

**AGENDA - COUNCIL MEETING - TUESDAY - MARCH 20, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - MARCH 21, 2007 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** regarding the amendment of the Planning and Zoning Regulations and Zoning Map for **TIRZ NO. ONE (ST. GEORGE PLACE TIRZ) - DISTRICT C - CLUTTERBUCK**

**MAYOR'S REPORT** - Scrap Metal Initiative

**CONSENT AGENDA NUMBERS 2 through 93A**

**MISCELLANEOUS** - NUMBERS 2 through 6A

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOILER CODE REVIEW AND LICENSING BOARD**, for terms to expire January 2, 2009:  
Position One - **MR. RODNEY H. LEWIS**  
Position Three- **MR. BILLY E. JACKSON**

**AGENDA - MARCH 21, 2007 - PAGE 2**

**MISCELLANEOUS** - continued

3. RECOMMENDATION from Director Department of Finance & Administration for payment of invoices to **JEFFERSON WELLS** in the amount of \$1,135,000.00 and to **SUNLAND GROUP** in the amount of \$468,585.00 for Professional Services for Hurricane Housing Program and allocate funds previously appropriated to the Hurricane Katrina Aid and Recovery Fund
4. RECOMMENDATION from Director Parks & Recreation Department for new fee schedule for permitted use of City of Houston sports fields
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **THE UNIVERSITY OF ST. THOMAS** for law enforcement services of two (2) deputies from Harris County Constable Precinct 1
6. ORDINANCE appropriating \$315,449.05 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of a 54-Inch Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station (WBS S-000900-00A9-4) and approving and authorizing first amendment to Construction Contract with **BRH-GARVER CONSTRUCTION, L.P.** (approved by Ordinance No. 2005-1313); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund  
**DISTRICT B - JOHNSON**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$231,635.47 for 54-Inch Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station, WBS S-000900-00A9-4 - **DISTRICT B - JOHNSON**

**ACCEPT WORK** - NUMBER 7

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$2,332,063.90 and acceptance of work on contract with **THE RYAN COMPANY** for Terminal C Electrical Vault Expansion at George Bush Intercontinental Airport/Houston, Project 490P, WBS A-000322-0004-4-01 - 9.93% under the original contract amount - **DISTRICT B - JOHNSON**

**PROPERTY** - NUMBERS 8 through 19

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ginger Thornton of GDT Land Consultants, Inc., on behalf of Monument Pipeline, L.P. [NET General Partners, LLC (Jerry C. Dearing, Vice President), General Partner] and Sue Findley on behalf of CenterPoint Energy Resources Corp. dba CenterPoint Energy Texas Gas Operations, for the sale to Monument Pipeline, L.P. of a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, of a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G. P. Burnett Survey, A-1382, Parcels SY7-033 and SY7-034 - **APPRAISERS - DISTRICT E - WISEMAN**
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David and Naomi Strauss, Town and Country Surveyors, LLC, on behalf of Harris County Hospital District (J. Evans Attwell, Chairman), for abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32, Parcels SY7-047A, SY7-047B, SY7-047C, KY7-118A and KY7-118B - **APPRAISERS - DISTRICT B - JOHNSON**

**PROPERTY** - continued

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David C. Finklea, Walter P. Moore and Associates, Inc., on behalf of Hudson Partnership, Ltd. (E. J. Hudson, General Partner), for abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of William White Survey, A-836, Parcels SY7-052A, SY7-052B, SY7-052C, LY7-051A and LY7-051B - **STAFF APPRAISERS - DISTRICT G - HOLM**
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Radford of CLR, Inc., on behalf of Houston Gulfgate Partners, L.P. [Wulfe Gulfgate Partners, Inc. (Edmond D. Wulfe, President), General Partner], for abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762, Parcels SY7-059A through D - **APPRAISERS - DISTRICT I - ALVARADO**
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jeanie Forbis of Brown & Gay Engineers, Inc., on behalf of St. Paul's United Methodist Church (Fred Hofheinz, Member/Legal Counsel), for abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2, Parcels SY7-064, VY7-033, AY7-375A and AY7-375B - **APPRAISERS - DISTRICT D - EDWARDS**
13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-062, located at Emerald Lane and Keegans' Bayou, owned by Marsielle Sanders and Tommy Ross Liles for the **KEEGANS' BAYOU HIKE AND BIKE TRAIL from Braes Bayou to Kirkwood**, N-000420-0025-2-01 - **DISTRICT C - CLUTTERBUCK**
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-076, located at the southeast corner of Aldine Westfield Road and Schilder Drive, owned by Jose L. Cantu, Sr., Jose L Cantu, Jr., and Hector Cantu for the **ALDINE WESTFIELD PAVING PROJECT**, N-000577-0001-2-01 - **DISTRICT B - JOHNSON**
15. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-092, located at 2222 Parker Road, owned by James Peterson for the **ALDINE WESTFIELD PAVING PROJECT**, N-000577-0001-2-01 - **DISTRICT B - JOHNSON**
16. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-095, located at 10208 Aldine Westfield Road, owned by Xing Van Huynh and Set Thi Huynh for the **ALDINE WESTFIELD PAVING PROJECT**, N-000577-0001-2-01 - **DISTRICT E - WISEMAN**
17. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-001, located at 10453 Aldine Westfield Road, owned by Ysmael J. Vargas for the **ALDINE WESTFIELD PAVING PROJECT**, N-000577-0001-2-01 - **DISTRICT B - JOHNSON**
18. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-002, located at 10457 Aldine Westfield Road, owned by Juan C. Coronado for the **ALDINE WESTFIELD PAVING PROJECT**, N-000577-0001-2-01 - **DISTRICT B - JOHNSON**

**PROPERTY** - continued

19. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY6-057, located on the east line of Monroe Street, owned by David Lavon Hunt and Julianne Coddou Hunt, for the **MONROE ROAD PAVING IMPROVEMENTS PROJECT from Almeda-Genoa Road to Fuqua Street, N-000574-0001-2-01 - DISTRICT E - WISEMAN**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 20 through 26

20. **EQUIPMENT SUPPORT SERVICES, INC** - \$65,039.74 and **LANSLOWNE-MOODY COMPANY** \$48,743.40 for Tractors and a Mower Attachment for the Houston Airport System - Enterprise Fund
21. **STUBBS CYCLES** for Two-Passenger Scooters for Police Department - \$50,103.00 - Mobility Response Team Fund
22. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Purchase of Earth Moving Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Department of Public Works & Engineering - \$2,110,520.71 - Enterprise, Storm Water Utility and Equipment Acquisition Consolidated Funds
23. **ELEVATOR REPAIR SERVICE, INC** for Elevator Modernization at 3300 Main for the Department of Public Works & Engineering - \$139,640.00 and contingencies for a total amount not to exceed \$153,604.00 - Building Inspection Fund
24. **TEXANS AUTO CENTER** for Water Tank Removal and Replacement for the Department of Public Works & Engineering - \$49,500.00 - Fleet Management Fund
25. **WAUSAU FINANCIAL SYSTEMS, INC** for Hardware and Software Maintenance and Support Services Agreement for an Image Payment System for Department of Public Works & Engineering - \$56,149.00 - Enterprise Fund
26. **CHLORINATOR MAINTENANCE CONSTRUCTION, INC** for Emergency Repair of a Chlorine Line at the East Water Purification Plant for Department of Public Works & Engineering \$48,845.00 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 27 through 93A

27. RESOLUTION designating a certain property within the City of Houston as a Historic Landmark (Cox-Ewing House - 1508 Kirby Drive) - **DISTRICT G - HOLM**
28. RESOLUTION designating a certain property within the City of Houston as a Landmark and a Protected Landmark (Walter W. and Cassie Henderson - 2216 Kane Street) - **DISTRICT H - GARCIA**
29. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Metal Recycling Entities, Secondhand Metal Dealers, and Secondhand Dealers; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

**RESOLUTIONS AND ORDINANCES** - continued

30. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Avenue B from 75th Street to 76th Street, Parcel SY5-003, vacating and abandoning said street to C. M. Garver, Trustee, the abutting owner, in consideration of his conveyance to the City of a 15-foot-wide sanitary sewer easement, Parcel DY5-005, and his payment of \$66,100.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both being out of Magnolia Park, Section 2, Houston, Harris County, Texas  
**DISTRICT I - ALVARADO**
31. ORDINANCE approving and authorizing Lease Agreement (Storage) between **TRELLEBORG CRP, INC., as tenant**, and the City of Houston, Texas, as landlord, for two acres of a 2.8766 acre tract of land described as TR3B, Block 1, Harking Acres (Parcel P85-2) located at 1822 Rankin Road, in consideration of tenant's monthly rental payment of \$900.00 per month - **DISTRICT B - JOHNSON**
32. ORDINANCE ordering and setting a public hearing pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code regarding (A) the proposed roadway and bridge construction at Brays Bayou and South MacGregor Drive, (B) the relocation of portions of North MacGregor Drive currently located in Hermann Park, and (C) associated temporary construction easements, all through Hermann Park, by the Public Works Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto - **DISTRICT D - EDWARDS**  
**HEARING DATE - 9:00 A.M. - WEDNESDAY - MAY 9, 2007**
33. ORDINANCE consenting to the addition of 2.3488 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**, for inclusion in its district
34. ORDINANCE consenting to the addition of 28.189 acres of land to the **WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district
35. ORDINANCE consenting to the addition of 607.47 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 400**, for inclusion in its district
36. ORDINANCE consenting to the addition of 7.6446 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district
37. ORDINANCE establishing the south side of the 4600 block of McKinney Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO**
38. ORDINANCE establishing the north and south sides of the 2600 block of Oakdale Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**
39. ORDINANCE establishing the north and south sides of the 100 through 300 blocks of Payne Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
40. ORDINANCE establishing the north and south sides of the 2200 and 2300 blocks of Wichita Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

**RESOLUTIONS AND ORDINANCES** - continued

41. ORDINANCE approving and authorizing issuance of notes by the Uptown Development Authority; containing other provisions relating to the foregoing subject; providing for severability - **DISTRICT G - HOLM**
42. ORDINANCE approving and authorizing seventh amendment to contract between the City of Houston, the **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$55,000.00 and continue the program for the development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICT F - KHAN**
43. ORDINANCE approving and authorizing first amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$394,214.00 and continue the program for the development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO**
44. ORDINANCE approving and authorizing contract between the City of Houston and **EL CENTRO DE CORAZON** to provide \$50,000.00 in Community Development Block Grant Funds for the provision of Mental Health Services to low and very-low income persons in the East End Area of Houston - **DISTRICT H - GARCIA**
45. ORDINANCE approving and authorizing first contract amendment between the City of Houston and **INDIA HOUSE, INC** - **DISTRICT F - KHAN**
46. ORDINANCE approving and authorizing first amendment to grant agreement between the City of Houston and **NHH CANAL STREET APARTMENTS, INC**, in connection with the Construction of a Transitional Housing Facility for low and very low income persons located at 2800 Canal Street **DISTRICT H - GARCIA**
47. ORDINANCE approving and authorizing agreement between the City of Houston and **SHIFA SERVICES FOUNDATION, INC.**, a Community Housing Development Organization ("CHDO"), to provide \$50,000.00 in Federal "HOME" Investment Partnership Funds for operating expenses associated with building its capacity as a CHDO to develop affordable housing - **DISTRICT A - LAWRENCE**
48. ORDINANCE approving and authorizing second amendment, modification and extension agreement between the City of Houston and **SIMMONS GARDEN SENIOR CITIZEN HOUSING, LTD.** - **DISTRICT D - EDWARDS**
49. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, ESSEX INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY, JAMES RIVER INSURANCE COMPANY, COMMONWEALTH INSURANCE COMPANY, CONTINENTAL CASUALTY INSURANCE COMPANY, UNDERWRITERS AT LLOYDS LONDON**, and **ALLIED WORD ASSURANCE (US)** which are participating in the layered property insurance program and approving and authorizing the purchase of a General City Property Insurance Policy - \$7,933,939.00 - Property and Casualty Fund
50. ORDINANCE accepting the proposal from **LEXINGTON INSURANCE COMPANY** for Bush/IAH and Hobby Airports and approving and authorizing the purchase of Terrorism Insurance \$311,701.50 - Property and Casualty Fund
51. ORDINANCE approving and authorizing contract between the City of Houston and **MARSHALL & LEWIS, LLP** for Legal Services to include representation of the City of Houston relating to a Time Warner Franchise Fee Compliance Review Claim Litigation Project; providing a maximum contract amount - \$525,000.00 - General Fund

**RESOLUTIONS AND ORDINANCES** - continued

52. ORDINANCE approving and authorizing Concession Contract between the City of Houston and **WALTON GOLF MANAGEMENT** for the Operation of Melrose Golf Course - 8 Years with 2 two-year options - Revenue - **DISTRICT B - JOHNSON**
53. ORDINANCE approving and authorizing an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** and acceptance of Pet Food Products; providing a maximum contract amount - 2 Years with one-year renewal - \$38,625.00 - Health Special Revenue Fund
54. ORDINANCE approving and authorizing second amendment to Contract #C53353 between the City of Houston and **BAKER & TAYLOR, INC** for the provision of Acquisition, Cataloging and Processing Services for the Houston Public Library
55. ORDINANCE awarding contract to **GREEN ACRES LAWN CARE** for Grounds Maintenance and Landscaping Services for the Building Services Department; providing a maximum contract amount - 1 Year with 2 one-year options - \$839,207.70 - General Fund
56. ORDINANCE approving and authorizing contract between the City of Houston and **ANACOMP, INC** for Document Processing and WEB Presentment for the Department of Public Works and Engineering; providing a maximum contract amount - 3 Years with two one-year options \$1,159,497.00 - Enterprise Fund
57. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund; approving and authorizing contract for Professional Consulting Services by and between the City of Houston and **DEREK CONSULTING GROUP, INC** for Professional Information Technology Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; (WBS A-000138-0013-3-01; Proj. 409F); providing a maximum contract amount - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
58. ORDINANCE approving and authorizing Treated Surface Water Supply Contract between the City of Houston and **JOHN M. FULTZ, Receiver for VERGIL MARTIN, D/B/A H&J UTILITIES**
59. ORDINANCE approving and authorizing Cost Sharing Agreement between the City of Houston and **BUFFALO LAKES LTD.** for Design and Construction of the Paving Extension of Buffalo Speedway from West Bellfort Boulevard to the extended Willowbend Boulevard and Willowbend Boulevard from its present terminus to Buffalo Speedway (WBS No. N-000622-0001-3) **DISTRICT C - CLUTTERBUCK**
60. ORDINANCE appropriating \$3,025,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Services Associated with the Surface Water Transmission Program, WBS S-000900-0002-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
61. ORDINANCE appropriating \$63,985.79 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **WOODMERE DEVELOPMENT COMPANY, LTD.** for Construction of Water and Sewer System Lines to serve the Wayside Village Subdivision, WBS S-000802-0050-4 and R-000802-0050-4 - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - continued

62. ORDINANCE appropriating \$2,412,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C. E. BARKER, LTD.** for Water Line Replacement in the Mary Bates South & Maplewood Area, WBS S-000035-00E7-4; 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, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN**
63. ORDINANCE appropriating \$24,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$44,000.00 out of Street & Bridge Consolidated Construction Fund, \$132,000.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for various C.I.P. Projects relating to construction of facilities financed by the respective funds, WBS M-000126-00AD-4, N-000668-00AD-4, R-000019-00AD-4 and S-000019-00AD-4 for the Department of Public Works & Engineering
64. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
65. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Horsepen Bayou Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Horsepen Bayou Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Horsepen Bayou Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
66. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **NORTH FOREST MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH FOREST MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of North Forest Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of North Forest Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within North Forest Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Bridgestone Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Bridgestone Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Bridgestone Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 119, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 119; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 119 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
69. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33** and certain territory located in the vicinity of Harris County Municipal Utility District No. 33, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 33; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 33 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
70. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53** and certain territory located in the vicinity of Harris County Municipal Utility District No. 53, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 53; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 53 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

71. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55** and certain territory located in the vicinity of Harris County Municipal Utility District No. 55, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 55; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 55 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
72. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154** and certain territory located in the vicinity of Harris County Municipal Utility District No. 154, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 154; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 154 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
73. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 179**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 179** and certain territory located in the vicinity of Harris County Municipal Utility District No. 179, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 179; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 179 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
74. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** and certain territory located in the vicinity of Harris County Municipal Utility District No. 185, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 185; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 185 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

75. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 188**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 188** and certain territory located in the vicinity of Harris County Municipal Utility District No. 188, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 188; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 188 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
76. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189** and certain territory located in the vicinity of Harris County Municipal Utility District No. 189, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 189; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 189 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
77. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222** and certain territory located in the vicinity of Harris County Municipal Utility District No. 222, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 222; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 222 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
78. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264** and certain territory located in the vicinity of Harris County Municipal Utility District No. 264, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 264; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 264 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

79. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286** and certain territory located in the vicinity of Harris County Municipal Utility District No. 286, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 286; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 286 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
80. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358** and certain territory located in the vicinity of Harris County Municipal Utility District No. 358, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 358; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 358 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
81. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322** and certain territory located in the vicinity of Harris County Municipal Utility District No. 322, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 322; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 322 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
82. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365**; making various findings and provisions relating to the subject; and declaring an emergency
- a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365** and certain territory located in the vicinity of Harris County Municipal Utility District No. 365, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 365; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 365 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

83. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** and certain territory located in the vicinity of Harris County Municipal Utility District No. 368, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 368; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 368 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
84. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 397**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 397** and certain territory located in the vicinity of Harris County Municipal Utility District No. 397, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 397; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 397 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
85. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468** and certain territory located in the vicinity of Harris County Municipal Utility District No. 468, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 468; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 468 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
  
86. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MORTON ROAD MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MORTON ROAD MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Morton Road Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Morton Road Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Morton Road Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

87. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** and certain territory located in the vicinity of Northwest Harris County Municipal Utility District No. 9, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Northwest Harris County Municipal Utility District No. 9; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 9 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
88. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **SAGEMEADOW UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SAGEMEADOW UTILITY DISTRICT** and certain territory located in the vicinity of Sagemeadow Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Sagemeadow Utility District; imposing the sales and use tax of the City of Houston in the area within Sagemeadow Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
89. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **TIMBER LANE UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **TIMBER LANE UTILITY DISTRICT** and certain territory located in the vicinity of Timber Lane Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Timber Lane Utility District; imposing the sales and use tax of the City of Houston in the area within Timber Lane Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
90. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** and certain territory located in the vicinity of West Harris County Municipal Utility District No. 6, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of West Harris County Municipal Utility District No. 6; imposing the sales and use tax of the City of Houston in the area within West Harris County Municipal Utility District No. 6 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**RESOLUTIONS AND ORDINANCES** - continued

91. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WHITE OAK BEND MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WHITE OAK BEND MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of White Oak Bend Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of White Oak Bend Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within White Oak Bend Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
92. ORDINANCE approving and authorizing an amendment to the Strategic Partnership Agreement between the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Northwest Park Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Northwest Park Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency
93. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**; making various findings and provisions relating to the subject; and declaring an emergency
  - a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119** and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 119, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control and Improvement District No. 119; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 119 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability; and declaring an emergency

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 94 through 99

94. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,106,627.93 payable to the **Surety, ST. PAUL FIRE AND MARINE INSURANCE COMPANY**, on contract awarded to **CONTRACTOR TECHNOLOGY, INC** and acceptance of work for Construction of 36-inch Water Line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard, WBS S-000900-0078-4 - 00.04% under the original contract amount - **DISTRICT E - WISEMAN** - **TAGGED BY COUNCIL MEMBER GARCIA**  
This was Item 9 on Agenda of March 7, 2007
95. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department Finance & Administration to award to **TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Police Department \$46,900.00 - General Fund - **TAGGED BY COUNCIL MEMBER HOLM**  
This was Item 14 on Agenda of March 7, 2007
96. WRITTEN Motion by Council Member Lawrence to amend Item 96A as follows:  
Amend Section 3 of the Ordinance so that the introductory paragraph of Subsection 42-163(e) shall read as follows:  
(e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 70 percent of the structures in the area is the same as or farther from the street than. If the proposed special building line requirement area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:  
**TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN, LOVELL and HOLM**
- a. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to minimum building line and minimum lot size areas; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; containing a savings clause  
**TAGGED BY COUNCIL MEMBERS WISEMAN, LOVELL and HOLM**  
This was Item 19 on Agenda of March 7, 2007
97. **ORDINANCE** amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2006-747), to amend the Master Pay Structure by increasing the pay grade maximums by eight percent (8%), to add, revise and/or delete certain classifications substituting the amended exhibits as part of the current Master Classification Listing; providing for severability - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 21 on Agenda of March 7, 2007

**MATTERS HELD** – continued

98. ORDINANCE approving and authorizing contract between the City of Houston and **JACKSON LEWIS LLP**, for Legal Services to include representation of the City of Houston relating to negotiations with the Houston Organization of Public Employees (H.O.P.E.); providing a maximum contract amount - \$150,000.00 - General Fund

**TAGGED BY COUNCIL MEMBERS WISEMAN, LOVELL, GARCIA, HOLM, ALVARADO, KHAN, GREEN, CLUTTERBUCK, EDWARDS and JOHNSON**

This was Item 25 on Agenda of March 7, 2007

99. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City

**POSTPONED BY MOTION #2007-263, 3/7/07**

This was Item 36 on Agenda of March 7, 2007

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

**NOTICE OF MEETING  
OF THE  
CITY COUNCIL OF THE CITY OF HOUSTON**

**NOTICE** is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, MARCH 20, 2007 at 1:30 p.m. and WEDNESDAY, MARCH 21, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 16th day of MARCH, 2007.

