non-discrimination, 40 or more years of age.

City employment and employment opportunities shall include, but are not limited to, decisions that adversely affect an employee's pay, status, position or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfers, layoffs, recalls, training, educational opportunities, and all forms of discipline, including indefinite suspensions/terminations.

Contractor means any person, including subcontractors, who through a contract or other arrangement, has received, is to receive, or is receiving public funds for work, goods, or services delivered or rendered to the city.

Disability means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. This term does not include the current, illegal use of or addiction to a controlled substance as defined under state and federal law.

Discriminate means to intentionally distinguish, differentiate, separate, or segregate to the advantage or disadvantage of any person on the basis of a protected characteristic, except as required by federal or state law or court order.

Employee means an individual employed by an employer.

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Employer means a person who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and the person's agent. The term does not include a person's contractor or vendor with respect to the conduct of the contractor or vendor toward the employees of said contractor or vendor; the United States, or a corporation wholly owned by the government of the United States; a bona fide private membership club which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; the state, a state agency, or political subdivision; or a religious organization.

Familial status means the status of a person resulting from being domiciled with an individual younger than 18 years of age in regard to whom the person:

- (1) Is the parent or legal custodian; or
- (2) Has the written permission of the parent or legal custodian for domicile with the individual; or
- (3) Is in the process of obtaining legal custody.

Gender identity means an individual's innate identification, appearance, expression or behavior as either male or female, although the same may not correspond to the individual's body or gender as assigned at birth.

Genetic information means information about an individual's genetic tests, the genetic tests about an individual's family members, and the manifestation of disease or disorder in family members of an individual. The term does not include the age, sex, race, color, ethnicity, national origin, religion, or disability of any individuals.

Inspector general means the person in charge of the Office of the Inspector General created by Executive Order No. 1-39 or his or her designee.

Military status means a person who is serving or has served in the uniformed service, and who, if discharged, was discharged or released under conditions other than dishonorable. *Uniformed services* is defined as set forth in 20 C.F.R. 1002.5(o).

Person means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee or receiver.

Place of public accommodation means every business with a physical location in the city, whether wholesale or retail, which is open to the general

public and offers for compensation any product, service, or facility. The term includes, but is not limited to, all hotels, motels, restaurants, bars, lounges, nightclubs or cabarets where food or beverages are sold or offered for sale, theaters, washaterias, bowling alleys, skating rinks, golf courses, and other places of public amusement, and all public conveyances, as well as the stations or terminals thereof. For purposes of article IV of this chapter, the leasing office of a multi-family housing facility shall not be considered a place of public accommodation.

Protected characteristic means an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity or pregnancy.

Religion means all aspects of religious observance and practice, as well as belief.

Religious organization means:

- A religious corporation, association, social service or society;
- (2) A school, college, university, or other educational institution or institution of learning, if the institution is, in whole or in substantial part, controlled, managed, owned, or supported by a religion, religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion; or
- (3) A nonprofit institution or organization operated, supervised, or controlled by a religious corporation, association, social service or society.

Retaliation, in connection with employment, means conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this article, city policy, or law.

Sex means the biological differences between men and women, and gender.

Sexual orientation means the actual or perceived status of a person with respect to his or her sexuality.

Secs. 17-3--17-30. Reserved.

ARTICLE II. CITY EMPLOYMENT AND CITY SERVICES

Sec. 17-31. Prohibition against discrimination in city employment.

It is the policy of the city that the city will not discriminate in city employment and employment opportunities on the basis of any protected characteristic. For purposes of this section, discriminate includes, but is not limited to, any act or demonstration of preference or antipathy in making decisions regarding employment that adversely affect an employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfer, retention, layoffs, recalls, training, educational opportunities, and all forms of discipline, including indefinite suspensions/terminations.

This policy applies to city officials and all employees regardless of civil service status, classification, pay grade, length of employment, or full-time or part-time status.

Sec. 17-32. Prohibition against discrimination in city services.

It is the policy of the city that the city will not discriminate on the basis of any protected characteristic in authorizing or making available the use of city facilities or in the delivery of city programs, services or activities.

Sec. 17-33. Enforcement.

- (a) It is the policy of the city that no employee or official of the city shall engage in any act or practice prohibited by this article.
- (b) An employee or official found in violation of this article shall be subject to disciplinary action up to and including indefinite suspension/termination or removal from office pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies. An employee who believes he or she has been subject to discrimination in violation of this article shall submit a written complaint to the inspector general not later than 180 days after the alleged violation occurs.
- (c) The provisions of this article shall be enforced pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies.
- (d) The office of the inspector general is responsible for investigating all facts and circumstances that reasonably appear to constitute a violation of this article.

Sec. 17-34. Retaliation prohibited.

No city employee or official shall retaliate against any person who has filed a complaint in good faith pursuant to this section. If the inspector general determines that retaliation has occurred, the city employee or official shall be subject to discipline, up to and including indefinite suspension.

Secs. 17-35--17-40. Reserved.

ARTICLE III. CONTRACTING

Sec. 17-41. Prohibition against discrimination in awarding contracts.

It is the policy of the city that the city will not discriminate in the consideration, award, or administration of any contract entered into between the city and any person (including, but not limited to, any contractor, vendor, supplier, lessee, or lessor) for the provision of any works, goods, or services of any type to the city. The language of section 15-17 of this Code shall be included in every contract entered into by the city.

Sec. 17-42. Prohibition against discrimination in the performance of a contract; penalties; retaliation prohibited.

- (a) It shall be unlawful for any contractor to discriminate against any person on the basis of any protected characteristic, except as required by federal or state law or court order, in the performance of any contract entered into with the city. A person employed in connection with a city contract who has a good faith belief that he or she is the victim of discrimination may file a complaint with the inspector general on a form prescribed by the inspector general. Any person claiming to be aggrieved by an unlawful employment action in connection with the performance of a city contract shall file a verified complaint in writing no later than 180 days after the alleged violation.
- (b) If a contractor is found to have violated this section in connection with any city contract, the inspector general shall refer the matter to the city attorney for appropriate action to serve the best interests of the city, including the use of remedies provided by the city's contract with the contractor.
- (c) No contractor shall retaliate against any person who has filed a complaint in good faith pursuant to this section. If the inspector general determines that retaliation has occurred, he shall refer the matter to the city attorney pursuant to subsection (b) of this section.

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Sec. 17-43. Investigation of complaints of discrimination in the performance of a contract; procedures.

- (a) The office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, he shall refer the matter to the city attorney for appropriate action.
- (b) If the complaint is found to be deficient, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law.
- (c) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action.

Secs. 17-44--17-50. Reserved.

ARTICLE IV. PUBLIC ACCOMMODATIONS

Sec. 17-51. Prohibition against discrimination in public accommodations.

- (a) It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally discriminate against any person on the basis of any protected characteristic, except as required by federal or state law or court order.
- (b) It shall be unlawful for any place of public accommodation or any employee or agent thereof to intentionally deny any person entry to any restroom, shower room, or similar facility if that facility is consistent with and appropriate to that person's expression of gender identity. It shall be a defense to prosecution for discrimination on the basis of gender identity under this article, however, if the defendant had a good faith belief that the gender or gender identity of the person discriminated against was not consistent with the gender designation of the facility. For purposes of this section, a defendant has a good faith belief if the manner in which the person represented or expressed gender to others (e.g. behavior, clothing, hairstyles, activities, voice or mannerisms) is not consistent with the gender designation of the facility the person attempted to access. Nothing in this section shall require construction of a new bathroom, shower room, or similar facility.

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- (c) It shall be a defense to prosecution for discrimination on the basis of disability under this article that the alleged discrimination resulted from a condition or structural feature for which a variance had been received from the city under applicable ordinance or regulation. It shall also be a defense to prosecution for discrimination on the basis of accessibility that the place of public accommodation is in compliance with applicable state or federal law relating to accessibility.
- (d) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment.

Sec. 17-52. Investigation of alleged violations; procedures.

- (a) Any person claiming to be aggrieved by an unlawful public accommodation practice shall file a verified complaint in writing with the office of the inspector general not later than 180 days after the alleged violation occurred. Multiple complaints involving the same incident and alleging the same discrimination shall be treated as one alleged violation for investigation and penalty. If the complaint states a claim that is within the jurisdiction of a federal or state agency, the inspector general may refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint.
- (b) Except as to complaints that are referred to a federal or state agency, the office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, the city attorney, in consultation with the inspector general, may request city council to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents. City council may issue such subpoena if it determines that there is reasonable cause to believe that this article may have been violated.
- (c) If the complaint is found to be deficient or untimely, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law. The inspector general shall complete the investigation of the complaint no later than one year after the filing of the complaint.
- (d) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no such resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action in accordance with this article.

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(e) No finding, conciliation or adjudication under this article shall be admissible in connection with the city's licensing, permitting, or regulatory matters.

Sec. 17-53. Effect of provisions on civil remedies.

This article shall neither add to nor detract from any civil remedies now available to persons complaining of discrimination under this article.

Sec. 17-54. Exemptions.

This article shall not apply to:

- (1) Any hotel, motel, restaurant, bar, lounge, nightclub, cabaret, theater, bowling alley, skating rink, golf course, or similar facility operated by a bona fide private club when the accommodations, advantages, facilities, and services of the entity are restricted to the members of such club and their guests and not for the purpose of evading this article; or
- (2) Any bona fide social, fraternal, educational, civic, or religious organization, or to any private kindergarten, day care center or nursery school, when the profits of such accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization.
- (3) Any facility owned or operated by a federal, state, county or other local governmental entity.