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City Secretary

**CERTIFICATE**

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on MARCH 16, 2007 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

# 1  
3-21-07



# CITY OF HOUSTON

Economic Development

## Interoffice

Correspondence

**To:** Mayor Bill White  
City Council  
Marty Stein, Agenda Director

**From:** Robert Fiederlein  
Finance & Administration

**Date:** March 16, 2007

**Subject:** March 21<sup>st</sup> Public Hearing Background  
Materials

Attached for your review are background materials in support of the public hearing to occur at City Council on March 21<sup>st</sup> regarding a proposed zoning change in TIRZ #1. If you have any questions prior to the meeting on the 21<sup>st</sup>, feel free to contact me at 713.837.9661 (\*79661).

**TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON  
ZONE PLANNING ZONING REPORT TO THE MAYOR AND CITY COUNCIL  
CITY OF HOUSTON  
March 21, 2007**

**OVERVIEW:**

The Board of Directors of the Tax Increment Reinvestment Zone Number One, City of Houston (the "TIRZ Board") received a petition from Röhe and Wright Builders (the "applicant"). The petition was submitted in accordance with Article VIII, Section 8.2 (c) and requested an amendment to the written text of the Planning and Zoning Regulations, to the Zoning District Map, and for the establishment of a Planned Unit Development as related to the Article V (Planned Unit Development) for Block 13, Lamar Terrace Subdivision.

The petition was referred to the Zone's Planning and Zoning Commission (the "Commission") for consideration. On Wednesday, September 27, 2006 the TIRZ Board and the Commission held a joint public hearing to receive public comment with regard to the applicant's petition for the establishment of a Residential Planned Unit Development (R-PUD) on Block 13. The Planning and Zoning Official's Report with regard to this public hearing is available for inspection at the offices of Hawes Hill Calderon, LLP.

On Tuesday, November 7, 2006 the TIRZ Board and the Commission held a joint meeting to receive the Planning and Zoning Official's Report with regard to the public hearing and receive additional input from interested parties. Upon an affirmative vote of the Commission, a recommendation was made by the Commission to the TIRZ Board to establish an R-PUD Zoning District on Block 13. Upon receipt of the Commission's recommendation, the TIRZ Board voted to approve the recommendations of the Commission. The TIRZ Board vote was 5 for, 2 against, and 1 abstaining. At the TIRZ Meeting a petition was received from property owners requesting that there be no change to the written text of the Planning and Zoning Regulations and that an R-PUD not be extended to Block 13.

Upon receipt of the petitions, staff performed a due diligence to verify the accuracy and map of the Protestants in accordance with Article VIII, Section 8.3 (Final Action by the City Council). Under this section, while related to actions by City Council, the ordinance states that two criteria must be met upon receipt of a petition from property protesting a change. That is:

"In the event of a written protest against such change, signed by the owners of twenty percent (20%) or more of either of the area of lots or land included in such proposed change, or of the lots or lands immediately adjoining the same and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all of the members of the Board of Directors. In computing the percentage of land area, the area of streets and alleys shall be included in the computation."

Staff determined that the petitions represented twenty-one percent (21%) of the land area in accordance with the second criteria outlined above. Therefore, the vote of the TIRZ Board was not sufficient to

approve the item. The applicant reworked their proposal based on input from the community and other interested parties and asked for a redetermination by the TIRZ Board.

### **FINDINGS OF FACT:**

Upon inception of the TIRZ, the original street design for Hidalgo was that of a European Boulevard. The Boulevard as constructed in the 5300 Block of Hidalgo was to continue the whole length of the TIRZ and terminate at Chimney Rock, This concept entails the construction of three (3) lanes (one way traveling west) and two (2) service lanes (one way traveling west). The European Boulevard concept was the result of a two-year negotiation between the city, METRO, the Hines Corporation, and the Developer. This concept resulted in accommodation of the desire to carry one-way traffic out of the Galleria area, and also offered protection for home owners by providing landscaped service lanes and the ability to provide safe ingress/egress from their driveways.

Several actions and changes occurred which impacted the original street design for Hidalgo. The first factor that impacted the continuation of the European Boulevard concept was the purchase by HISD of the 93 lots between Yorktown, Hidalgo, McCulloch Circle, and West Alabama (5400 Block of Hidalgo). The second impact was the involvement of METRO in planning, partial funding, and construction of the continuation of Hidalgo and the change of direction of Hidalgo from terminating on Chimney Rock and realigning it with Winsome. These two factors eliminated the ability to continue the European Boulevard concept throughout the TIRZ. This resulted in a majority of the right-of-way in the 5400 block of Hidalgo coming off the HISD property. The Boulevard was redesigned to continue the three lanes traveling west and eliminate the service lanes and provide two lanes traveling east from Chimney Rock to Yorktown. The closure and landscaping of Yorktown south of Hidalgo for public safety due to the large volume of high-speed cut through traffic was another mitigating factor and is the reason that the two lanes traveling east had to be narrowed to one lane for a left turn only at the intersection of Yorktown and Hidalgo. There was an additional taking of the north east corner of Block 13 to accomplish the narrowing to one lane traveling east. In addition, the HISD sited the elementary school on the southern portion of the tract fronting Hidalgo. All of these factors taken as whole changed the ability to accomplish the same block face as in the 5300 Block. This can be seen by the type of development that has occurred on the two blocks west of Block 13.

Conditions have been altered with regard to the ability to provide a safe ingress/egress to the lots facing Hidalgo and impact the ability to provide additional on-street parking for guests in a safe manner. Because the Block was under one ownership and sold in that manner, a comprehensive approach to development of the property is necessary to deal with all development factors including but not limited to egress/ingress, preservation of green space, meeting impervious coverage requirements, and quality of product that enhances the value and sustainability of the neighborhood as a whole.

### **TIRZ BOARD ACTION AND RECOMMENDATION:**

On January 15, 2007, the Board reconvened to consider proposed regulations related to Block 13. During the public comment phase, the TIRZ Board received positive and unanimous support for the proposed amendments to the zoning ordinance from the Saint George Place Civic Association as well as individual support from property owners. On an unanimous vote of nine (9) in favor and zero (0) opposed the TIRZ Board recommends the following amendments to the Zone Planning and Zoning Regulations and that the City of Houston City council conduct a public hearing and consider amending the Zone Planning and Zoning Ordinance as indicated below:

**PROPOSED AMMENDMENTS:**

1. Following are proposed amendments to the Zone Planning and Zoning Regulations. That the Amended Zoning Regulations of Reinvestment Zone Number One, City of Houston, Texas, be amended by re-lettering current subsections (j) *Other Uses* and (k) *Applicability of PUD Regulations* in Section 5.4 to (k) and (l), respectively, and inserting a new subsection (j) for the *Hidalgo Place Townhouses Planned United Development* to read in its entirety as follows:

**Section 5.4. Planned Unit Development Neighborhood Commercial Planned Unit Development NC-PUD (SG), Residential Planned Unit Development R-PUD (SG), and Urban Planned Unit Development U-PUD (SG).**

*(j) Hidalgo Place Townhouses Planned Unit Development*

The following regulations shall apply to the 26 townhouse lots shown on the Site Plan attached hereto as “Exhibit A”:

- a) Minimum floor area (gross) per dwelling unit shall be 1,000 square feet as defined in Article II, Section 2.1, Paragraph 25 of the Planning and Zoning Regulations.
- b) Minimum lot area shall be 1,900 square feet with an average lot area of over 2,400 square feet for all lots.
- c) Minimum lot width shall be 20 feet with an average lot width of over 24 feet for all lots.
- d) Maximum impervious cover of a lot shall be 80%.
- e) Maximum building height shall be 44.5 feet as measured from the finished first floor elevation to the highest point of the roof, with an average maximum building height of 42 feet for all buildings, irrespective of number of stories.
  - 1. Average maximum building height shall be defined as the sum of the maximum building height of each unit in a building divided by the number of units in that building.
- f) Minimum distance between buildings shall be 6 feet.
- g) Maximum number of attached units in a row shall be four.
- h) Minimum yard requirements:
  - 1. Front yard setback shall be 10 feet.
  - 2. Side yard setback shall be 5 feet (corner lots only).
  - 3. Rear yard setback shall be 10 feet.
- i) Vehicular driveway access to the lot shall be prohibited from Hidalgo Street.
- j) A minimum of 14 on-street parallel parking spaces shall be provided along Hidalgo Street, as shown on “Exhibit A”.
- k) No two adjacent townhouses shall have an identical façade facing Hidalgo Street.
- l) Prior to landscape installation, a general landscape plan will be submitted and reviewed by the Zone Planning and Zoning Official and shall be forwarded to the Board of Directors of the Zone for final approval. Such approval will require a majority vote of the Board.

That the map attached hereto as “Exhibit B” is hereby designated and established as the “Zoning District Map” for the Zone, for purposes of Article IV, Section 4.2, of the “Planning and Zoning

Regulations Reinvestment Zone Number One, City of Houston”. The Zoning District Map attached to the Amended Zoning Regulations approved and adopted by City of Houston Ordinance No. 1999-756 is hereby repealed and replaced for all purposes by the map attached hereto as Exhibit B. The map indicates the boundaries of the respective zoning districts within the Zone.

**ATTACHMENTS:**

Attached to this Report are exhibits related to the recommendations of the TIRZ Board.

# HIDALGO PLACE PLANNED UNIT DEVELOPMENT

## Proposed Amendments to the Zoning Regulations for Reinvestment Zone No. 1

(Revised January 11, 2007)

That the Amended Zoning Regulations of Reinvestment Zone Number One, City of Houston, Texas, be amended by re-lettering current subsections (j) *Other Uses* and (k) *Applicability of PUD Regulations* in Section 5.4 to (k) and (l), respectively, and inserting a new subsection (j) for the *Hidalgo Place Townhouses Planned Unit Development* to read in its entirety as follows:

**Section 5.4. Planned Unit Development Neighborhood Commercial Planned Unit Development NC-PUD (SG), Residential Planned Unit Development R-PUD (SG), and Urban Planned Unit Development U-PUD (SG).**

*(j) Hidalgo Place Townhouses Planned Unit Development*

The following regulations shall apply to the 26 townhouse lots shown on the Site Plan attached hereto as "Exhibit A":

- a) Minimum floor area (gross) per dwelling unit shall be 1,000 square feet as defined in Article II, Section 2.1, Paragraph 25 of the Planning and Zoning Regulations.
- b) Minimum lot area shall be 1,900 square feet with an average lot area of over 2,400 square feet for all lots.
- c) Minimum lot width shall be 20 feet with an average lot width of over 24 feet for all lots.
- d) Maximum impervious cover of a lot shall be 80%.
- e) Maximum building height shall be 44.5 feet as measured from the finished first floor elevation to the highest point of the roof, with an average maximum building height of 42 feet for all buildings, irrespective of number of stories.
  1. Average maximum building height shall be defined as the sum of the maximum building height of each unit in a building divided by the number of units in that building.
- f) Minimum distance between buildings shall be 6 feet.
- g) Maximum number of attached units in a row shall be four.
- h) Minimum yard requirements:
  1. Front yard setback shall be 10 feet.
  2. Side yard setback shall be 5 feet (corner lots only)
  3. Rear yard setback shall be 10 feet.
- i) Vehicular driveway access to the lot shall be prohibited from Hidalgo Street.
- j) A minimum of 14 on-street parallel parking spaces shall be provided along Hidalgo Street, as shown on "Exhibit A".
- k) No two adjacent townhouses shall have an identical façade facing Hidalgo Street.
- l) Prior to landscape installation, a general landscape plan will be submitted and reviewed by the Zone Planning and Zoning Official and shall be forwarded to the Board of Directors of the Zone for final approval. Such approval will require a majority vote of the Board.

That the map attached hereto as "Exhibit B" is hereby designated and established as the "Zoning District Map" for the Zone, for purposes of Article IV, Section 4.2, of the "Planning and Zoning Regulations Reinvestment Zone Number One, City of Houston". The Zoning District Map attached to the Amended Zoning Regulations approved and adopted by City of Houston Ordinance No. 1999-756 is hereby repealed and replaced for all purposes by the map attached hereto as Exhibit B. The map indicates the boundaries of the respective zoning districts within the Zone.

**HIDALGO PLACE EXISTING PUD  
PROPOSED AMENDMENTS SUMMARY**

January 11, 2007

<b>Topic</b>	<b>Current</b>	<b>Proposed</b>	<b>Net Effect</b>
Existing PUD Boundary	Hidalgo facing lots only	Hidalgo facing lots only	No Change
Minimum floor area	1,000 square feet	1,000 square feet	No Change
Maximum units per building	4	4	No Change
Maximum impervious cover	80%	80%	No Change
Minimum lot width	25 feet	Average must be over 24 feet with minimum of 20 feet for any individual lot	Requested Change
Minimum lot area	2,400 square feet	Average must be over 2,400 square feet with minimum of 1,900 square feet for any individual lot	Requested Change
Minimum distance between buildings	In a PUD, no central greenspace; depending on product type, 3 feet (with zero lot line on other side) for patio home; 6 feet for duplex; or 15 feet for townhomes	Central greenspace of 18 feet and 6 feet between all other buildings	Requested Change
Maximum building height definition	“Mean Average Height”	“Maximum Height”  Within each building (of either 2 or 4 units), the average of the maximum points of those units must be under 42 feet	Clarification of definition  New, extra requirement
Driveway access	No requirement	No vehicular access from property to Hidalgo to facilitate traffic flow	New, extra requirement
Guest parking	None required	Minimum of 14 guest parking spots along Hidalgo Street	New, extra requirement
Home facades	No requirement	No two adjacent homes shall have an identical façade facing Hidalgo Street	New, extra requirement
Landscaping	No requirement for board approval	Prior to installation, general landscape plan reviewed by Zone Planning and Zoning Official and forward to Board of Directors for final approval	New, extra requirement

**HIDALGO PLACE EXISTING PUD  
PROPOSED AMENDMENTS OVERVIEW**

January 11, 2007

- Under the current zoning regulations for the existing Hidalgo PUD, the block would have 24 townhomes, with 2,400 square foot lots 25 feet wide; zero visitor parking spaces; 24 garages and garage doors facing Hidalgo, 24 driveways on Hidalgo, and limited greenspace facing the street.
  
- With the proposed plan:
  - Röhe & Wright gains the ability to build two additional townhomes for a total of 26.
  
  - The neighborhood gains 14 visitor parking spaces on Hidalgo; no garages or garage doors facing Hidalgo; no driveways or vehicles backing onto Hidalgo; and meaningful greenspace with more trees facing the street.



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

MAR 21 2007

February 28, 2007

**COPY TO EACH MEMBER OF COUNCIL:**  
**CITY SECRETARY: 2-28-07**  
**COUNCIL MEMBER: \_\_\_\_\_ DATE**

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to the City of Houston Mechanical Code, I am reappointing the following individuals to the Boiler Code Review and Licensing Board, subject to Council confirmation:

Mr. Rodney H. Lewis, reappointment to Position One, for a term to expire January 2, 2009; and  
Mr. Billy E. Jackson, reappointment to Position Three, for a term to expire January 2, 2009.

The résumés of the nominees are attached for your review.