Sec. 17-55. Criminal penalties for violation.

- (a) A person who violates a provision of this article commits a criminal offense, a Class C misdemeanor. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.
- (c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

Secs. 17-56--17-60. Reserved.

ARTICLE V. PRIVATE EMPLOYMENT

Sec. 17-61. Prohibition against discrimination in employment.

- (a) It shall be unlawful for any employer to intentionally discriminate in employment and employment opportunities on the basis of any protected characteristic. For purposes of this section, discriminate includes but is not limited to, any intentional act or demonstration of preference or antipathy in making decisions regarding employment that adversely affect an employee's pay, status, position, or assignment, including opportunities for overtime pay and advancement, and includes decisions regarding recruitment, job application procedures, referrals for employment, selection and hiring, appointment, compensation, promotions, demotions, transfer, retention, layoffs, recalls, training, educational opportunities, and all forms of discipline, including terminations.
- (b) It shall be unlawful for any employer to retaliate against any person who has filed a complaint in good faith pursuant to this article.
- (c) An employer may assert any applicable affirmative defenses available under Texas or federal discrimination laws as a defense to prosecution under this article.
- (d) It shall be unlawful for a person to file a complaint in bad faith under this article. For purposes of this article, *bad faith* means wholly without foundation in law or fact, or done solely for the purpose of harassment.

Sec. 17-62. Investigation of alleged violations; procedures.

- (a) Any employee claiming to be aggrieved by an unlawful employment practice shall file a verified complaint in writing with the office of the inspector general not later than 180 days after the alleged violation occurred. If the complaint states a claim that is within the jurisdiction of a federal or state agency, the inspector general shall refer the complaint to the appropriate agency for further action and discontinue the investigation of the complaint.
- (b) Except as to complaints that are referred to a federal or state agency, the office of the inspector general shall investigate the complaint and determine whether a violation as defined in this article has occurred. In addition to other investigative tools, the inspector general may take statements and inspect relevant records. If the inspector general is not able to obtain voluntary cooperation in connection with its investigation, the city attorney, in consultation with the inspector general, may request the city council to issue a subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents. City council may issue such subpoena if it determines that there is reasonable cause to believe that this article may have been violated.

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- (c) If the complaint is found to be deficient or untimely, the inspector general shall dismiss the case. All investigations conducted pursuant to this article shall be conducted in a confidential manner and records of any such investigations shall be confidential to the extent permitted by law. The inspector general shall complete the investigation of the complaint no later than one year after the filing of the complaint.
- (d) Upon completion of the investigation of the complaint, if the inspector general determines that the complaint alleges a violation of this article, the inspector general shall affirmatively engage in conciliation of the complaint. If no such resolution is achieved, the inspector general shall refer the matter to the city attorney for appropriate action in accordance with this article.
- (e) No finding, conciliation or adjudication under this article shall be admissible in connection with the city's licensing, permitting, or regulatory matters.

Sec. 17-63. Effect of provisions on civil remedies.

This article shall neither add to nor detract from any civil remedies now available to persons complaining of discrimination under this article.

Sec. 17-64. Criminal penalties for violation.

- (a) A person who violates a provision of this article commits a criminal offense, a <u>Class C misdemeanor</u>. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.
- (c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

Secs. 17-65--17-100. Reserved.

ARTICLE VI. FAIR HOUSING

DIVISION 1. GENERAL PROVISIONS

Sec. 17-101. Prohibition against discrimination in housing.

It is the policy of the City of Houston to promote housing opportunities for all persons. Such policy is established upon the recognition of the rights of each individual

to obtain housing without regard to a protected characteristic; and further that the denial of such rights through considerations based on a protected characteristic is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such rights which are within the power and the proper responsibility of the city to prevent.

Sec. 17-102. Purpose.

The purposes of this article are:

- (1) To provide for fair housing practices in the city:
- (2) To create a procedure for investigating and settling complaints of discriminatory housing practices and any residential real estate-related transactions; and
- (3) To provide rights and remedies substantially equivalent to those granted under the Federal Fair Housing Act.

Sec. 17-103. Office established.

There is hereby established within the housing and community development department the office of fair housing. The mission of the office of fair housing shall be to monitor and evaluate fair housing opportunities in the city and to hear fair housing complaints under this article.

Sec. 17-104. General duties of the office of fair housing.

The duties of the fair housing staff shall be:

- (1) To study the nature and extent of discriminatory housing practices in both the private and public sectors;
- (2) To evaluate and assess the city's activities in connection with the development of fair housing opportunities in the city;
- (3) To recommend to the mayor and city council reasonable provisions and programs to further fair housing opportunities in the city; and
- (4) To investigate, process, and hear fair housing complaints under division 5 of this article, and complaints referred by federal or state agencies that are filed under state or federal housing laws.

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Sec. 17-105. Fair housing administrator.

- (a) There is hereby created the office of fair housing administrator, who shall be in charge of the office of fair housing. The fair housing administrator, who shall be appointed by the mayor and confirmed by the city council, shall have the responsibility for implementing and enforcing this article and may establish such rules and regulations as are determined necessary to perform the duties of that office.
- (b) The fair housing administrator shall cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the federal Fair Housing Act, and may assist the secretary or attorney general in any way consistent with the policy of this article. The fair housing administrator is encouraged to cooperate with the Texas Workforce Commission, Civil Rights Division, in the enforcement of the Texas Fair Housing Act.
- (c) The fair housing administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the federal Fair Housing Act, or by the Texas Workforce Commission, Civil Rights Division, under the Texas Fair Housing Act, as a complaint filed under this article. No action will be taken under this article against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one year after an alleged discriminatory housing practice occurred or terminated.
- (d) The fair housing administrator may order discovery in aid of investigations under this article. Such discovery may be ordered to the same extent and is subject to the same limitations as would apply if the discovery were ordered in aid of a civil action in a state district court of Harris County, Texas.

Secs. 17-106--17-110. Reserved.

DIVISION 2. DEFINITIONS

Sec. 17-111. General definitions.

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

 $\begin{tabular}{ll} Accessible means capable of being approached, entered, and used by a person with a physical disability \\ \end{tabular}$

Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

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Aggrieved person means a person who claims to have been injured by a discriminatory housing practice or believes that a person will be injured by a discriminatory housing practice that is about to occur.

Building entrance on an accessible route means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

Complainant means a person, including the fair housing administrator, who files a complaint under section 17-131 of this Code.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant if different from the aggrieved person, the respondent and the fair housing administrator.

Conciliation agreement means a written agreement setting forth the resolution of the issues in the conciliation.

Covered multi-family dwelling means a building consisting of 4 or more dwelling units if the building has one or more elevators; and a ground floor dwelling unit in any other building consisting of four or more dwelling units.

Defense means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

Discriminatory housing practice means conduct that is an offense under division 3 of this article.

Dwelling means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Dwelling unit means a single unit of residence for a family.

Fair housing administrator means the fair housing administrator of the fair housing office designated to enforce and administer this article and includes the fair housing administrator's designated representative and the inspector general.

Federal Fair Housing Act means the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended.

Housing accommodation means:

- Any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy as a residence for one or more families; and
- b. Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by part a of this definition.

Rent means and includes to lease, sublease, let or otherwise grant for consideration the right to occupy premises not owned by the occupant.

Residential real estate-related transaction means:

- a. The making or purchasing of loans or the providing of other financial assistance:
 - [1] For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or
 - [2] Secured by residential real estate; or
- b. The selling, brokering, or appraising of residential real property.

Respondent means a person identified in a complaint or charge as having committed a discriminatory housing practice under this article.

Texas Fair Housing Act means the act set forth in Chapter 301, Texas Property Code.

DIVISION 3. DISCRIMINATORY HOUSING PRACTICES

Sec. 17-112. Discriminatory housing practices.

- (a) A person commits an offense if he or she, because of a protected characteristic:
 - (1) Refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

- (2) Refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or
- (3) Discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.
- (b) A person commits an offense if he or she, because of a protected characteristic:
 - (1) Represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;
 - (2) Discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or
 - (3) With respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:
 - Denies a person access to or membership in the business; or
 - b. Discriminates against a person in the terms or conditions of access to or membership in the business.
 - (c) A person commits an offense if he or she:
 - (1) For profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a protected characteristic is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;
 - (2) Makes an oral or written statement indicating a preference or a policy of discrimination based on a protected characteristic; or
 - (3) Prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on a protected characteristic in the selling or renting of a housing accommodation.
- (d) A person who engages in a residential real estate-related transaction commits an offense if he or she, because of a protected characteristic, discriminates against a person:
 - (1) In making a residential real estate-related transaction available; or

- (2) In the terms or conditions of a residential real estate-related transaction.
- (e) A person commits an offense if he or she:
- (1) Discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - A person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - c. Any person associated with that buyer or renter; or
- (2) Discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a disability of:
 - a. That person;
 - A person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or
 - c. Any person associated with that person.
- (f) A person commits an offense if he or she:
- (1) Refuses to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- (2) Refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a housing accommodation:
- (3) Fails to design or construct a covered multi-family dwelling for first occupancy after March 13, 1991, in such a manner as to have at least one

building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

- (4) Fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, in such a manner that:
 - The public use and common use portions of the dwellings are readily accessible to and usable by a person with a disability;
 - All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by a person with a disability in a wheelchair; and
 - c. All dwellings contain the following features of adaptive design:
 - [1] An accessible route into and through the dwelling unit;
 - [2] Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - [3] Reinforcements in the bathroom walls to allow installation of grab bars; and
 - [4] Kitchens and bathrooms laid out in such a manner that an individual in a wheelchair can maneuver about the space.