Sincerely,

*Bill White*

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Mr. Richard W. Vrana, w/ attachment  
Mr. Robert M. Hill, Chair, w/ attachments



**REQUEST FOR COUNCIL ACTION**

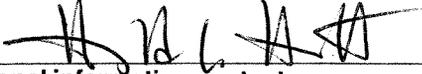
<b>To:</b> Mayor via City Secretary				
<b>Subject:</b> Council Motion to adjust fees for permitted use of City of Houston sports fields		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item</b> <b>4</b>
<b>FROM (Department or other point of origin):</b> Houston Parks and Recreation Department		<b>Origination Date:</b> March 7, 2007	<b>Agenda Date</b> MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> Joe Turner, Director 	<b>Council District(s) affected:</b> All			
	<b>For additional information contact:</b> Doug Earle, 713-845-8075 Dan Pederson, 713-845-1248	<b>Date and Identification of prior authorizing Council Action:</b>		
<b>RECOMMENDATION: (Summary):</b> Adopt Council Motion approving new fee schedule for permitted use of City of Houston sports fields.				
<b>Amount of Funding:</b> N/A		<b>F&amp;A Budget:</b>		
<b>SPECIFIC EXPLANATION:</b>				
<p>Houston Parks and Recreation Department (HPARD) recommends increasing fees for the permitted use of City of Houston sports fields. HPARD is responsible for permitting the rental of its sports fields to both youth and adult sports organizations for league practice, games and tournaments. The demand for field space has increased dramatically with population growth and public zeal for competitive sports. The current fee schedule, which has been in place since 1990, does not support the level of field maintenance needed to protect the City's assets and offer the quality facilities citizens expect. HPARD works diligently to accommodate as many groups as possible, a number of which are for-profit organizations.</p> <p>The proposed fee increases will allow HPARD to plan needed field improvements and support a maintenance team whose sole responsibility is ball field maintenance. The proposed schedule is designed to optimize field usage for all groups who need them. <b>Fees may be waived for any non-profit youth organization that enters into an Adopt-A-Field "sweat equity" agreement and submits its schedule of programmed league play.</b></p> <p>The attached chart provides a comparison of current and proposed fees, as well as fees charged by other public and private entities in the region and state. The proposed fee schedule is based on three levels of field maintenance:</p> <ul style="list-style-type: none"> <li>• Level 1 – <b>Game/Tournament field</b> - fenced / locked / irrigated / maintained daily</li> <li>• Level 2 – <b>Game/Practice field</b> - fenced / not locked / maintained as permitted</li> <li>• Level 3 – <b>Recreational/Practice field</b> – continuous public access / maintained on a 10-day cycle</li> </ul> <p>With Council approval, the new fees would become effective on July 1, 2007.</p> <p>HPARD staff presented and discussed the proposal at Quality of Life Committee meetings on October 4, 2006, November 28, 2006, and February 28, 2007. HPARD also met with various sports organizations that currently use field space and received positive feedback from these stakeholders. At its February 28 meeting, the committee voted to recommend the proposed fees to City Council.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

**Proposed 2007 HPARD Field Permit Fee Schedule**

		<u>CURRENT</u>	<u>PROPOSED</u>	Average other local cities (Baytown, Conroe, Missouri City, Pasadena, Pearland)	Average other cities in Texas (Austin, Corpus Christi, Dallas, Fort Worth)	Average local private sports complexes
<b>LEVEL 1 - Game/Tournament field - fenced / locked / irrigated / maintained daily</b>						
<b>Adult</b>	(Before 7PM)	\$6/HR	<b>\$12/HR</b>	\$16.25/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	\$10/HR	<b>\$20/HR</b>	\$28.75/HR	\$22.00/HR	\$40.00/HR
<b>Youth</b>	(Before 7PM)	N/A	<b>\$6/HR</b>	\$13/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	N/A	<b>\$10/HR</b>	\$25/HR	\$22.00/HR	\$40.00/HR
<b>LEVEL 2 - Game/Practice field- fenced / not locked / maintained as permitted</b>						
<b>Adult</b>	(Before 7PM)	N/A	<b>\$10/HR</b>	\$16.25/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	N/A	<b>\$16/HR</b>	\$28.75/HR	\$22.00/HR	\$40.00/HR
<b>Youth</b>	(Before 7PM)	N/A	<b>\$4/HR</b>	\$13/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	N/A	<b>\$8/HR</b>	\$25/HR	\$22.00/HR	\$40.00/HR
<b>LEVEL 3 - Recreational/Practice field - continuous public access / maintained on a 10-day cycle</b>						
<b>Adult</b>	(Before 7PM)	\$4/HR	<b>\$6/HR</b>	\$16.25/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	\$8/HR	<b>\$12/HR</b>	\$28.75/HR	\$22.00/HR	\$40.00/HR
<b>Youth</b>	(Before 7PM)	N/A	<b>\$2/HR</b>	\$13/HR	\$15.50/HR	\$27.50/HR
	(After 7PM)	N/A	<b>\$6/HR</b>	\$25/HR	\$22.00/HR	\$40.00/HR
<b>LIGHT SWITCH KEY</b>						
		\$2	\$5			

<b>SUBJECT:</b> Law Enforcement Agreement - Harris County Precinct 1 and the University of St. Thomas	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <span style="font-size: 2em; vertical-align: middle;">5</span>
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<b>FROM (Department or other point of origin):</b> Harold L. Hurtt, Chief of Police Houston Police Department	<b>Origination Date</b> 3/14/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>
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<b>For additional information contact:</b> T. N. Oettmeier Phone: (713) 308-1540 Executive Assistant Chief	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

Approval of Law Enforcement Agreements between Harris County Constable Precinct 1 and the University of St. Thomas

<b>Amount and Source of Funding:</b>  * N/A	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County Precinct 1 and the University of St. Thomas. Both parties agree to have two deputies devote eighty percent (80%) of their working time within this geographical area of Harris County, Texas beginning April 14, 2007, through December 31, 2007.

\* Funding is paid by the organizations on the attached list.

hlh/mb  
Attachment

cc: Marty Stein  
City Legal

REQUIRED AUTHORIZATION		
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

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

<b>SUBJECT:</b> Amendment to increase the amount of contingencies and Approval of Change Order No. 4 for 54-Inch Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station. WBS. No. S-000900-00A9-4.	<b>Category #7</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>6+6A</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 3-15-07	<b>Agenda Date</b>	
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> B		
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone: (713) 837-7074</b>	<b>Date and Identification of prior authorizing Council Action:</b> Ord. # 2005-1313 dated 11/30/2005  A-		

**RECOMMENDATION: (Summary)** Approve an ordinance authorizing Contract amendment to increase maximum contingency from 5% to 11.84% and appropriate requested funds. Pass a motion to approve Change Order No. 4 in the amount of \$231,635.47.

**Amount and Source of Funding:** \$315,449.05 from Water and Sewer Consolidated Construction Fund, Fund No. 8500. *Pub. 01/24/07* *System*  
Original appropriation of \$5,282,400.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755. **F&A Budget:** *[Signature]*

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Surface Water Transmission Program (SWTP) and it will help the City meet groundwater well withdrawal criteria mandated by the Harris/Galveston Coastal Subsidence District (HGCSA) and water quality parameters issued by the United States Environmental Protection Agency (USEPA).

**DESCRIPTION/SCOPE:** The project consists of approximately 1,900 linear feet of 54-inch water line, 1,400 linear feet of 30/36-inch yard piping, 1,700 linear feet of 8-inch to 18-inch sanitary line, and 1,100 feet of 16-inch/24-inch well collection line. Lockwood, Andrews, & Newnam, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to BRH-Garver Construction, L.P. with an original Contract Amount of \$4,609,611.78.

**LOCATION:** The project is located along Dolly Wright from W. Montgomery to Acres Homes Pump Station. The project is located in Key Map grids 412-S & T.

**PREVIOUS CHANGE ORDER(S):** The project is approximately 80% complete. Previously approved Change Order Nos. 1 through 3 total \$83,813.58 or 1.82% over original Contract Amount. Thus, there is a balance of \$146,667.01 in the original contingency. Approval of proposed Change Order No. 4 in the amount of \$231,635.47 would increase the revised Contract Amount to \$4,925,060.83 or 6.84% over the original Contract Amount.

**CHANGE ORDER No. 4:** While tunneling for the proposed 54-inch water line, the contractor encountered an existing 36-inch water line at an elevation lower than that indicated on the Contract Drawings. It is required to construct an offset in the existing 36-inch water line in order to continue the tunneling operations of the proposed 54-inch water line.

Change Order No. 4 in the amount of \$231,635.47 which exceeds the remaining contingency by \$84,968.46 consists of installation of the 36-inch Water Line Offset.

**REQUIRED AUTHORIZATION**

**CUIC ID# 20SA09**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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*NOT*

*6+6A*

Date	<b>SUBJECT:</b> Amendment to increase the amount of contingencies and Approval of Change Order No. 4 for 54-Inch Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station. WBS. No. S-000900-00A9-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
<p>The requested appropriation will cover the entire cost of Change Order 4 and will leave a contingency balance of \$230,480.59 or 5% for further change orders, should they become necessary.</p> <p>MSM:JTL:AR:SA:dd</p> <p><small>S:\constr\Admin\CONST\Projects\10448-11 (Dolly Wright)\Change Orders\Change Order #4\RCARCA_Change Order #4.DOC</small></p> <p>c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E      Craig Foster      File No. 10448-11 - 23.0</p>			

Document 00666  
CHANGE ORDER No. 4

PROJECT: (WA10448-11) 54-inch Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station

CONTRACT No.: 60905 PROJECT No.: S-0900-A9-3 (WA10448-11)

TO: BRH-Garver Construction, L.P.  
7600 SO. SANTA FE, BUILDING A-1 EAST  
HOUSTON, TEXAS 77061

Contractor and  
Address for Written Notice

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

		Amount	Time
<b>ITEM 1 SCOPE:</b>	RFI No's. 47 & 48, RFP No. 4: Installation of 36" Waterline Offset.	\$231,635.47	26 Days
<b>JUSTIFICATION:</b>	While tunneling, the contractor encountered an existing 36" waterline at Sta. 3+50 to be approximately 2 feet lower than that shown on the contract drawings. It is recommended to construct an offset in the existing 36" waterline in order to continue tunneling operations of the proposed 54-inch waterline.		

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount	
107	36" Waterline Offset	LS	1.00	\$231,635.47	\$231,635.47	
<b>TOTALS:</b>					<b>\$231,635.47</b>	<b>26 Days</b>

CITY OF HOUSTON  
STANDARD DOCUMENT

CHANGE ORDER

PROJECT No.: S-0900-A9-3 (WA10448-11)

CHANGE ORDER No. 4

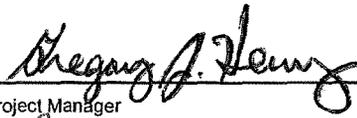
1.02 ACCEPTANCE BY CONTRACTOR

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

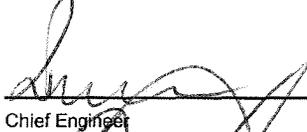
  
\_\_\_\_\_  
Contractor Signature and Title CEO

01/03/07<sup>6</sup>  
\_\_\_\_\_  
Date

1.03 ACCEPTANCE BY THE CITY

  
\_\_\_\_\_  
Project Manager Date 1/2/07

  
\_\_\_\_\_  
Deputy Director Date 2/27/07

  
\_\_\_\_\_  
Chief Engineer Date 1/5/07

  
\_\_\_\_\_  
City Engineer Date 3/2/07

  
\_\_\_\_\_  
Assistant Director Date 11/19/07

\_\_\_\_\_  
Mayor - City of Houston Date

cc:

File No. (WA10448-11)

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$4,609,611.78	100.00%
B. Previous Change Orders	\$83,813.58	1.82%
C. This Change Order	\$231,635.47	5.03%
D. Contract Price	\$4,925,060.83	106.84%

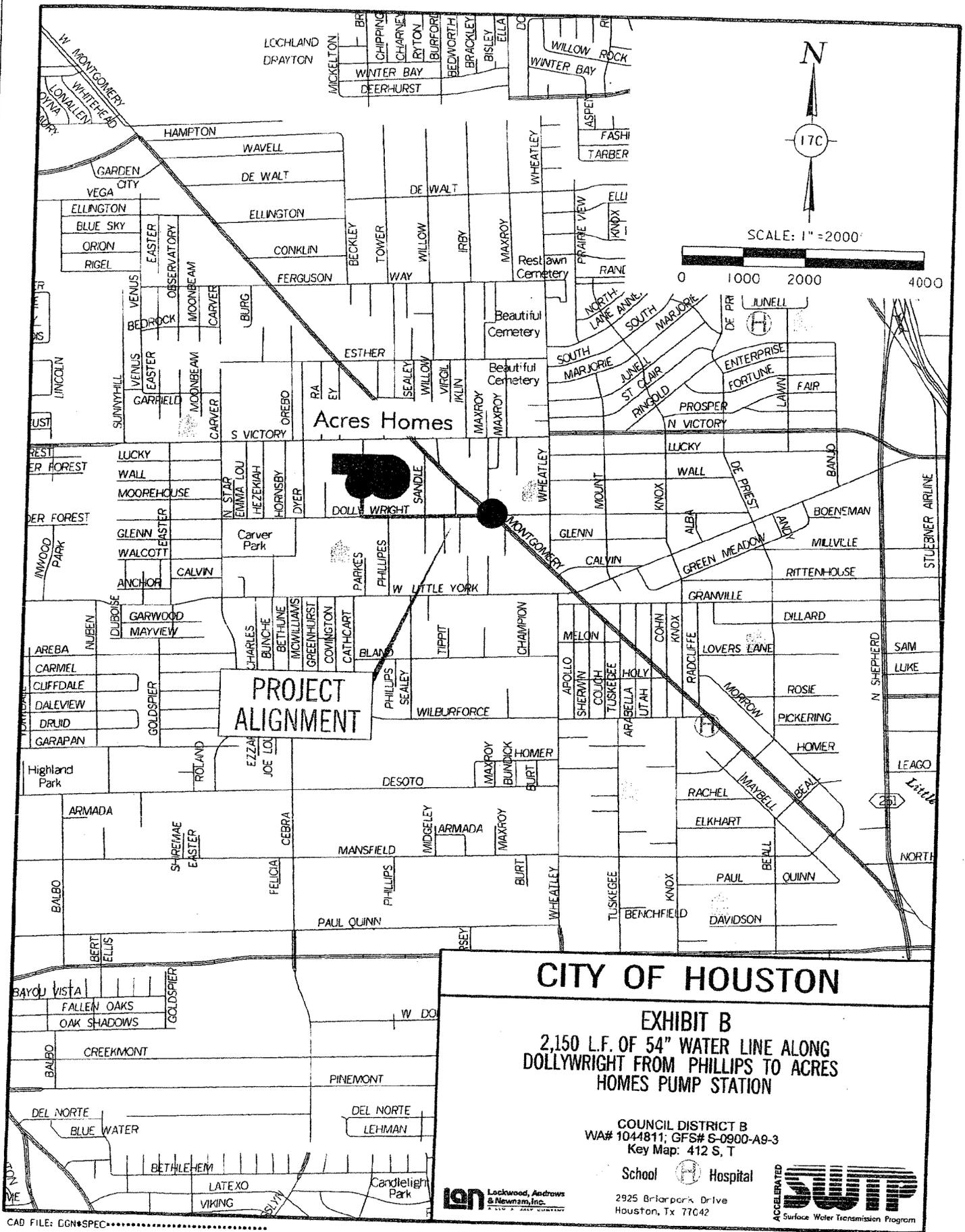
1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	180 Days	Sunday, July 2, 2006
B. Previous Change Orders	86 Days	Tuesday, September 26, 2006
C. This Change Order	26 Days	Sunday, October 22, 2006
D. Contract Time	292 Days	Sunday, October 22, 2006

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

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

<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$41,467.50	0.90%
2	\$0.00	0.00%
3	\$42,346.08	0.92%
4	\$231,635.47	5.03%
<hr/>		
TOTALS	\$315,449.05	6.84%



**PROJECT ALIGNMENT**

**Acres Homes**

**CITY OF HOUSTON**

**EXHIBIT B**  
 2,150 L.F. OF 54" WATER LINE ALONG  
 DOLLYWRIGHT FROM PHILLIPS TO ACRES  
 HOMES PUMP STATION

COUNCIL DISTRICT B  
 WA# 1041811; GFS# S-0900-A9-3  
 Key Map: 412 S, T

School Hospital

2925 Briarpark Drive  
 Houston, Tx 77042

**LEN** Lockwood, Andrews & Newnam, Inc.





<b>SUBJECT:</b> Request for the sale to Monument Pipeline, L.P. of a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, of a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G.P. Burnett Survey, A-1382. <b>Parcels SY7-033 and SY7-034</b>	<b>Category</b> # 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  8
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> E  Key Map 576W 
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the sale to Monument Pipeline, L.P. of a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, of a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G.P. Burnett Survey, A-1382. **Parcels SY7-033 and SY7-034**

<b>Amount and Source of Funding:</b> Not Applicable 	<b>F &amp; A Budget:</b>
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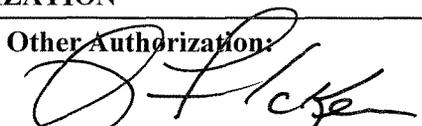
**SPECIFIC EXPLANATION:**

Ginger Thornton of GDT Land Consultants, Inc. on behalf of Monument Pipeline, L.P. [NET General Partners, LLC (Jerry C. Dearing, Vice President), General Partner] requested the sale of a ±4,000-square-foot surface pipeline easement and Sue Findley on behalf of CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, requested the sale of a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G.P. Burnett Survey, A-1382. Monument Pipeline, L.P. has contracted with CenterPoint Energy Resources Corp. to provide natural gas via this pipeline. Monument Pipeline, L.P. is requesting a surface pipeline easement to bring the pipeline out of the ground in order to build a tie-in station to connect its pipeline with CenterPoint Energy Resources Corp.'s pipeline. At the point of connection, CenterPoint Energy Resources Corp. needs a subsurface easement to take the pipeline back underground to tie in with its existing pipeline in Kingspoint Road.

The easements to be sold are located in a ±82.425-acre tract of fee-owned City property occupied in part by the Southeast Waste Water Treatment Plant. A 16-inch natural gas pipeline owned by Monument Pipeline, L.P., is already in an easement traversing this property. This pipeline and easement are located outside the fenced area of the treatment plant site. There is an Interdepartmental Agreement between the Parks and Recreation Department and the Public Works and Engineering Department for a proposed dog park to be located on a portion of the property. Clearances have been obtained from the Departments of Public Works and Engineering (Public Utilities Division), Parks and Recreation, and Building Services to allow for the sale of the subject easements.