It shall be an affirmative defense to prosecution for discrimination on the basis of disability under items (3) and (4) of this subsection for failing to design or construct a covered multi-family dwelling if the construction of the covered multi-family dwelling was in compliance with applicable state or federal laws relating to disability at the time of construction.

- (g) A person commits an offense if he or she coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.
- (h) A person commits an offense if he or she retaliates against any person for making a complaint or testifying, assisting, or participating in any manner in a proceeding under this article.

Secs. 17-113--17-120. Reserved.

DIVISION 4. EXEMPTIONS

Sec. 17-121. Certain sales and rentals exempted.

- (a) Except as provided in subsection (b) of this section, and in accordance with federal law:
 - (1) The sale or rental of a single-family house sold or rented by an owner does not constitute an unlawful action under this article if the owner does not:
 - a. Own more than 3 single-family houses at any one time; or
 - b. Own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than 3 single family houses at any time; and
 - (2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other does not constitute an unlawful act under this article if the owner maintains and occupies one of the living quarters as the owner's residence.
- (b) The exemption in item (1) of subsection (a) of this section applies only when there is one sale or rental in a 24-month period, if:
 - (1) The owner was not the most recent resident of the house at the time of or prior to the sale or rental;
 - (2) The private, bona fide individual owner has sold or rented the house without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - (3) The private, bona fide individual owner has sold or rented the dwelling without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the federal Fair Housing Act.

Nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect transfer of title.

Sec. 17-122. Religious organizations and private clubs exemption.

- (a) This article does not prohibit a religious organization or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from:
 - (1) Limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or
 - (2) Giving preference to persons of the same religion, unless membership in the religion is restricted because of a protected characteristic.
- (b) This article does not prohibit a private club not open to the public that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of that lodging to its members or from giving preference to its members.

Sec. 17-123. Housing for the elderly exempted.

The provisions of this article relating to familial status and age do not apply to housing for older persons.

Sec. 17-124. Appraisal exemption.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than a protected characteristic.

Sec. 17-125. Effect on other law.

This article does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

Sec. 17-126. Effect on deed restrictions and other laws.

This article shall not be interpreted to interfere with the enforcement of a lawful deed restriction or a limitation on the number of persons who may occupy a dwelling unit that is otherwise permissible under federal or state law.

Secs. 17-127--17-130. Reserved.

DIVISION 5. ADMINISTRATIVE/COURT ENFORCEMENT

Sec. 17-131. Complaints.

- (a) Complaints may be filed not later than one year after an alleged discriminatory housing practice has occurred or terminated. Any aggrieved person may file a complaint. The complaint may be filed with the assistance of an authorized representative of an aggrieved person, including any organization acting on behalf of an aggrieved person. The fair housing administrator may also file a complaint if he has reasonable cause to believe that a person has committed a discriminatory housing practice.
- (b) The fair housing administrator shall treat complaints referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the federal Fair Housing Act or by the Texas Workforce Commission, Civil Rights Division, under the Texas Fair Housing Act as though filed under subsection (a) above.
 - (c) A complaint must be made:
 - (1) In writing; and
 - (2) Under oath or affirmation by an aggrieved person, or by an individual on behalf of an aggrieved person, stating: "I declare under penalty of perjury that the foregoing is true and correct."
 - (d) Each complaint must contain substantially the following information:
 - (1) The name and address of the respondent.
 - (2) Name, address and signature of the complainant.
 - (3) The name and address of the aggrieved person if different from the complainant.
 - (4) Date of the occurrence or termination of the discriminatory housing practice and the date of filing of the complaint.
 - (5) A description and address of the dwelling that is involved in a discriminatory housing practice.
 - (6) A concise statement of the facts constituting the alleged discriminatory housing practice, including the basis for the discrimination (specifying the relevant protected characteristic).

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- (e) A complaint may be reasonably and fairly amended at any time.
- (f) Within 10 days after the filing of a complaint, the fair housing administrator shall:
 - (1) Give the complainant, and the aggrieved person if different from the complainant, written notice that the complaint has been received; and
 - (2) Advise the complainant, and aggrieved person if different from the complainant, of the time limits applicable to the complaint and of any rights and choice of forums under this article.
- (g) Not later than the 10th day after the filing of the complaint, the fair housing administrator shall serve on each respondent:
 - (1) A written notice that a complaint alleging the commission of a discriminatory housing practice has been filed against the respondent; identifying the alleged discriminatory housing practice; advising the respondent of the procedural rights and obligations of a respondent under this article, including the right to file a written, signed and verified informal answer to the complaint within 10 days after service of notice of the complaint; and setting out the rights and remedies of the aggrieved person under the article; and
 - (2) A copy of the original complaint.

Sec. 17-132. Answer.

- (a) Not later than the 10th day after receipt of the notice and copy of the complaint under subsection (g) of section 17-131 of this Code, a respondent shall file an answer to the complaint.
 - (b) An answer to a complaint:
 - Must be made in writing;
 - (2) May include the assertion of any defense that might be available to a defendant in a court of law;
 - (3) Must be signed and affirmed by the respondent; and
 - (4) Must include an affirmation that states: "I declare under penalty of perjury that the foregoing is true and correct."

- (c) An answer may be reasonably and fairly amended at any time before the fair housing administrator refers the matter to the city attorney for prosecution. The fair housing administrator shall furnish a copy of each amended complaint or answer, respectively, to each respondent or complainant, and to any aggrieved person who is not the complainant, as promptly as is practicable.
 - (d) The filing of an answer does not inhibit the investigation of a complaint.

Sec. 17-133. Investigation.

- (a) If the federal government or the state of Texas has referred a complaint to the fair housing office or has deferred jurisdiction over the subject matter of a complaint to the fair housing office, the fair housing office shall initiate an investigation of the allegations set forth in the complaint.
- (b) The fair housing office shall investigate all complaints within 30 days after a complaint is filed, and, except as provided by subsection (c) of this section, shall complete an investigation within 100 days after the date of filing of the complaint, and shall dispose of all administrative proceedings related to the investigation not later than one year after the date the complaint is filed.
- (c) The fair housing administrator shall seek the voluntary cooperation of any person to:
 - (1) Obtain access to premises, records, documents, individuals, and any other possible source of information;
 - (2) Examine, record, and copy necessary materials; and
 - (3) Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.
- (d) If the fair housing office is unable to complete an investigation within the time periods prescribed by subsection (b) of this section the fair housing administrator shall notify the complainant and the aggrieved person, if different from the complainant, and the respondent, in writing, of the reasons for the delay.
- (e) The fair housing administrator shall assist in the investigation of complaints submitted to the fair housing office, and in preparing reports required under this article.
- (f) Upon completion of an investigation where the fair housing administrator has made a determination that a discriminatory housing practice has in fact occurred, if the fair housing administrator is unable to secure from the respondent an acceptable conciliation agreement, then the fair housing administrator shall refer matters within the

jurisdiction of HUD to HUD and refer all other matters to the city attorney for appropriate action in accordance with this article.

- (g) The fair housing administrator and the city attorney are authorized and encouraged to cooperate with the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII of the Federal Fair Housing Act and may render such service to the secretary as they shall deem appropriate to further the policies of this article and may accept reimbursement from the Secretary for services rendered to assist in carrying out the provisions of the above cited federal law.
- (h) An investigation shall remain open until a reasonable cause determination is made under section 17-137 of this Code, a conciliation agreement is executed and approved under section 17-135 of this Code, or the complaint is dismissed under section 17-139 of this Code. Unless impracticable to do so, the fair housing administrator shall complete the investigation within the 100-day period prescribed in subsection (b) of this section.
- (i) This section does not limit the authority of the fair housing administrator to conduct such other investigations or to use such other lawful enforcement procedures as the fair housing administrator considers necessary to enforce this article.
- (j) The fair housing administrator shall prepare a final investigative report showing:
 - The names of and dates of contact with witnesses;
 - (2) A summary, including dates, of correspondence and other contacts with the aggrieved person and the respondent;
 - (3) A summary description of other pertinent records;
 - (4) A summary of witness statements; and
 - (5) Answers to interrogatories, if any.

Sec. 17-134. Additional or substitute respondent.

(a) The fair housing administrator may join a person not named in the complaint as an additional or substitute respondent if, in the course of the investigation, the fair housing administrator determines that the person should be accused of a discriminatory housing practice. Within 10 days after the fair housing administrator's determination, any additional or substitute respondent shall be served with notice and a copy of the complaint, as provided in subsection (g) of section 17-131 of this Code.

(b) In addition to the information required in the notice under subsection (c) of section 17-91 of this Code the fair housing administrator shall include in the notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent. The added respondent shall be given an opportunity to file an answer to the complaint within 10 days after receipt of the notice, as provided in section 17-132 of this Code.

Sec. 17-135. Conciliation.