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

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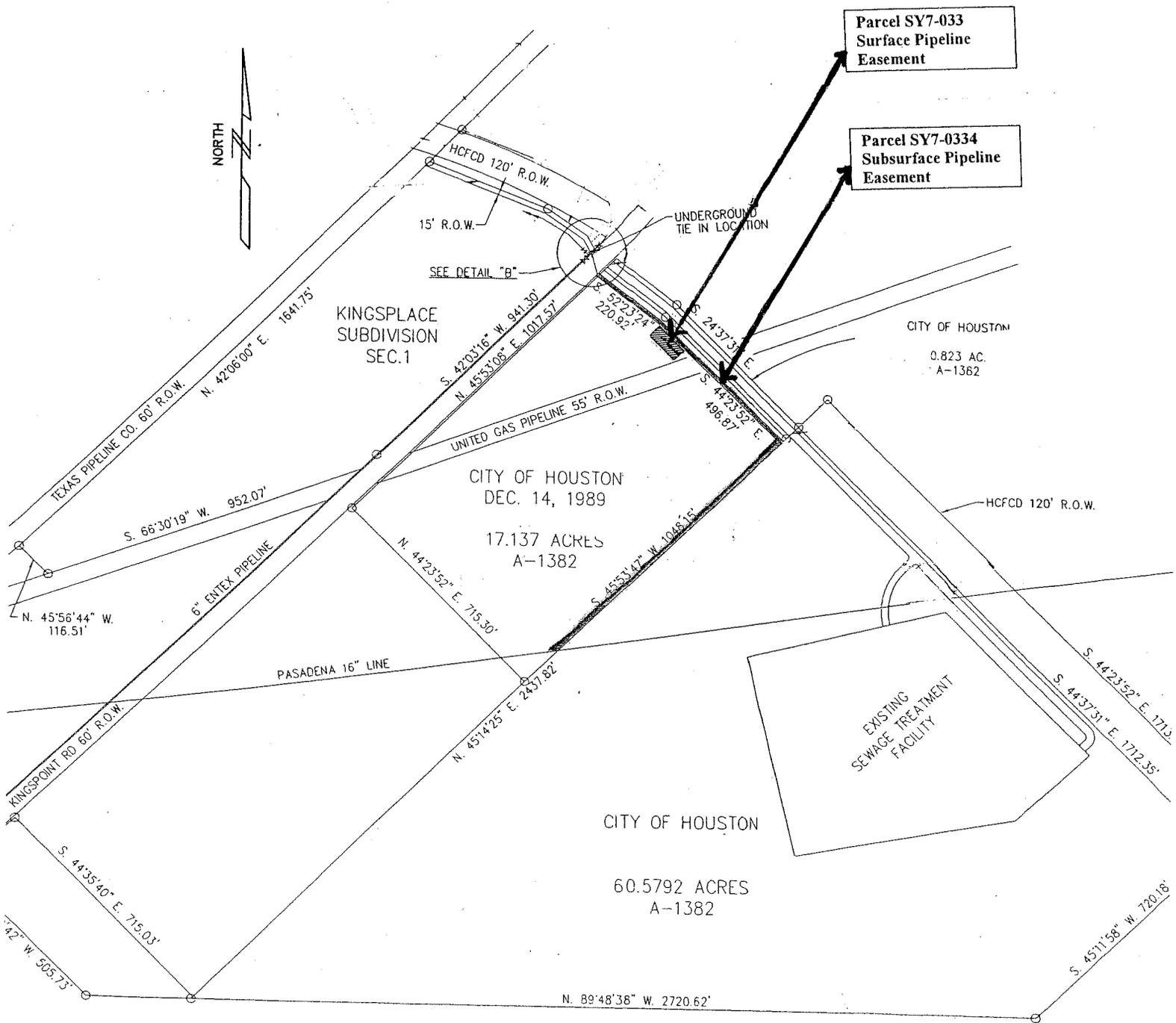
<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the sale to Monument Pipeline, L.P. of a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, of a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G.P. Burnett Survey, A-1382. <b>Parcels SY7-033 and SY7-034</b>	<b>Originator's Initials</b> 	<b>Page</b> <b><u>2 of 2</u></b>
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1. The City sell to Monument Pipeline, L.P. a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp., dba CenterPoint Energy Texas Gas Operations, a ±16,814-square-foot subsurface pipeline easement, both out of fee-owned City property, G.P. Burnett Survey, A-1382;
2. The applicants be required to furnish the Department of Public Works and Engineering with durable, reproducible (Mylar) survey plats and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interests are expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Michael Copland and Jimmy Payton.

MSM:NPC:dob

c: Phil Boriskie  
Issa Dadoush, P.E.  
Marlene Gafrick  
Daniel W. Krueger, P.E  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Marty Stein  
Jeff Taylor  
Joe Turner



**SUBJECT:** Request for the sale to Monument Pipeline, L.P. of a ±4,000-square-foot surface pipeline easement and to CenterPoint Energy Resources Corp. (DBA: CenterPoint Energy Texas Gas Operations) of a ±16,814-square-foot subsurface pipeline easement, both out of the G.P. Burnett Survey, A-1382. .  
**Parcels SY7-033 and SY7-034**

<b>SUBJECT:</b> Request for the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. <b>Parcels SY7-047A, SY7-047B, SY7-047C, KY7-118A, and KY7-118B</b>	<b>Category #</b> 7	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  9
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> B  Key Map 454U 
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. **Parcels SY7-047A, SY7-047B, SY7-047C, KY7-118A, and KY7-118B**

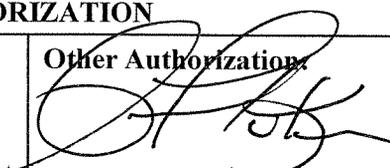
<b>Amount and Source of Funding:</b> Not Applicable 	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 David and Naomi Strauss, Town and Country Surveyors, LLC, 25307 North Freeway, Suite 100, The Woodlands, Texas, 77380, on behalf of Harris County Hospital District (J. Evans Attwell, Chairman), requested the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. Harris County Hospital District plans to incorporate the street right-of-ways being abandoned and sold into its abutting property to expand its parking and hospital complex. Signs notifying the public of the pending street abandonment application were posted for at least thirty days.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of two 10-foot-wide water line easements. Therefore, it is recommended:

1. The City abandon and sell of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32;

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REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

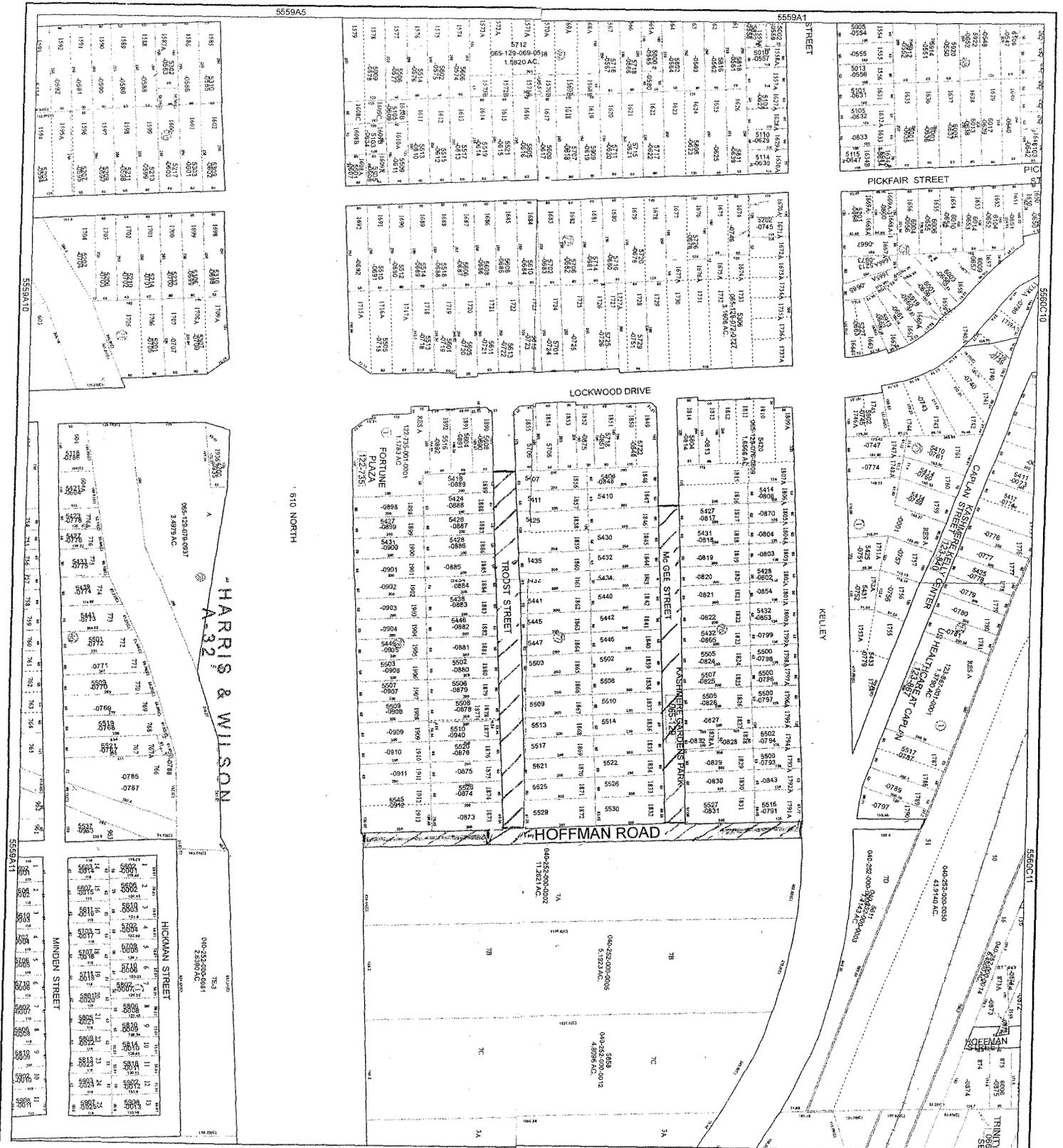
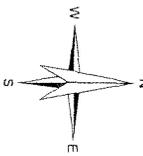
<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a portion of McGee Street from Hoffman Road west ±1,042 feet, a portion of Troost Street from Hoffman Road west ±987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32. <b>Parcels SY7-047A, SY7-047B, SY7-047C, KY7-118A, and KY7-118B</b>	<b>Originator's Initials</b>  OO	<b>Page</b> <u>2</u> of <u>2</u>
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2. The applicant be required to (a) cut, plug, and abandon or convert to private service the 8-inch sanitary sewer line in McGee Street from the manhole east of Hoffman Road to the west property line of Lot 1817, Block 76 and construct a backend manhole at its west terminus and (b) cut, plug, and abandon the 8-inch water line in McGee Street from Hoffman Road to Lockwood Drive and relocate any service connections to Lockwood Drive, all at no cost to the City and under the proper permits;
3. The applicant be required to (a) cut, plug, and abandon or convert to private service the 8-inch sanitary sewer line in Troost Street from the east property line of Lot 1871, Block 77 to Lockwood Drive and relocate any service connections to Lockwood Drive and (b) cut, plug, and abandon the 8-inch water line in Troost Street from Hoffman Road to Lockwood Drive and relocate any service connections to Lockwood Drive, all at no cost to the City and under the proper permits;
4. The applicant be required to (a) cut, plug, and abandon the 8-inch water line in Hoffman Road from its connection with an 8-inch water line running east to west and adjacent to Lot 1831, Block 76 south to its connection with an 8-inch water line running east to west and adjacent to Lot 1873, Block 78 and (b) dedicate two 10-foot-wide water easements for the remaining two portions of the 8-inch water line in Hoffman Road from Kelly Street to Interstate Highway 610, all at no cost to the City and under the proper permits;
5. The applicant be required to (a) cut, plug, and abandon the 4-inch water line in Lockwood Drive from Kelly Street to Interstate Highway 610 and (b) construct a new 12-inch water line in Lockwood Drive from the 12-inch water line in Kelly Street to the 12-inch water line in Interstate Highway 610, all at no cost to the City and under the proper permits;
6. The applicant be required to install type three dead-end barricades at the termini of McGee Street and Troost Street, all at no cost to the City and under the proper permits;
7. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street right-of-way being abandoned and sold;
8. The applicant be required to obtain a letter of no objection from the Texas Department of Transportation for the abandonment and sale of Hoffman Road;
9. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
10. The Legal Department be authorized to prepare the necessary transaction documents; and
11. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Jasmine Quinerly and George Wyche.

MSM:NPC:dob

- c: Phil Boriskie  
Raymond D. Chong, P.E., P.T.O.E.  
Marlene Gafrick  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Marty Stein  
Jeff Taylor

**SUBJECT:** Request for the abandonment and sale of a portion of McGee Street from Hoffman Road west  $\pm 1,042$  feet, a portion of Troost Street from Hoffman Road west  $\pm 987$  feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of two 10-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32  
**Parcels SY7-047A, SY7-047B, SY7-047C, KY7-118A, and KY7-118B**



<b>SUBJECT:</b> Request for the abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836. <b>Parcels SY7-052A, SY7-052B, SY7-052C, LY7-051A, and LY7-051B</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  10
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> G  Key Map 491L,M,R
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate	  <b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836. **Parcels SY7-052A, SY7-052B, SY7-052C, LY7-051A, and LY7-051B**

*Staff approval*

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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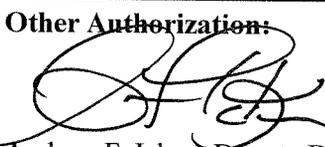
**SPECIFIC EXPLANATION:**  
 David C. Finklea, Walter P. Moore and Associates, Inc., 3131 Eastside, Second Floor, Houston, Texas, 77098, on behalf of Hudson Partnership, Ltd. (E.J. Hudson, General Partner), requested the abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836. Hudson Partnership, the property owner, plans to construct five mid- and high-rise residential condominium structures and a two-story office building in the location of the subject easement abandonments.

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

1. The City abandon and sell a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet northeast, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836;

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**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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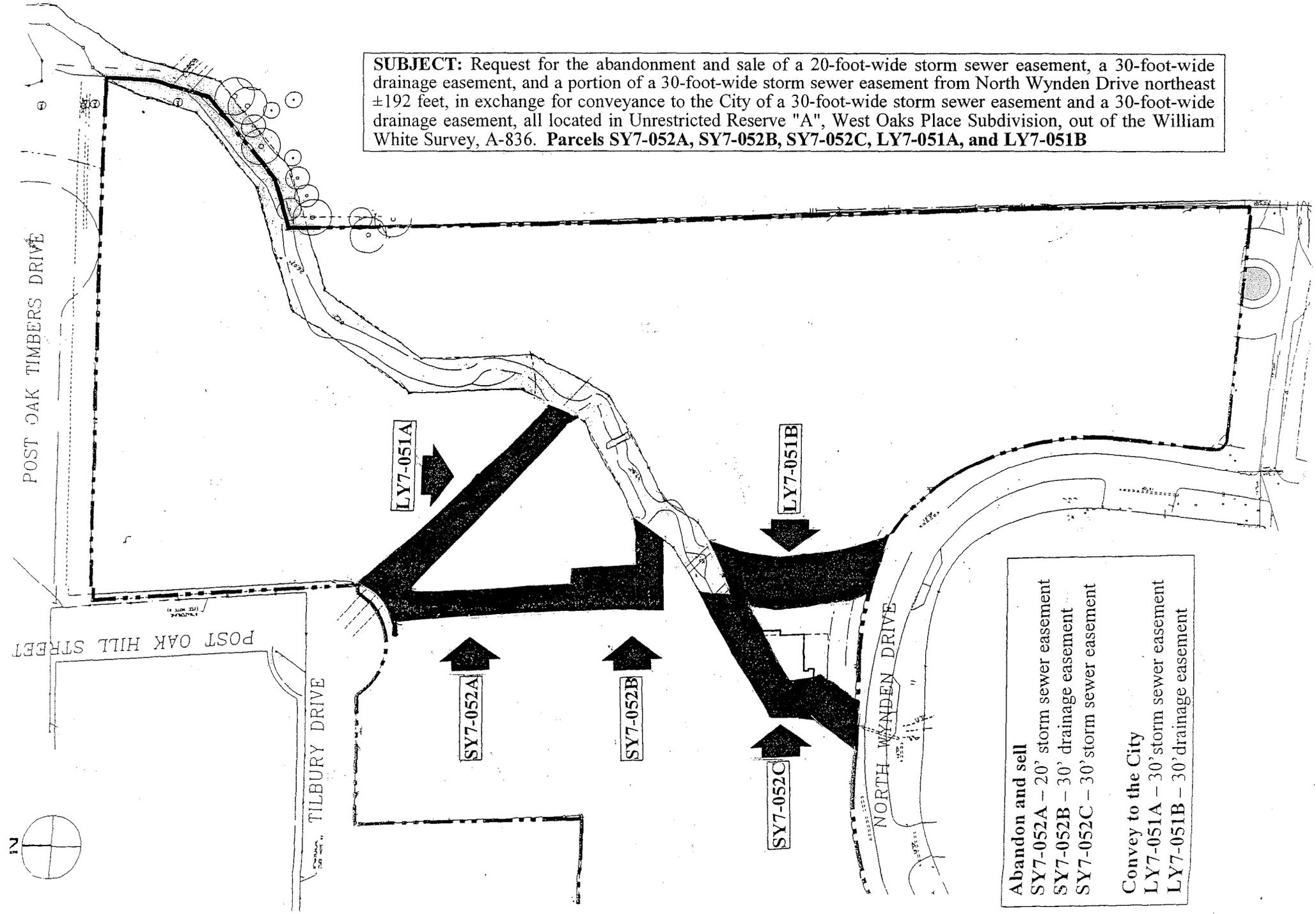
<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast ±192 feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836. <b>Parcels SY7-052A, SY7-052B, SY7-052C, LY7-051A, and LY7-051B</b>	<b>Originator's Initials</b>  JO	<b>Page</b> <u>2</u> of <u>2</u>
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2. The applicant be required to cut, plug, and abandon the 24-inch storm sewer line in the 20-foot-wide storm sewer easement to be abandoned and sold and construct a new 24-inch line in the 30-foot-wide storm sewer easement to be conveyed to the City, all at no cost to the City and under the proper permits;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

c: Phil Boriskie  
Eric Dargan  
Marlene Gafrick  
Daniel Krueger, P.E.  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Marty Stein  
Jeff Taylor

**SUBJECT:** Request for the abandonment and sale of a 20-foot-wide storm sewer easement, a 30-foot-wide drainage easement, and a portion of a 30-foot-wide storm sewer easement from North Wynden Drive northeast  $\pm 192$  feet, in exchange for conveyance to the City of a 30-foot-wide storm sewer easement and a 30-foot-wide drainage easement, all located in Unrestricted Reserve "A", West Oaks Place Subdivision, out of the William White Survey, A-836. **Parcels SY7-052A, SY7-052B, SY7-052C, LY7-051A, and LY7-051B**



**Abandon and sell**  
 SY7-052A - 20' storm sewer easement  
 SY7-052B - 30' drainage easement  
 SY7-052C - 30' storm sewer easement

**Convey to the City**  
 LY7-051A - 30' storm sewer easement  
 LY7-051B - 30' drainage easement

<b>SUBJECT:</b> Request for the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. <b>Parcels SY7-059A through D</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  11
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/16/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: I</b>  Key Map 535J 
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate 	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. **Parcels SY7-059A through D**

<b>Amount and Source of Funding:</b> Not Applicable 	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 Rick Radford of CLR, Inc., 7600 West Tidwell, Suite 400, Houston, Texas 77040, on behalf of Houston Gulfgate Partners, L.P. [Wulfe Gulfgate Partners, Inc. (Edmond D. Wulfe, President), General Partner], requested the abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762. Houston Gulfgate Partners, L.P., the property owner, wants to remove these easement encumbrances to facilitate retail development in this area.

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

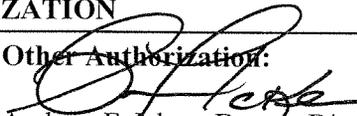
1. The City abandon and sell four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Frank Flores and Jasmine Quinerly.

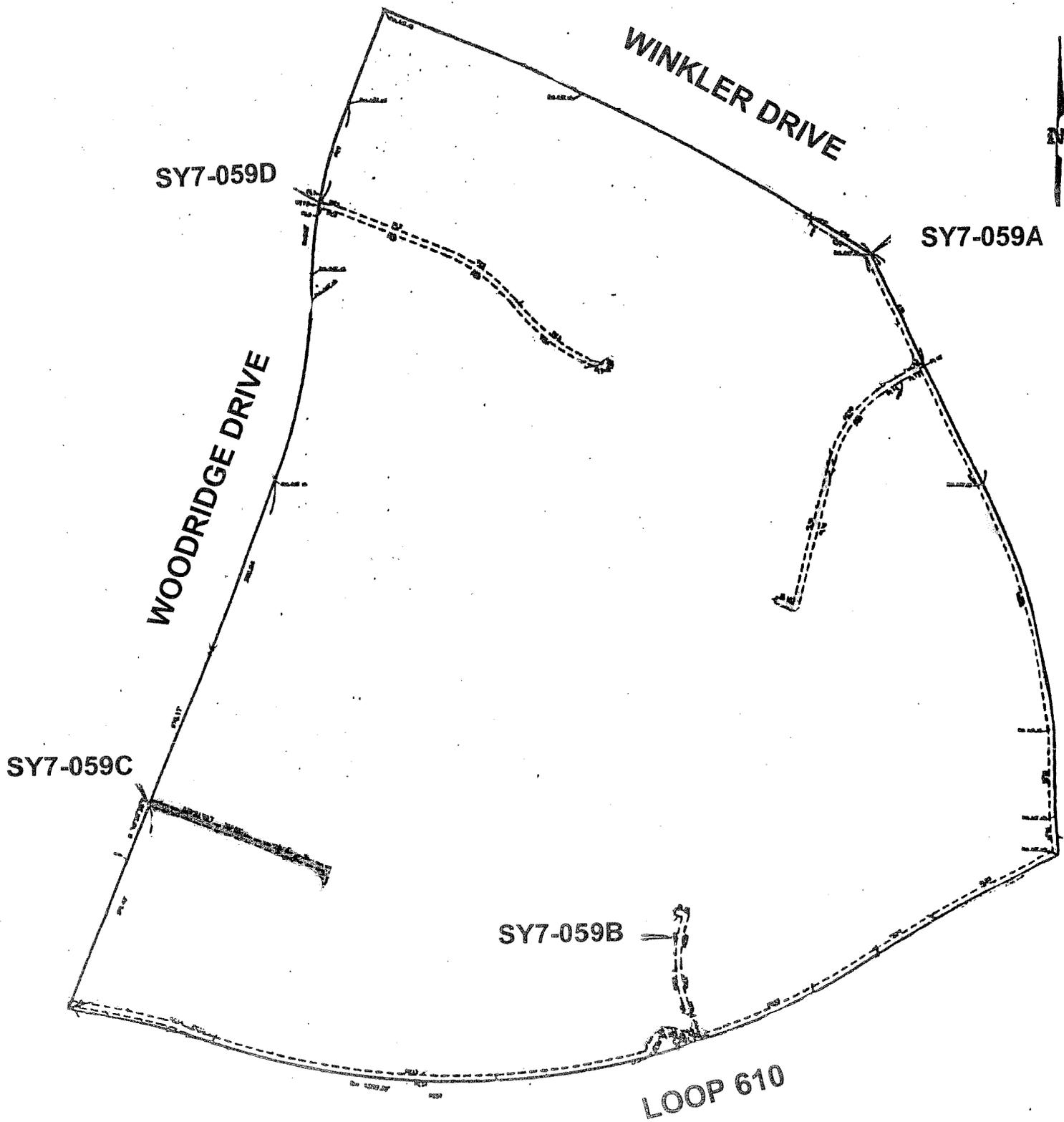
MSM: NPC: psm

c: Phil Boriskie                                      Reid K. Mrsny, P.E.  
 Marlene Gafrick                                      Marty Stein  
 Daniel W. Krueger, P.E.                              Jeff Taylor  
 Arturo G. Michel

psm\sy7-059.rc1.doc	CUIC #20PSM8833
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**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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- SY7-059A
- SY7-059B
- SY7-059C
- SY7-059D

Abandonment and sale of four 10-foot-wide water line easements, all located within Gulfgate Subdivision, out of the Jacob Thomas Survey, A-762.

<b>SUBJECT:</b> Request for the abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2. <b>Parcels SY7-064, VY7-033, AY7-375A, and AY7-375B</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-family: cursive;">12</div>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  <div style="text-align: center; font-size: 1.5em; font-family: cursive;">3/15/07</div>	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  <div style="font-family: cursive; font-size: 1.5em;">Michael S. Marcotte 3/14/07</div> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> D  Key Map 493W <span style="font-family: cursive; font-size: 1.5em;">D5M</span>
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<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881 <span style="font-family: cursive; font-size: 1.5em;">NPO</span> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2. **Parcels SY7-064, VY7-033, AY7-375A, and AY7-375B**

<b>Amount and Source of Funding:</b> Not Applicable <span style="font-family: cursive; font-size: 1.5em;">appraisal</span>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 Jeanie Forbis of Brown & Gay Engineers, Inc., 10777 Westheimer Road, Suite 400, Houston, Texas 77042, on behalf of St. Paul's United Methodist Church (Fred Hofheinz, Member/Legal Counsel), requested the abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, located within the MacGregor and DeMeritt's Southmore Addition, Section 2. Signs notifying the public of the pending street abandonment application were posted for at least thirty days. St. Paul's United Methodist Church, the abutting owner, plans to combine the street being abandoned and sold with its abutting property for additional parking for the church campus.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, from Main Street to San Jacinto Street. Therefore, it is recommended:

1. The City abandon and sell Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2;
2. The applicant be required to cut, plug, and abandon the existing 6-inch sanitary sewer line located in Calumet Avenue, at no cost to the City and under the proper permits and pay the depreciated value for the sanitary sewer line being abandoned;
3. The applicant be required to: (a) eliminate the appearance of the public street at its intersection with San Jacinto Street and if the street will be used for vehicular traffic, reconstruct the street to look like a driveway, (b) obtain a letter of no objection from METRO stating it has no issues with the abandonment and sale of this street and incorporating any requirements or conditions it may have, (c) upon completion of this transaction, notify the Parking Management Division, Convention and Entertainment Facilities Department, so the parking meters can be removed and salvaged, and (d) upon completion of this transaction, notify the Traffic and Transportation Division, Department of Public Works and Engineering, so any traffic signs can be removed and salvaged;

psm/sy7-064.rc1.doc CUIC #20PSM8813

**REQUIRED AUTHORIZATION**

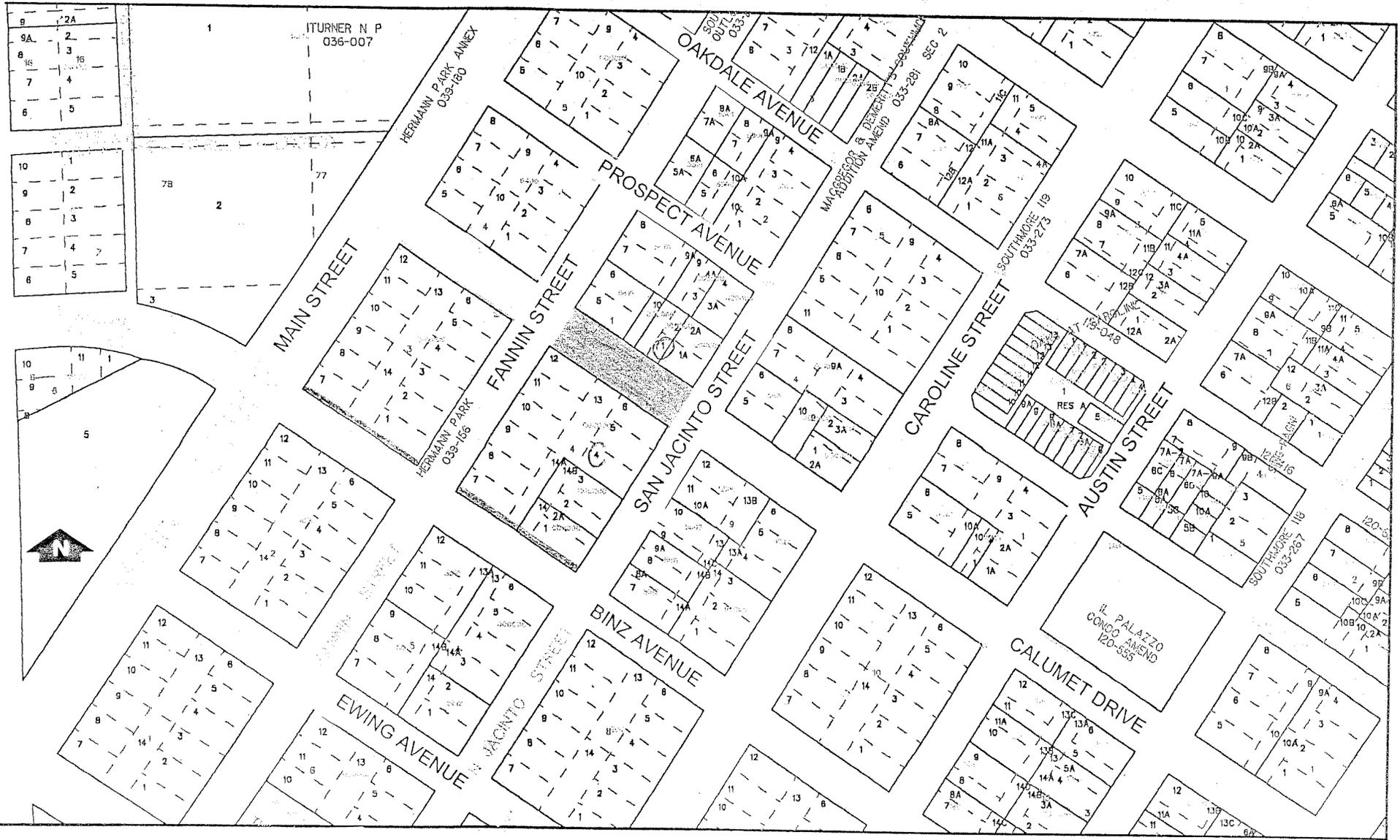
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <div style="font-family: cursive; font-size: 1.5em;">Andrew F. Icken</div> Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2. <b>Parcels SY7-064, VY7-033, AY7-375A, and AY7-375B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Sheila Stewart and John Chambless.

MSM:NPC:psm

- c: Phil Boriskie  
Raymond D. Chong, P.E., P.T.O.E.  
Marlene Gafrick  
Daniel W. Krueger, P.E.  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Liliana Rambo  
Marty Stein  
Jeff Taylor



Abandonment and sale of Calumet Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement and right of way to widen Binz Avenue, all located within the MacGregor and DeMeritt's Southmore Addition, Section 2. **Parcels SY7-064, VY7-033, AY7-375A, and AY7-375B**

<b>SUBJECT: PROPERTY: PURCHASE</b> of Parcel AY3-062, located at Emerald Lane and Keegans' Bayou for the KEEGANS' BAYOU HIKE AND BIKE TRAIL (from Braes Bayou to Kirkwood) N-000420-0025-2-01 Owners: Marsielle Sanders and Tommy Ross Liles	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <div style="text-align: right; font-size: 2em; font-weight: bold;">13</div>
<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> <div style="text-align: center; font-size: 1.5em;">3/15/07</div>		<b>Agenda Date</b> MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <div style="text-align: center; font-size: 1.5em;">  </div> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> C Key Map 529-Z		
<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director <div style="text-align: center; font-size: 2em; font-weight: bold;">(up)</div>	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2006-729, passed 6/28/2006		

**RECOMMENDATION: (Summary)**  
 Authority be given through Council Motion to PURCHASE Parcel AY3-062

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2006-729 N-000420-0002-2-01) Street and Bridge Consolidated Construction Fund 437 <div style="text-align: right; font-size: 1.5em;">  </div>	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

The KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Braes Bayou to Kirkwood) provides for a safer route of travel for bicyclists and/or hikers away from the street traffic. Various trails will encourage an alternative method to commute within the City. This transaction involves the acquisition of 13,791 square feet of land located at Emerald Lane and Keegans' Bayou for a hike and bike trail easement.

**PURCHASE**  
 The City desires to acquire 13,791 square feet of land out of vacant property. The City's offer was based on an appraisal completed by William D. Kvinta, MAI, SRA and Tom Kvinta, SRA, Independent Fee Appraisers. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY3-062 (Easement):

LAND .....	\$ 68,955.00
<b>TOTAL COMPENSATION .....</b>	<b>\$ 68,955.00</b>

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY3-062, owned by Marsielle Sanders and Tommy Ross Liles. This parcel contains 13,791 square feet of land for a hike and bike trail easement situated in the Jas. Alston Survey, A-100, Harris County, Texas as described in the deed from Oddie Barnard Ramons to Marsielle Sanders recorded under File No. P778385 in the Official Public Records of Real Property of Harris County, Texas.

MSM: NPC: mp  
 S:/Phelps/AY3-062 RCA Pur  
 cc: Marty Stein

<b>CUIC #20MTP 63</b>		
<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <div style="text-align: center; font-size: 1.5em;">  </div> Andrew F. Icken, Deputy Director Planning and Development Services Division



To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: PROPERTY: PURCHASE</b> of Parcel AY5-076 located at the southeast corner of Aldine Westfield Road and Schilder Drive for the ALDINE WESTFIELD PAVING PROJECT N-000577-0001-2-01 OWNER: Jose L. Cantu, Sr., Jose L. Cantu, Jr., and Hector Cantu	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  14
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 3/15/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MSM</i>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District B Key Map 413 Z
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-397, passed April 20, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel AY5-076

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01) Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
THE ALDINE WESTFIELD PAVING PROJECT (from Tidwell to Little York) provides for right-of-way acquisition, engineering, and construction of two 24-foot wide concrete roadways with curbs, sidewalks, and necessary underground utilities.

**PURCHASE:**  
The City desires to acquire 3,536 square feet in easement. The owner has accepted the City's offer to purchase the property for a total consideration of \$32,096.00. The property was appraised by Albert N. Allen, MAI, CRE, SR/WA, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY5-076 ( street easement)	
LAND, IMPROVEMENTS, DAMAGES, AND COST-TO-CURE DAMAGES.....	\$32,096.00
Title Policy/Services.....	\$ 999.00
<b>TOTAL COST.....</b>	<b>\$33,095.00</b>

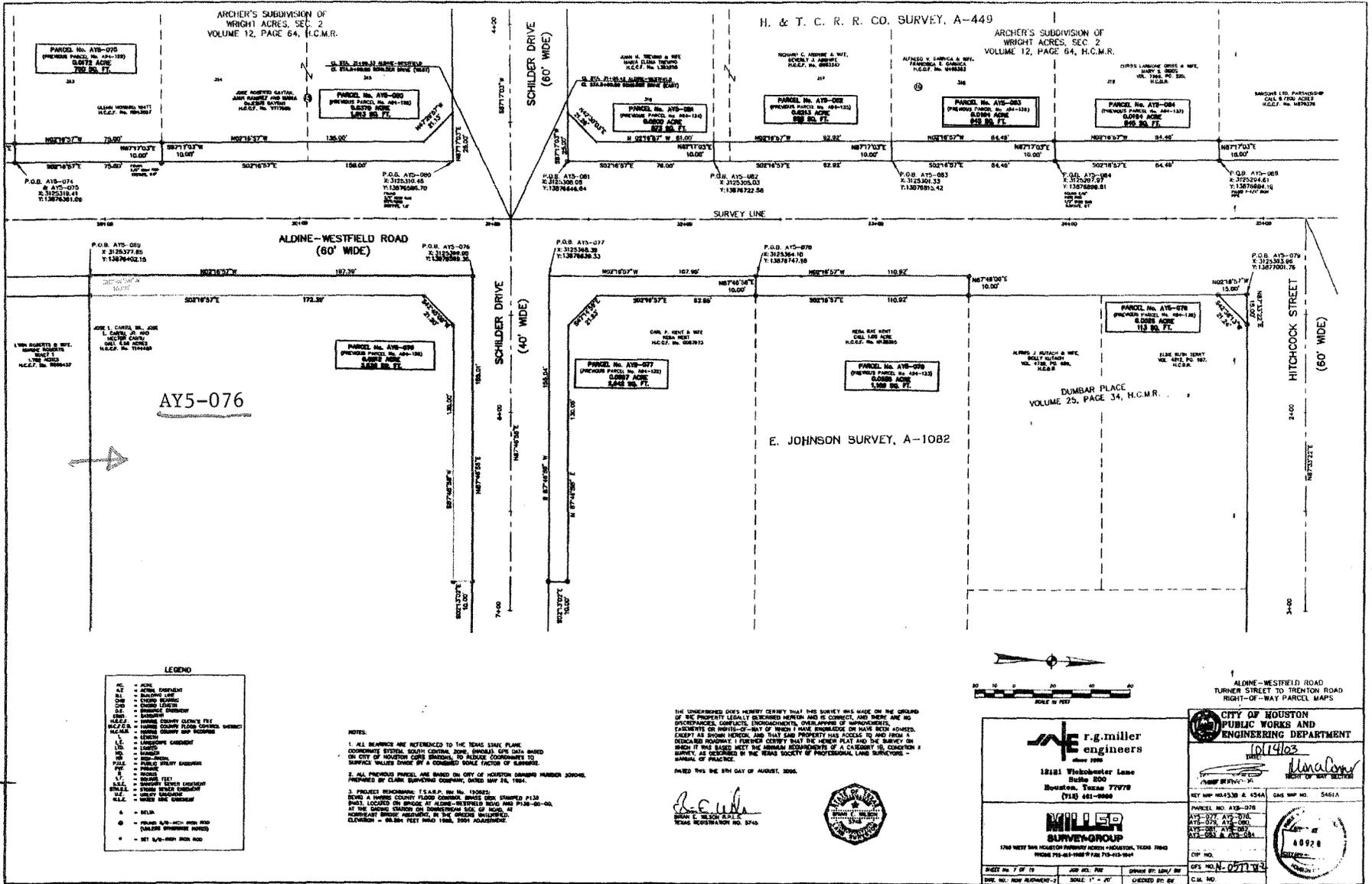
It is recommended that authority be given through Council Motion to PURCHASE Parcel AY5-076 owned by Jose L. Cantu, Sr., Jose L. Cantu, Jr. and Hector Cantu for a total cost of \$33,095.00. Parcel AY5-076 contains 3,536 square feet of land located in the E. Johnson Survey, Abstract-1082, being out of a called 4.56 acre tract of land recorded in the name of Jose L. Cantu, Sr., Jose L. Cantu, Jr., and Hector Cantu, under Harris County Clerk's File Number (H.C.C.F. No.) T144425, Harris County Deed Records (H.C.D.R.); Houston, Harris County, Texas, according to the City of Houston approved field notes.

MSM: NPC:vi  
S:/Ilaboya/Aldine Westfield Paving/Purchase RCA/AY5-076  
cc: Marty Stein

CUIC #20VAI07

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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**LEGEND**

AC	ACRES
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AN	ANALYZED
AP	APPROVED
AS	ASSEMBLED
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AV	AVOIDED
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AY	AYERS
AZ	AZIMUTH
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**NOTES:**

1. ALL BEARINGS ARE REFERENCED TO THE TEXAS STATE PLANE. CORRECTIONS SYSTEM. SOUTH COORDINATE ZONE. BEARING USE DATA BASED ON CITY OF HOUSTON COORDINATES. TO AVOID COORDINATES TO SURFACE VALUES THERE IS A CORRECTION SCALE FACTOR OF SURFACE.
2. ALL PARCELS ARE BASED ON CITY OF HOUSTON CADDEN NUMBER 20000. PREPARED BY CLARK SURVEYING COMPANY, DATED MAY 28,

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel AY5-092 located at 2222 Parker Road for the ALDINE WESTFIELD PAVING PROJECT N-000577-0001-2-01 OWNER: James Peterson	<b>Category</b> #7	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 15
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 3/15/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District B Key Map 413 Z
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-397, passed April 20, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel AY5-092

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01) Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
THE ALDINE WESTFIELD PAVING PROJECT (from Tidwell to Little York) provides for right-of-way acquisition, engineering, and construction of two 24-foot wide concrete roadways with curbs, sidewalks, and necessary underground utilities.