- (a) The fair housing administrator shall, during the period beginning with the filing of a complaint and ending with issuance of charge under section 17-138 of this Code, the dismissal of complaint under section 17-139 of this Code, or the dismissal of a criminal action in municipal court, after consulting with the city attorney, where feasible, engage in conciliation with respect to the complaint. In conciliating a complaint, the administrator shall try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the aggrieved person's rights and take action to assure the elimination of both present and future discriminatory housing practices.
- (b) The fair housing administrator shall conduct a conciliation negotiation of any complaint received by the fair housing office, provided that all final conciliation agreements shall be submitted to the city attorney for review and approval.
- (c) If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court, nor may the fair housing administrator issue a charge against a party, for the discriminatory housing practice specified in the conciliation agreement under this section unless the fair housing administrator determines that the agreement has been violated and notifies the city attorney in writing of the violation.
- (d) A conciliation agreement must be in writing in the form approved by the city attorney and must be signed and verified by the respondent, the complainant, and the aggrieved person if different from the complainant, subject to approval of the fair housing administrator who shall indicate approval by signing the agreement. A conciliation agreement is deemed executed upon its signing and verification by all parties to the agreement.
 - (e) A conciliation agreement executed under this section must contain:
 - (1) Identification of each discriminatory housing practice and each corresponding respondent that gives rise to the conciliation agreement under this section that the parties agree to make subject to the limitation on prosecution in subsection (c) of this section;

- (2) An identification of the housing accommodation subject to the conciliation agreement;
- (3) A statement that each party entering into the conciliation agreement agrees not to violate this article or the conciliation agreement; and
- (4) Any other term or condition agreed to by the parties.
- (f) The conciliation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution resulting from a conciliation agreement may authorize appropriate relief, including monetary relief (in the form of damages, including humiliation and embarrassment, and attorney fees) and equitable relief (such as access to the housing accommodation at issue, or to a comparable housing accommodation, and provision of services at facilities in connection with a housing accommodation).
- (g) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned.
- (h) After completion of the investigation, the fair housing administrator shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation as well as the final investigative report.
- (i) A conciliation agreement may be made public, unless the aggrieved person and the respondent request non-disclosure and the fair housing administrator determines that disclosure is not required to further the purposes of this article. Notwithstanding a determination that disclosure of a conciliation agreement is not required, the fair housing administrator may publish tabulated descriptions of the results of all conciliation efforts.
- (j) If the aggrieved person brings a civil action under a local, state, or federal law seeking relief for the alleged discriminatory housing practice and the trial in the action begins, the fair housing administrator shall terminate efforts to conciliate the complaint unless the court specifically requests assistance from the fair housing administrator. The fair housing administrator may also terminate efforts to conciliate the complaint if:
 - (1) The respondent fails or refuses to confer with the fair housing administrator;
 - (2) The aggrieved person or the respondent fails to make a good faith effort to resolve any dispute; or
 - (3) The fair housing administrator finds, for any reason, that voluntary agreement is not likely to result.

Sec. 17-136. Violation of conciliation agreement.

- (a) A person commits an offense if, after the person executes a conciliation agreement under section 17-135 of this Code, he or she violates any term or condition contained in the agreement.
- (b) It is no defense to criminal prosecution in municipal court under this section that, with respect to a discriminatory housing practice that gave rise to the conciliation agreement under section 17-135 of this Code:
 - (1) The respondent did not commit the discriminatory housing practice; or
 - (2) The fair housing administrator did not have probable cause to believe the discriminatory housing practice was committed.
- (c) If the fair housing administrator determines that a conciliation agreement has been violated, the fair housing administrator shall give written notice to all parties subject to the agreement.
- (d) When the fair housing administrator has reasonable cause to believe that a respondent has breached a conciliation agreement, the fair housing administrator shall refer the matter to the city attorney for appropriate action in accordance with this article.

Sec. 17-137. Reasonable cause determination.

- (a) A panel consisting of a fair housing investigator representative, the city attorney, and the fair housing administrator, shall determine based on all the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.
- (b) The panel shall make the determination under subsection (a) of this section not later than the 100th day after the date a complaint is filed unless:
 - (1) It is impracticable to make the determination; or
 - (2) The city attorney has approved a conciliation agreement relating to the complaint.
- (c) If it is impracticable to make the determination within the time period provided by subsection (b) of this section, the panel shall notify the complainant, and the aggrieved person if different from the complainant, and the respondent, in writing, of the reasons for the delay.

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- (d) If the city attorney determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred, the city attorney shall issue to the fair housing administrator a short and plain written statement of the facts upon which the city attorney based the no reasonable cause determination. If the city attorney issues such a statement, the panel shall automatically determine that no reasonable cause exists to believe that a discriminatory practice has occurred or is about to occur.
- (e) If the panel determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the city attorney shall proceed with appropriate enforcement action.

Sec. 17-138. Charge.