**PURCHASE:**  
The City desires to acquire 3,512 square feet in easement. The owner has accepted the City's offer to purchase the property for a total consideration of \$206,673.00. The property was appraised by Albert N. Allen, MAI, CRE, SR/WA, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY5-092 (easement)	
LAND, IMPROVEMENTS, DAMAGES, AND COST-TO-CURE DAMAGES.....	\$206,673.00
Title Policy/Services.....	\$ 2,060.00
<b>TOTAL COST.....</b>	<b>\$208,733.00</b>

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY5-092 and improvements located there on, owned by James Peterson for a total cost of \$208,733.00. Parcel AY5-092 contains 3,512 square feet of land located in the H.&T.C.R.R. CO. Survey, Abstract-449, being out of Lots 1, 2 and 3, Block 3, Sunrise Gardens, a subdivision plat of which is recorded in Volume 15, Page 26, Harris County Map Records; said Lots 1, 2, and the north part of Lot 3, being recorded in the name of James E. Peterson under Harris County Clerk's File Number (H.C.C.F.No.) J668580, Harris County Deed Records (H.C.D.R.); City of Houston, Harris County, Texas, according to the City of Houston approved field notes.

MSM:NPC:vi  
S://laboya/Aldine Westfield Paving/Purchase RCA/AY5-092  
cc: Marty Stein

CUIC #20VAI10

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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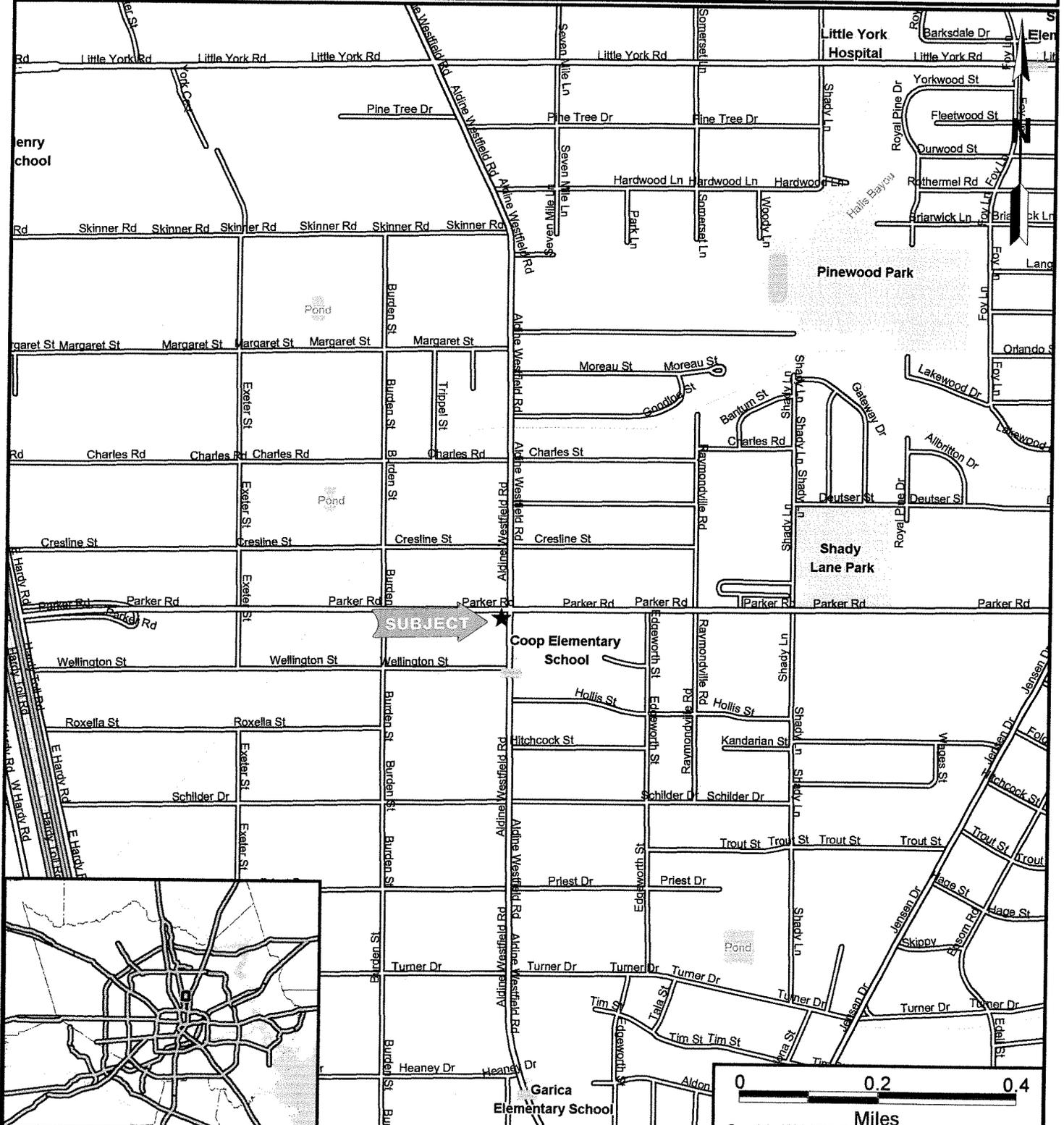
# LOCATION MAP

Description: ALDINE WESTFIELD PAVING PROJECT

CIP N-000577-0001-2

PARCEL AY5-092

Prepared by: City of Houston, 611 Walker, Houston, TX 77002



**CAUTION:** Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel AY5-095 located at 10208 Aldine Westfield Road for the ALDINE WESTFIELD PAVING PROJECT. N-000577-0001-2-01 OWNER: Xing Van Huynh and Set Thi Huynh	<b>Category</b> #7	<b>Page</b> 1 of 1	<b>Agenda Item</b> #  16
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District E Key Map 413 Z
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-397, passed April 20, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel AY5-095

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01 Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
THE ALDINE WESTFIELD PAVING PROJECT (from Tidwell to Little York) provides for right-of-way acquisition, engineering, and construction of two 24-foot wide concrete roadways with curbs, sidewalks, and necessary underground utilities.

**PURCHASE:**  
The City desires to acquire 1,013 square feet in easement. The owner has accepted the City's offer to purchase the property for a total consideration of \$51,870.00. The property was appraised by Albert N. Allen, MAI, CRE, SR/WA, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY5-095 (easement)	
LAND AND IMPROVEMENTS.....	\$51,870.00
Title Policy/Services.....	\$ 1,244.00
<b>TOTAL COST.....</b>	<b>\$53,114.00</b>

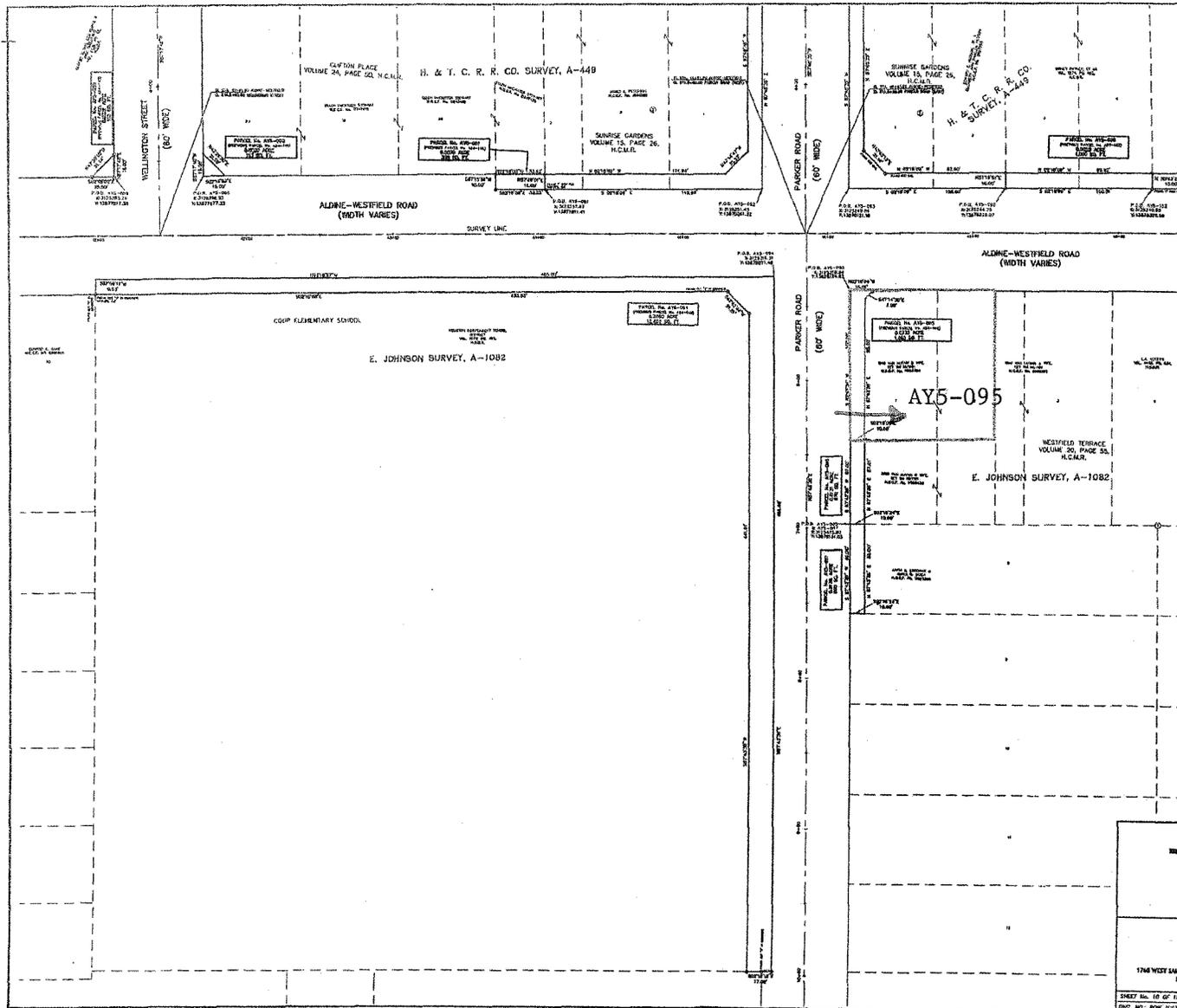
It is recommended that authority be given through Council Motion to PURCHASE Parcel AY5-095 owned by Xing Van Huynh and Set Thi Huynh for a total cost of \$53,114.00 for property for a road paving project. Parcel AY5-095 contains 1,013 square feet, being out of the west part of Lot 1, Block 1, Westfield Terrace, a subdivision plat of which is recorded in Volume 20, Page 55, Harris County Map Records; said west part of Lot 1 being recorded in the name of Xing Van Huynh and wife, Set Thi Huynh, under Harris County Clerk's File Number (H.C.C.F.No.) H655794, Harris County Deed Records (H.C.D.R.) City of Houston, Harris County, Texas, according to the City of Houston field notes.

MSM: NPC:vi  
S://laboya/Aldine Westfield Paving/Purchase RCA/AY5-095  
cc: Marty Stein

CUIC #20VAI005

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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**LEGEND**

- AC - ACRES
- AL - ALIEN EASEMENT
- BL - BOUNDARY LINE
- CL - CURVE
- CO - CORNER
- CR - CROSSING
- DE - DEED
- DI - DITCH
- EA - EASEMENT
- EC - EASEMENT
- EL - EASEMENT
- EM - EASEMENT
- EN - EASEMENT
- EP - EASEMENT
- ES - EASEMENT
- ET - EASEMENT
- EV - EASEMENT
- EX - EASEMENT
- FL - FLOOD
- FR - FLOOD
- FS - FLOOD
- FT - FLOOD
- FW - FLOOD
- FX - FLOOD
- GY - GROUND
- HA - HAZARDOUS WASTE EASEMENT
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- IE - INTEREST
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- IH - INTEREST
- II - INTEREST
- IJ - INTEREST
- IK - INTEREST
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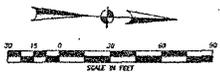
**NOTES:**

1. ALL BEARINGS ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (NAD83). GPS DATA BASED ON CITY OF HOUSTON CORS EXTENDED TO REDUCE COORDINATE TO SURFACE VALUES UNLESS BY A COMBINED SCALE FACTOR OF 0.999997.
2. ALL PROVISIONS PARCEL ARE BASED ON CITY OF HOUSTON DRAWING NUMBER 200404, PREPARED BY CLARK SURVEYING COMPANY, DATED MAY 26, 1994.
3. PRODUCT BENCHMARK IS CALIPER W/ 66.150000; BEING A HARRIS COUNTY FLOOD CONTROL BRIDGE MARK STAMPED #136, BEING LOCATED ON BRIDGE AT ALDINE-WESTFIELD ROAD AND #138-00-00, AT THE DRAINAGE STATION ON DOWNSTREAM SIDE OF ROAD, AT NORTHFACE BRIDGE STRUCTURE, IN THE CREEK BED CHANNEL, ELEVATION = 40.264 FEET MVD 1985, 2001 ADJUSTMENT.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE CORNER OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THERE ARE NO DISCREPANCIES, CONFLICTS, ENCUMBRANCES, OR EASEMENTS OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY OF WHICH I HAVE KNOWLEDGE OR HAVE BEEN ADVISED, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DESIGNATED ROADWAY. I FURTHER CERTIFY THAT THE HEREIN PLAN AND THE SURVEY ON WHICH IT WAS BASED MEET THE STATUTE REQUIREMENTS OF A CATCHMENT OR CONDUCTION SURVEY, AS DESCRIBED IN THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS - MANUAL OF PRACTICE.

DATED THIS 31st DAY OF AUGUST, 2004.

*S. E. Clark*  
 DR. E. WILSON, D.L.S.,  
 TEXAS REGISTRATION NO. 5745



<p>12181 Wickenburg Lane Houston, Texas 77079 (713) 461-0800</p>		<p><b>CITY OF HOUSTON</b>  <b>PUBLIC WORKS AND</b>  <b>ENGINEERING DEPARTMENT</b></p> <p>DATE: 10/14/05          DR. E. WILSON        CHIEF SURVEYOR        RIGHT-OF-WAY SECTION</p>
<p><b>MILLER SURVEY GROUP</b>        1744 WEST SAM HOUSTON PARKWAY NORTH HOUSTON, TEXAS 77043        PHONE 713-413-1160 FAX 713-413-1944</p>		<p>KEY MAP NO. 14122 &amp; 4141        CHAS. MAP NO. 5461A</p> <p>PARCEL NO. A15-094        A15-095, A15-096,        A15-097 &amp; A15-098</p> <p>CIP NO. 1        80993</p> <p>SPS NO. A-151-01-4        C.M. NO.</p>
<p>DRAWN BY: E. WILSON        CHECKED BY: E. WILSON</p>	<p>DATE: 10/14/05        SCALE: 1" = 20'</p>	<p>DATE: 10/14/05        CHECKED BY: E. WILSON</p>

pg 10 of 19

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel AY7-001 located at 10453 Aldine Westfield Road for the ALDINE WESTFIELD PAVING PROJECT N-000577-0001-2-01 OWNER: Ysmael J. Vargas	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em;">17</div>
<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> <div style="text-align: center; font-size: 1.5em;">3/15/07</div>		<b>Agenda Date</b> MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <div style="font-size: 1.5em; margin-left: 20px;">MS </div> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District B Key Map 413 Z		
<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-397, passed April 20, 2005		

**RECOMMENDATION: (Summary)**  
 Authority be given through Council Motion to PURCHASE Parcel AY7-001

<b>Amount and Source of Funding:</b>	No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01) Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 THE ALDINE WESTFIELD PAVING PROJECT (from Tidwell to Little York) provides for right-of-way acquisition, engineering, and construction of two 24-foot wide concrete roadways with curbs, sidewalks, and necessary underground utilities.

**PURCHASE:**  
 The City desires to acquire 501 square feet in easement. The owner has accepted the City's offer to purchase the property for a total consideration of \$53,584.00. The property was appraised by David R. Dominy, MAI, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY7-001 (easement)	
LAND, IMPROVEMENTS, DAMAGES, AND COST-TO-CURE DAMAGES.....	\$53,584.00
Title Policy/Services.....	\$ 1,154.00
<b>TOTAL COST.....</b>	<b>.....\$54,738.00</b>

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY7-001 owned by Ysmael J. Vargas for a total cost of \$54,783.00. Parcel AY7-001 contains 501 square feet of land located in the H.&T.C.R.R.CO. Survey, Abstract-449, being out of the south part of Lot 6, Block 6, Sunny-Land Farms, a subdivision plat which is recorded in Volume 12, Page 67, Harris County Map Records (H.C.M.R.), being recorded in the name of Ysmael J. Vargas and Simon Vargas, under Harris County Clerk's File Number (H.C.C.F.No.) Y349997; Houston, Harris County, Texas, according to the City of Houston approved field notes.

MSM:NPC:vi  
 S://laboya/Aldine Westfield Paving/Purchase RCA/AY7-001  
 cc: Marty Stein

CUIC #20VAI11

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <div style="text-align: center; font-size: 1.5em; margin-left: 20px;"></div> Andrew F. Icken, Deputy Director Planning and Development Services Division
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To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel AY7-002 located at 10457 Aldine Westfield Road for the ALDINE WESTFIELD PAVING PROJECT N-000577-0001-2-01 OWNER: Juan C. Coronado	<b>Category</b> #7	<b>Page</b> 1 of 1	<b>Agenda Item</b> #  18
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<b>FROM: (Department or other point of origin):</b>  <b>Department of Public Works and Engineering</b>	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District B Key Map 413 Z
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-397, passed April 20, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel AY7-002

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-397 N-000663-00RE-2-01) Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
THE ALDINE WESTFIELD PAVING PROJECT (from Tidwell to Little York) provides for right-of-way acquisition, engineering, and construction of two 24-foot wide concrete roadways with curbs, sidewalks, and necessary underground utilities.

**PURCHASE:**  
The City desires to acquire 614 square feet in easement. The owner has accepted the City's offer to purchase the property for a total consideration of \$70,305.00. The property was appraised by David R. Dominy, MAI, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel AY7-002 (easement)	
LAND, IMPROVEMENTS, DAMAGES, AND COST-TO-CURE DAMAGES.....	\$70,305.00
Title Policy/Services.....	\$ 1,150.00
<b>TOTAL COST.....</b>	<b>\$71,455.00</b>

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY7-002 owned by Juan C. Coronado for a total cost of \$71,455.00. Parcel AY7-002 contains 614 square feet of land located in the H.&T.C.R.R. CO Survey, Abstract-449, being out of the north part of Lot 6, Block 6, Sunny-Land Farms, a subdivision plat of which is recorded in Volume 12, Page 67, Harris County Map Records (H.C.M.R.), being recorded in the name of Juan C. Coronado, under Harris County Clerk's File Number (H.C.C.F.No.) Y386927; Houston, Harris County, Texas, according to the City of Houston approved field notes.

MSM: NPC:vi  
S://laboya/Aldine Westfield Paving/Purchase RCA/AY7-002  
cc: Marty Stein

CUIC #20VAI08

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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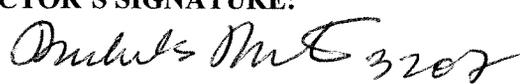


To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel LY6-057 located on the east line of Monroe Street for the MONROE ROAD PAVING IMPROVEMENTS PROJECT (from Almeda-Genoa Road to Fuqua Street). N-000574-0001-2-01 OWNER: David Lavon Hunt and Julianne Coddou Hunt	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em;">19</div>
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<b>FROM: (Department or other point of origin):</b>  <b>Department of Public Works and Engineering</b>	<b>Origination Date</b> Mar. 14, 2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  District E Key Map 575 Q and U
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2005-1047, passed September 7, 2005
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**RECOMMENDATION: (Summary)**  
 Authority be given through Council Motion to PURCHASE Parcel LY6-057

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-1047 N-000663-00RE-2-01 Street and Bridge Consolidated Construction Fund 437 	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 THE MONROE ROAD PAVING IMPROVEMENTS PROJECT (from Almeda-Genoa Road to Fuqua Street) is required to meet mobility and traffic safety requirements in the southeast part of the City of Houston. The project provides for removal of an existing two-lane asphalt roadway and replacing it with a four-lane concrete boulevard. It also includes construction of sidewalks, storm sewers, sanitary sewers, waterlines and an offsite storm water detention facility.

**PURCHASE:**  
 The City desires to acquire 211,695 square feet in fee. The owner has accepted the City's offer to purchase the property for a total consideration of \$370,466.00. The property was appraised by Thomas Edmonds, Jr., MAI, SRA, ASA, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

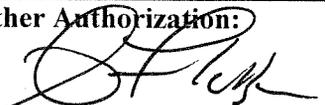
Parcel LY6-057 (Fee)	
LAND .....	\$370,466.00
Title Policy/Services.....	\$ 2,964.00
TOTAL COST.....	\$373,430.00

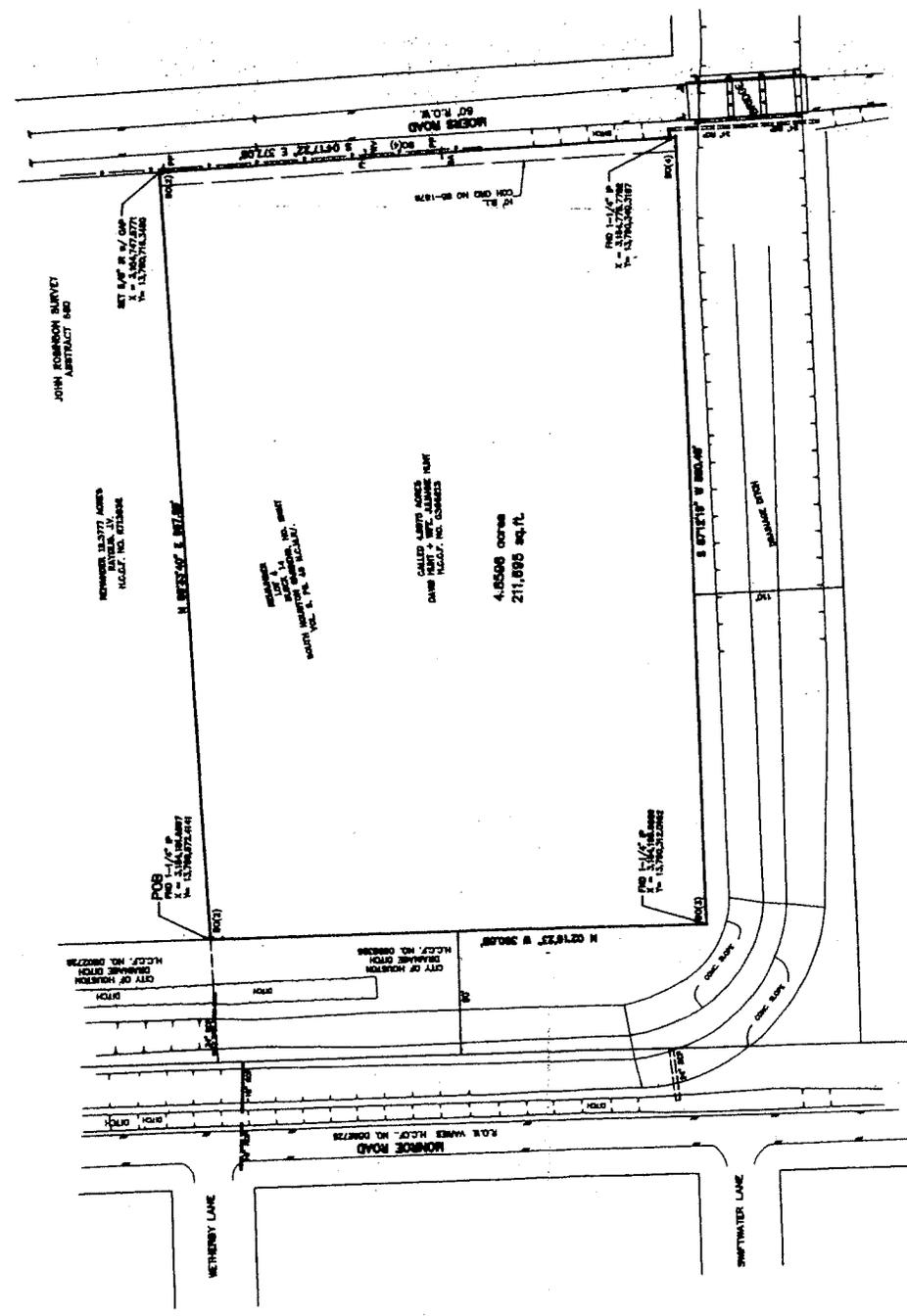
It is recommended that authority be given through Council Motion to PURCHASE Parcel LY6-057 owned by David Lavon Hunt and Julianne Coddou Hunt for a total cost of \$373,430.00 for property to construct a detention pond. Parcel LY6-057 contains 211,695 square feet, being that same called 4.8575 acre tract of land conveyed to David Hunt and wife, Julianne Hunt, recorded in Harris County Clerk's File Number (H.C.C.F. No.) G386213, also being the remainder of Lot 4, Block 14 of South Houston Gardens, No. Eight, a subdivision of record in Volume 3, Page 49 of the Harris County Map Records (H.C.M.R), located in the John Robinson Survey, Abstract No. 680, City of Houston, Harris County, Texas, according to City of Houston field notes.

MSM:NPC:vi  
 S:/Ilaboya/Monroe Paving/Purchase RCA/LY6-057  
 cc: Marty Stein

CUIC #20VAI09

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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**CITY OF HOUSTON PUBLIC WORKS AND ENGINEERING DEPARTMENT**

DATE: 01/23/02

PROJECT NO. 114-057

DATE: 01/23/02

PROJECT NO. 114-057

DATE: 01/23/02

PROJECT NO. 114-057

**Lin Engineering, Inc.**

14000 WESTHELF DRIVE, SUITE 200  
HOUSTON, TEXAS 77040

PHONE: 281-488-7700  
FAX: 281-488-7701

PROJECT NO. 114-057

DATE: 01/23/02

PROJECT NO. 114-057

DATE: 01/23/02

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor in the State of Texas.

*Robert G. Lee*  
ROBERT G. LEE  
Professional Land Surveyor  
State of Texas



**NOTES:**

- This survey was done without benefit of a contract for this purpose.
- This lot is to be used for (industrial) and shall be within the 100-foot setback zone as per the Houston Code Ordinance 1998 (1998) and shall be within the 100-foot setback zone as per the Houston Code Ordinance 1998 (1998).
- Setback shown herein are intended to be advisory only and shall not be construed as a guarantee of any kind.
- There are no utility easements or zoning designations of record within the City of Houston or the state landward of this lot.

**LEGEND:**

B.L. BOUNDARY LINE  
C.H. CURB  
C.O. CITY OF HOUSTON ORDINANCE  
C.P. CITY PLAT  
D.M. DRAINAGE DITCH  
E.C. EASEMENT  
F.P. FIRE PLANT  
G.A. GRASS  
H.C. HOUSTON COUNTY CLERK'S FILE NUMBER  
H.P. HOUSTON COUNTY PLAT RECORDS  
I.C. INTERSECTION  
L.C. LOT CORNER  
M.C. MOUNTAIN CONCRETE PIPE  
M.P. MOUNTAIN PIPE  
M.W. MOUNTAIN WATER  
N.C. NORTH CURB  
P.C. PAVED  
S.P. ASPHALT

DATE: 01/23/02

PROJECT NO. 114-057

DATE: 01/23/02

PROJECT NO. 114-057

DATE: 01/23/02

PROJECT NO. 114-057

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7317

**Subject:** Purchase of Tractors and a Mower Attachment for the Houston Airport System  
S25-N22354-H

Category #  
4

Page 1 of 2

Agenda Item

20

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 12, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
B, E

**For additional information contact:**

Dallas Evans Phone: (281) 230-8001  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the purchase of tractors and a mower attachment through the Houston-Galveston Area Council (H-GAC) in the total amount of \$113,783.14 for the Houston Airport System.

Award Amount: \$113,783.14

**F & A Budget**

\$113,783.14 HAS-AIF Capital Outlay Fund (8012)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of tractors and a mower attachment through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the total amount of \$113,783.14 for the Houston Airport System and that authorization be given to issue purchase orders to the H-GAC contractors listed below. This equipment will be used by Department personnel for grounds and ditch maintenance at George Bush Intercontinental Airport and Ellington Field.

**Equipment Support Services, Inc.:** Approve the purchase of a 13,360-lb. operating weight tractor in the total amount of \$65,039.74.

**Lansdowne-Moody Company:** Approve the purchase of a light-duty utility tractor and a 20' flex-wing mower attachment in the total amount of \$48,743.40.

The 13,360-lb. operating weight tractor and the flex-wing mower attachment will replace a 21-year-old unit and a 13-year-old unit, respectively. The old units have exceeded their useful life and will be sent to auction for disposition. The light-duty utility tractor is an addition to the Department's fleet inventory. The light-duty tractor and the mower attachment will each come with a one-year warranty, the 13,360-lb. operating weight tractor will come with a two-year/2,000-hour warranty. The life expectancy of this equipment is 12 to 15 years.

**REQUIRED AUTHORIZATION**

(2) NDT

F&A Director:

Other Authorization:

Other Authorization:

Date: 3/12/2007	Subject: Purchase of Tractors and a Mower Attachment for the Houston Airport System S25-N22354-H	Originator's Initials TS	Page 2 of 2
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**Equipment Justification Summary**

**RCA 7317  
Tractors and Mower Attachment  
for  
The Houston Airport System**

Description	Qty.	Requisition No.	Department/Division Fleet Usage	Equipment Replacement
13,360-lb. operating weight tractor	1	PR 10002188	Houston Airport System  The Department's maintenance personnel will use this new unit for pavement repairs, ditch maintenance, fence repairs and excavating.	<b>Shop No. Age-Yrs. Hours</b> 14018      21      3,734
Light-duty utility tractor	1	PR 10003020	Houston Airport System  The Department's maintenance personnel will use this new unit for mowing and other grounds maintenance tasks.	This unit is an addition to the Department's fleet inventory.
20' flex-wing mower attachment	1	PR 10003868	Houston Airport System  The Department's maintenance personnel will use this new unit for mowing.	<b>Shop No. Age-Yrs. Hours</b> 22505      13

Buyer: Tom Smyer

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7299**

**Subject:** Formal Bids Received for Two-Passenger Scooters for the Police Department  
S25-N22194

Category #  
4

Page 1 of 1

Agenda Item

**21**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

February 09, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger                      Phone: (713) 308-1708  
Ray DuRousseau                        Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an award to Stubbs Cycles on its low bid in the total amount of \$50,103.00 for two-passenger scooters for the Police Department.

Award Amount: \$50,103.00

**F & A Budget**

*[Signature]*

\$50,103.00 Mobility Response Team Fund (2304)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Stubbs Cycles on its low bid in the total amount of \$50,103.00 for nine two-passenger scooters for the Police Department and that authorization be given to issue a purchase order.

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

<b><u>Company</u></b>	<b><u>Total Amount</u></b>
1. Stubbs Cycles	<b>\$50,103.00</b>
2. BMW Motorcycles of North Houston	\$53,235.00

This purchase consists of nine two-passenger scooters that will be used by the newly-formed Mobility Response Team to respond to locations throughout the City with significant traffic congestion incidents such as malfunctioning traffic signals or minor accidents and aid in the mitigation of the situation. These new scooters will come with a five-year warranty and a life expectancy of seven to ten years. These scooters are an addition to the Department's fleet inventory.

Buyer: Tom Smyer  
PR 10011050

**REQUIRED AUTHORIZATION**

**NDT**

F&A Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7315**

**Subject:** Purchase of Earth Moving Equipment Through the Houston-Galveston Area Council for the Public Works & Engineering Department  
S25-N22347-H

Category #  
4

Page 1 of 3

Agenda Item

22

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 02, 2007

**Agenda Date**

**DIRECTOR'S SIGNATURE**

MS

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the purchase of earth moving equipment through the Houston-Galveston Area Council (H-GAC) in the total amount of \$2,110,520.71 for the Public Works & Engineering Department.

Award Amount: \$2,110,520.71

**F & A Budget**

\$1,498,701.41 PWE-Combined Utility System General Purpose Fund (8305)  
\$ 124,451.22 Storm Water Utility Fund (2302)  
\$ 487,368.08 Equipment Acquisition Consolidated Fund (1800)  
\$2,110,520.71 Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of earth moving equipment through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the total amount of \$2,110,520.71 for the Public Works & Engineering Department and that authorization be given to issue purchase orders to the H-GAC contractor, Rush Equipment Centers of Texas, Inc. This equipment will be used citywide by the Department's Right-of-Way Maintenance and Public Utility Divisions to accomplish their respective missions.

This purchase consists of seven 17,000-lb. operating weight backhoes, one 36,000-lb. operating weight excavator, five 15,000-lb. operating weight excavators, one 29,000-lb. operating weight excavator, and one bulldozer. Three 15,000-lb. operating weight excavators and the one bulldozer are additions to the Department's fleet inventory. The remaining equipment will replace existing units that have exceeded their useful life and will be sent to auction for disposition. The new backhoes will come with a five-year/7,500-hour warranty and the excavators and bulldozer will come with a seven-year/7,500-hour warranty on parts and labor. This diesel-powered earth moving equipment will have a life expectancy of 12 to 15 years and will meet the current EPA's emission standards for equipment with diesel engines.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

MDT

5/1/07

26

Date: 3/2/2007	Subject: Purchase of Earth Moving Equipment Through the Houston-Galveston Area Council for the Public Works & Engineering Department S25-N22347-H	Originator's Initials TS	Page 2 of 2
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### EQUIPMENT USAGE SUMMARY

Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement		
PR 10010225 17,000-lbs. operating weight backhoe/loader with hydraulic hammer	1	Public Works & Engineering/ Right-of-Way Maintenance  Department personnel will use this new unit for storm-sewer maintenance.	<b>Shop No.</b> 23042	<b>Age/Yrs.</b> 13	<b>Hours</b> 1,241
PR 10005988 14,000-lbs. operating weight backhoe/loader	1	Public Works & Engineering/ Public Utilities Division/ Utility Maintenance Branch  Department personnel will use this new unit for excavation of water/wastewater lines during repair projects.	<b>Shop No.</b> 23908	<b>Age/Yrs.</b> 12	<b>Hours</b> 4,590
PR 10005987 14,000-lbs. operating weight backhoe/loader with hydraulic hammer	5	Public Works & Engineering/ Public Utilities Division/ Utility Maintenance Branch  Department personnel will use these new units for excavation of water/wastewater lines during repair projects. This unit will be equipped with a hydraulic breaker attachment, which will allow the repair of lines that are under asphalt or concrete.	<b>Shop No.</b> 18801 18810 21454 21455 22954	<b>Age/Yrs.</b> 15 15 15 15 15	<b>Hours</b> 4,562 6,539 6,505 9,719 5,286
PR 10006122 29,000-lbs. operating weight crawler excavator	1	Public Works & Engineering/ Public Utilities Division/ Utility Maintenance Branch  Department personnel will use this new unit for excavation of water/wastewater lines during repair projects.	<b>Shop No.</b> 16929	<b>Age/Yrs.</b> 18	<b>Hours</b> 1,601
PR 10006316 15,000-lbs. operating weight crawler excavator	2	Public Works & Engineering/ Right-of-Way Maintenance  Department personnel will use these new units for street maintenance.	<b>Shop No.</b> 23027 23050	<b>Age/Yrs.</b> 13 13	<b>Hours</b> 8,300 6,106
PR 10006316 36,000-lbs. operating weight crawler excavator	1	Public Works & Engineering/ Right-of-Way Maintenance  Department personnel will use this new unit for street maintenance.	<b>Shop No.</b> 195445	<b>Age/Yrs.</b> 15	<b>Hours</b> 8,693

Date: 3/2/2007	Subject: Purchase of Earth Moving Equipment Through the Houston-Galveston Area Council for the Public Works & Engineering Department S25-N22347-H	Originator's Initials TS	Page 3 of 3
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Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement
PR 10005989 15,000-lbs. operating weight crawler excavator	3	Public Works & Engineering/ Public Utilities Division/ Utility Maintenance Branch  Department personnel will use these new units for excavation of water/wastewater lines.	These units are an addition to the Department's fleet inventory. These additional units are required as a commitment to the Texas Commission on Environmental Quality.
PR 10006125 Crawler bulldozer	1	Public Works & Engineering/ Public Utilities Division/ Utility Maintenance Branch  Department personnel will use this new unit at the Southeast Water Purification Plant to level sludge in the landfill.	This unit is an addition to the Department's fleet inventory.

Buyer: Tom Smyer

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7309

**Subject:** Formal Bids Received for Elevator Modernization at 3300 Main for the Public Works & Engineering Department  
S25-C22261

Category #  
4

Page 1 of 1

Agenda Item

**23**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

February 09, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

1

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an award to Elevator Repair Service, Inc. on its low bid meeting specifications in the amount of \$139,640.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$13,964.00 for a total amount not to exceed \$153,604.00 for elevator modernization at 3300 Main for the Public Works & Engineering Department.