- (a) A charge issued under section 17-137 of this Code:
- (1) Must consist of a short and plain statement of the facts upon which the fair housing administrator and the city attorney have found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
- (2) Must be based on the final investigative report; and
- (3) Need not be limited to the facts or grounds alleged in the complaint.
- (b) Not later than the twentieth day after the fair housing administrator issues a charge, the fair housing staff shall send a copy of the charge to:
 - (1) Each respondent; and
 - (2) Each aggrieved person on whose behalf the complaint was filed.

Sec. 17-139. Dismissal.

- (a) A complaint shall be dismissed by the fair housing administrator during the investigation and prior to referral to the city attorney when the fair housing administrator determines that:
 - The complaint was not timely filed;
 - (2) The location of the alleged discriminatory housing practice is not within the city's jurisdiction;
 - (3) The alleged discriminatory housing practice is not a violation of this article;

- (4) The complainant, or the aggrieved person if different from the complainant, refuses to cooperate with the fair housing administrator in the investigation of the complaint or enforcement of the executed conciliation agreement; or
- (5) The complainant, or the aggrieved person if different from the complainant, cannot be located after the fair housing administrator has performed a reasonable search.
- (b) A criminal action may be dismissed by a municipal judge upon motion of the city attorney, if after the city attorney files the action charging a respondent with a discriminatory housing practice, a conciliation agreement is executed under section 17-135 of this Code before the trial begins in municipal court.
- (c) The fair housing administrator shall notify the complainant, the aggrieved person if different from the complainant, and the respondent of the dismissal of the complaint, including a written statement of facts, and may make public disclosure of the dismissal unless the respondent requests that no public disclosure be made.

Sec. 17-140. Criminal penalties for violation.

- (a) A person who violates a provision of this chapter commits a criminal offense, a Class C misdemeanor. A person is guilty of a separate criminal offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (b) A criminal offense under this article is punishable in municipal court by a fine of not less than \$250.00 nor more than \$500.00. In no event shall the aggregate of all fines relating to the same complaint filed by a complainant exceed \$5000.00.
- (c) A person prosecuted for a violation of this article shall be entitled to a trial by jury in municipal court.

EXHIBIT B

Sec. 15-17. Equal employment opportunity clause.

All contracts entered into by the city involving the expenditure of \$10,000.00 or more of city funds ("nonexempt city contracts") shall incorporate an equal employment opportunity clause, which shall read as follows:

"EQUAL EMPLOYMENT OPPORTUNITY

- "1. The contractor, subcontractor, vendor, supplier, or lessee will not discriminate against any employee or applicant for employment because of sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic. The contractor, subcontractor, vendor, supplier, or lessee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, ethnicity, national origin. age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic. Such action will include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment advertising: layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor, subcontractor, vendor, supplier, or lessee agrees to post in conspicuous places available to employees, and applicants for employment, notices to be provided by the city setting forth the provisions of this equal employment opportunity clause.
- "2. The contractor, subcontractor, vendor, supplier, or lessee states that all qualified applicants will receive consideration for employment without regard to sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, pregnancy, or any other legally protected characteristic.
- "3. The contractor, subcontractor, vendor, supplier, or lessee will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer advising the said labor union or workers' representative of the contractor's and subcontractor's commitments under Section 202 of Executive Order No. 11246, as amended or superseded, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- "4. The contractor, subcontractor, vendor, supplier, or lessee will comply with all provisions of Executive Order No. 11246, as amended or superseded, and the rules, regulations, and relevant orders of the secretary of labor or other federal agency responsible for enforcement of the equal opportunity and affirmative action provisions applicable and will likewise furnish all information and reports

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- required by the mayor and/or contract administrator(s) for purposes of investigation to ascertain and effect compliance with this program.
- "5. The contractor, subcontractor, vendor, supplier, or lessee will furnish all information and reports required by Executive Order No. 11246, as amended or superseded, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to all books, records, and accounts by the appropriate city and federal officials for purposes of investigations to ascertain compliance with such rules, regulations, and orders. Compliance reports filed at such times as directed shall contain information as to the employment practice policies, program, and workforce statistics of the contractor, subcontractor, vendor, supplier, or lessee.
- "6. In the event of the contractor's, subcontractor's, vendor's, supplier's, or lessee's noncompliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor, subcontractor, vendor, supplier, or lessee may be declared ineligible for further city contracts in accordance with procedures provided in Executive Order No. 11246, as amended or superseded, and such other sanctions may be imposed and remedies invoked as provided in the said executive order, or by rule, regulation, or order of the secretary of labor, or as may otherwise be provided by law.
- "7. The contractor shall include the provisions of paragraphs 1—8 of this equal employment opportunity clause in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended or superseded, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- "8. The contractor shall file and shall cause each of his subcontractors, if any, to file compliance reports with the city in the form and to the extent as may be prescribed by the mayor. Compliance reports filed at such times as directed shall contain information as to the practices, policies, programs, and employment policies and employment statistics of the contractor and each subcontractor."