Amount and Source of Funding: \$153,604.00 (Fund 2301)

**F & A Budget**

\$153,604.00 Building Inspection Fund (2301)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Elevator Repair Service, Inc. on its low bid meeting specifications in the amount of \$139,640.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$13,964.00 for a total amount not to exceed \$153,604.00 for elevator modernization at 3300 Main for the Public Works & Engineering Department and that authorization be given to issue purchase orders as necessary. This project is necessary because the existing elevator and associated equipment is outdated and not working.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders viewed the solicitation document on SPD's e-bidding website and four bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. A & F Elevator Company, Inc.	\$109,895.00 (Did Not Meet Specifications)
2. <b>Elevator Repair Service, Inc.</b>	<b>\$139,640.00</b>
3. EMR, Inc.	\$148,000.00
4. PDK, Inc.	\$208,615.00

The scope of work requires the construction contractor to provide all tools, materials, equipment, labor, supervision and transportation necessary to modernize the elevator at 3300 Main. The contractor will be required to replace the elevator control panel, microprocessor controls, cables, tracks, doors, interior wall and ceiling panels and all other miscellaneous items necessary to bring the elevator into compliance with the current safety code, National Electrical Code and Americans with Disabilities Act. Materials and workmanship for this project are warranted for one year. The contractor will have 180 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Tom Smyer

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MD*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7268**

**Subject:** Formal Bid Received for Water Tank Removal and Replacement for the Public Works and Engineering Department. S29-N22234

Category #  
4

Page 1 of 1

Agenda Item

**24**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

February 13, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an award to Texans Auto Center on its sole bid for water tank removal and replacement in the amount of \$49,500.00 for the Public Works and Engineering Department.

Award Amount: \$49,500.00

**F & A Budget**

\$49,500.00 - Fleet Management Fund (1005)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Texans Auto Center on its sole bid in the amount of \$49,500.00 for water tank removal and replacement for the Public Works and Engineering Department and that authorization be given to issue a purchase order.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-two prospective bidders viewed the solicitation document on SPD's e-bidding website and one bid was received. Prospective bidders that attended the pre-bid conference were contacted to determine the reason for the limited bid response. The bidders contacted stated that they were not interested in the project; therefore, they elected not to bid. Since Texans Auto Center was the sole bidder; the City was able to negotiate a lower price from \$52,500.00 to \$49,500.00, which represents a savings of \$3,000.00. The final negotiated price is considered fair and reasonable.

The scope of work requires the contractor to provide all labor, tools, parts, testing, facilities, supervision and transportation necessary to remove and replace three 3,500-gallon capacity steel tanks with three 4,000-gallon capacity polypropylene material tanks to Ford L9000 model cab and chassis trucks.

Buyer: Douglas Moore

**REQUIRED AUTHORIZATION**

PP

F&A Director:

Other Authorization:

Other Authorization:

2 3 07

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7301

**Subject:** Sole Source Purchase of a Hardware and Software Maintenance and Support Services Agreement for an Image Payment System for the Public Works & Engineering Department

Category #  
4 & 5

Page 1 of 1

Agenda Item

25

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 07, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the sole source purchase from Wausau Financial Systems, Inc. in the total amount of \$56,149.00 for a hardware and software maintenance and support services agreement for an image payment system for the Public Works & Engineering Department.

Awarded Amount: \$56,149.00

**F & A Budget**

\$56,149.00 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase from Wausau Financial Systems, Inc. in the total amount of \$56,149.00 for a 12-month hardware and software maintenance and support services agreement for an image payment system for the Public Works & Engineering Department and that authorization be given to issue a purchase order.

Wausau Financial Systems, Inc. is the sole source provider for the proprietary hardware and software and has no authorized distributors or maintenance providers.

The scope of work requires the contractor to provide all supplies, equipment, labor and supervision necessary to provide software updates and upgrades along with the repair of damaged hardware components. The Department's Utility Customer Service Branch personnel utilizes the image payment system to capture the image of water and sewer payments by check on CD-ROM, prepare bank deposits and credit customer accounts in a timely fashion. In addition, bank deposits are also processed through a software program in the image payment system. Under the terms of the agreement, the contractor is required to provide hardware and software maintenance and support services as follows:

- Provide software updates and/or enhancements
- Provide telephone support seven days a week from 7:00 AM to 7:00 PM CST
- Dispatch a technician within four hours in the event a Product Specialist is unable to resolve the problem over the phone
- Provide information to manage issues with equipment or software via the Internet

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

Buyer: Frank Rodriguez

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7306**

**Subject:** Emergency Repair of a Chlorine Line at the East Water Purification Plant for the Public Works & Engineering Department  
S25-N22236

Category #  
4

Page 1 of 1

Agenda Item

**26**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

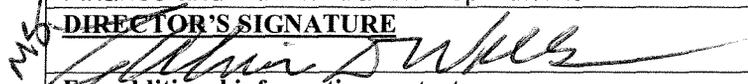
**Origination Date**

February 06, 2007

**Agenda Date**

MAR 21 2007

**DIRECTOR'S SIGNATURE**

*M5*  


**Council District(s) affected**

E

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve payment to Chlorinator Maintenance Construction, Inc. in the total amount of \$48,845.00 for the emergency repair of a chlorine line at the East Water Purification Plant for the Public Works & Engineering Department.

Payment Amount: \$48,845.00

**F & A Budget**

\$48,845.00 W & S System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve payment to Chlorinator Maintenance Construction, Inc. in the total amount of \$48,845.00 for the emergency repair of a chlorine line at the East Water Purification Plant for the Public Works & Engineering Department.

On November 16, 2006, a chlorine leak at the East Water Purification Plant, located at 2300 Federal Road, was reported. The Strategic Purchasing Division issued a purchase order to address the emergency.

The scope of work required the contractor to provide all labor, materials, equipment, supervision and transportation necessary to remove and replace approximately 300 lineal feet of 1" black iron pipe from the container storage area to the chlorine evaporator room. The work included installing new valves, unions and safety manifolds as needed to provide access to the evaporators and chlorine lines coming from the chlorine tank car and testing for leaks as the lines were put into service.

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

Buyer: Tom Smyer

**REQUIRED AUTHORIZATION**

**NDT**

F&A Director:

Other Authorization:

Other Authorization:

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

<b>SUBJECT:</b> Approval of a resolution designating the Cox-Ewing House at 1508 Kirby Drive as a Historic Landmark		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>27</b>
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> 3/5/2007		<b>Agenda Date</b> MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Madeleine R. Staphison</i> TM		<b>Council District affected:</b> G		
<b>For additional information contact:</b> Thomas McWhorter Phone: 713-837-7963		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b>  Approval of a resolution designating the Cox-Ewing House at 1508 Kirby Drive as a Historic Landmark.				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In accordance with Section 33-222 of the City of Houston Code of Ordinances, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. The application was initiated by the property owners.  Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on February 14, 2007 and March 1, 2007 respectively. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of a historic landmark designation.  There were no objections to the application.  MLG: rp tm  Attachments: Application and Staff Report  xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Cox-Ewing House

**OWNER:** Virginia and John Kirby Ewing

**APPLICANT:** Same as Owner

**LOCATION:** 1508 Kirby Drive – River Oaks

**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** III

**HPO FILE NO:** 07L171

**DATE ACCEPTED:** Jan-21-2007

**HAHC HEARING DATE:** Feb-14-2007

**PC HEARING DATE:** Mar-01-2007

**SITE INFORMATION:** Lot 11, Block 33, River Oaks Section 1, City of Houston, Harris County, Texas. The site includes a historic, two-story brick residence.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY:

The home at 1508 Kirby Drive was originally built for Edward A. Cox. The home was constructed in 1938 and was designed by recognized Houston architects, Stayton Nunn and Milton McGinty. The body of work created by Nunn and McGinty is substantial and includes the original iconic River Oaks Community Center (River Oaks Shopping Center), parts of Methodist Hospital and the Depelchin Faith Home. The home has been owned and occupied by Virginia and John Kirby Ewing, prominent Houstonians, for many years. The home was the subject of a feature article in the November 1981 issue of *Vogue-Mexico*. The house qualifies for Landmark Designation under criteria 1, 3, 4, and 6.

### HISTORY AND SIGNIFICANCE:

Notable Houston architects, Stayton Nunn and Milton McGinty, designed the house at 1508 Kirby Drive in 1938 for Edward Arthur Cox. Mr. Cox (1883-1969) was born in Ohio, and lived in Houston from 1927 until his death. He was a senior partner with Cox and Blackburn, a wholesale appliance distributor. According to the City Directory, the firm was located in the Esperson Building in 1952. Mr. Cox was active in the Houston community and belonged to numerous social organizations, including the River Oaks Country Club, various Masonic bodies, and the Shriners. After Mr. Cox's death, his wife, Josephine G. Cox (1892-1976) continued to live in the home and ultimately passed it on to her daughter, Margery Cox Lee.

In 1975, Mrs. Lee sold the home to Virginia and John Kirby Ewing. John Kirby Ewing is a fourth generation Texan with an interesting line of forbearers. The great-great-grandfather of John Kirby Ewing, James Leeper Ewing, moved from Tennessee to East Texas in the 1830s to take advantage of the available land grants. The cousin of his great-great-grandfather, James L. Ewing, took part in the siege of Bexar as a member of Capt. William R. Carey's artillery company and later served as secretary to Lt. Col. James C. Neill, commander of the Texan forces occupying Bexar. He died in the battle of the Alamo on March 6, 1836.

John Kirby Ewing's grandfather, James Alexander Ewing, was born in Angelina, Texas and moved to Houston in the early 1900s. James Ewing maintained a hardwood lumber mill in the town of Ewing near Lufkin. His wife, however, wished to reside in Houston. The Ewing family purchased one of the first lots in the new Hyde Park subdivision at 1002 Hyde Park Boulevard, where they raised their eight children.

According to the Handbook of Texas,

*“Ewing was on the Angelina and Neches River Railroad ten miles southeast of Lufkin in northeastern Angelina County. It was the site of a hardwood lumbermill, active from 1920 to 1944. S. W. Henderson and H. G. Bohlssen formed a corporation called the H. G. Bohlssen Manufacturing Company and built a mill at a site near the Angelina River. The corporation was capitalized at \$200,000, and stock was divided among thirty-five stockholders. Bohlssen died in the early 1920s, and after his widow sold out to Henderson the company name was changed to Angelina Hardwood Company.*

*James A. Ewing, one of the stockholders, gave his name to the post office granted to the community in 1920. The old Ewing plantation belonging to his family had had the largest number of slaves in Angelina County at the time of the Civil War ...At its largest, Ewing had nearly 1,000 inhabitants, several stores and churches, and many houses. The largest number of businesses listed for Ewing by the Texas Almanac was eight during the 1930s. The mill produced 40,000 feet of hardwood a day and employed 250 men. Around 1944 it was closed because the available timber was exhausted. In 1945 Ewing had only one business and a population of fifty, and shortly after that it was abandoned. The Texas Highway Department lists it as an abandoned railroad station.”*

As an aside, James Alexander Ewing’s maternal grandfather was the first mayor of Beaumont.

John Kirby Ewing was born in 1923 in Mercedes, Texas. He spent some of his early years in Houston living with his aunt and uncle, Daisy and Sayles Leach (chairman of Texaco) and attending Poe Elementary School. He later was selected by Congressman Milton H. West, among 42 applicants, to attend the U.S. Naval Academy. During this time, Mr. Ewing was acquainted with Jesse H. Jones as described below:

*“While in Washington, I became well acquainted with Jesse Jones of Houston who was Secretary of Commerce and Director of Reconstruction Finance Administration. I reported my grades to him. He, in turn, reported to Uncle Sayles. In time, we became good friends. On one occasion, he invited me to sit in on the occasion of an application by a large railroad company for a major loan.... He demonstrated the error of their requesting too small a loan and revealed when, on extension, they would go broke. He then demonstrated, on a projection, using their assumptions proving his point, namely, that the larger loan amount would make a success of the railroad’s plan. I never forgot his lesson and used it many times, later.”*

Mr. Ewing then enrolled at the University of Texas in 1942 when a medical condition made attaining a naval commission impossible. During his time at UT, he worked for Governor Coke Stevenson. Mr. Ewing was a Silver Spur and instrumental in returning Bevo as a mascot, with the help of Governor Stevenson. After graduation, he worked for the Shary Estate in Mission, Texas. In 1947, he returned to Houston and, through the help of William Blanton at the Houston Chamber of Commerce, obtained a position with David C. Bentliff, making private equity loans. Mr. Bentliff was in partnership with Kenneth Dale Owen, and the firm was instrumental in putting together financing for Methodist Hospital and Heights Hospital.

John Kirby Ewing met architect Milton McGinty, during the discussions regarding Methodist Hospital. As a lender, Ewing insisted that Mr. McGinty move the planned utilities for Methodist from the basement to a higher level, which later proved to be extremely beneficial during the severe flooding of the Medical Center in June 2001. Ewing also rewrote the legal description on the deed of trust for Methodist Hospital to exclude the chapel at the eleventh hour of the financing. The chapel was essentially purchased and donated by Mrs. Ella Fondren with a check. In his later career, John Kirby Ewing was self employed and worked in a variety of capacities. In particular, he developed the Surrey Oaks Addition on the east side of Piney Point. He also was involved in: (1) acquiring land for a Phillips Petroleum plant, (2) managing the Kress and the Sterling Buildings, and (3) rehabilitating a well servicing and drilling equipment company.

Mr. Ewing was been active in Houston charities during his many years here. Of note, he was instrumental in the purchase of the current site of St. Luke's Church. He served as board member and Chairman of the Board for the Mental Health Association of Houston and Harris County. In this capacity, he helped to shape national legislation with regard to mental health. His other activities include: Houston Chapter of the American Red Cross, President of the Kiwanis, and the Eagle Scout program. Of note, while Chair of the Red Cross Safety Training Committee, Mr. Ewing initiated the first and largest one-day training in CPR in Red Cross history. Through his professional and charitable activities, Mr. Ewing has touched Houston in many ways.

The home at 1508 Kirby Drive was designed by Nunn and McGinty, and the following is biographical information on each of the partners:

Architect Stayton Nunn was born in Arkansas in 1899. He attended Trinity University in Waxahachie from 1916 to 1919. He earned degrees from Rice in 1921 and 1922, and taught in the Rice architecture department from 1928 until 1941. Nunn practiced architecture in Houston for over 40 years.

From 1922 to 1928, Nunn worked as a draftsman for one of Houston's most prominent architects, William Ward Watkin (1886-1952). According to Stephen Fox, William Ward Watkin's "best buildings were designed during the later 1920's when Stayton Nunn was a member of his firm." In 1928, Nunn started a solo practice. In 1935, he entered into partnership with Milton McGinty. His later career brought an assignment as the coordinating architect for Houston Independent School District (1946-58). He finished his career at Nunn, Nunn & Ulbricht, a partnership with his son.

Milton McGinty was born in Saratoga, Texas 1906, and grew up in Rowell, New Mexico (1910-18). He returned to Texas and earned a B. A. from Rice in 1927 and his B. S. in architecture in 1928. While at Rice, he studied under William Ward Watkin. During his post graduate year, McGinty won the first Rice Traveling Fellowship in Architecture and spent 10 months touring Europe.

During McGinty's early years as an architect, he worked for Maurice Sullivan, Birdsall Briscoe, and John Staub. Then, as stated above, he worked with Stayton Nunn from 1935 to 1949. After 1949 and until his retirement around 1975, he practiced with his brother and sons in The McGinty Partnership, Architects. During his career, he served as President of the South Texas Chapter, American Institute of Architects; as President of the Texas Society of Architects; and as national Director for the Gulf States Region, A.I.A. He received his Fellowship from the A.I.A. in 1949. In 1976, he received the highest honor bestowed by the Texas Society of Architects, the Pitts Award, for his contributions to the profession of architecture. His civic work included the Boards of the American Red Cross, the Shriners Hospital for Crippled Children, the City of Houston Planning Commission and the Texas State Board of Architectural Examiners. He was President of the Houston Engineering and Scientific Society, President of the Kiwanis Club of Houston, a 33rd Degree Scottish Rite Mason, a member of the Holland Lodge #1, and Arabia Temple Shrine. Throughout his life he was a loyal supporter of his Alma Mater, Rice, where he endowed the McGinty Scholars Program in the School of Architecture which exists today.

According to Stephen Fox, the homes and buildings completed by Nunn & McGinty include:

### *Nunn & McGinty*

- 100 Sandman Street, De Pelchin Faith Home, 1935-37, Architectural Record, August 1941 (41-)
- 7500 Kelving Drive, Glennlee, Glenn H. McCarthy House, 1935-37 (demolished)
- Five houses for John Embry, Idylwood, 1936
- 2406 Wichita Avenue, Susie Louise Weathersby House, 1936

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

<b>SUBJECT:</b> Approval of a resolution designating the Walter W. and Cassie Henderson House at 2216 Kane Street as a Landmark and Protected Landmark		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 28
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> 3/6/2007		<b>Agenda Date</b> MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Martina R. Sawyer</i> <i>TM</i>		<b>Council District affected:</b> H		
<b>For additional information contact:</b> Thomas McWhorter Phone: 713/837-7963		<b>Date and identification of prior authorizing Council action:</b> August 16, 2005 Ord. 2005-0969		
<b><u>RECOMMENDATION: (Summary)</u></b>				
Approval of a resolution designating the Walter W. and Cassie Henderson House at 2216 Kane Street as a Landmark and Protected Landmark				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<b><u>SPECIFIC EXPLANATION:</u></b>				
<p>In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, a property owner may initiate the application for the designation of a Landmark and Protected Landmark for which a 90-day waiver certificate may not be issued by the planning official.</p> <p>Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on February 14, 2007 and March 1, 2007 respectively. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of a Landmark and Protected Landmark designation.</p> <p>There were no objections to the application.</p> <p>MG: rp tm</p> <p>Attachments: Application and Staff Report</p> <p>xc: Marty Stein, Agenda Director          Jill Jewett, Mayor's Liaison for Cultural Affairs          Anna Russell, City Secretary          Arturo G. Michel, City Attorney          Deborah McAbee, Land Use Division, Legal Department          Harold L. Hurtt, Chief, Police Department          Phil Boriskie, Chief, Fire Department</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Walter W. and Cassie Henderson House  
**OWNER:** Kim Elston  
**APPLICANT:** Same as owner  
**LOCATION:** 2216 Kane Street – Old Sixth Ward Historic District  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** I  
**HPO FILE NO.:** 07PL38  
**DATE ACCEPTED:** Jan-01-07  
**HAHC HEARING DATE:** Feb-14-07  
**P.C. MEETING DATE:** Mar-01-07

### SITE INFORMATION:

Lot 2, Block 396, W. R. Baker Addition, NSBB, City of Houston, Harris County, Texas. The building on the site is a two-story, wood-frame residence.

**TYPE OF APPROVAL REQUESTED:** Landmark and Protected Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY:

The Henderson House at 2216 Kane, built in 1925, is a surviving example of a Sears pattern book home. Sears, Roebuck and Company, Chicago, Illinois offered for sale complete house plan kits and materials shipped directly to the job site virtually anywhere that railroads serviced. This revolutionary approach to home building set the stage for development patterns across the American landscape. The lot on which the home is located is associated with the Henderson family, who occupied two different homes on the site from 1909 until 1953. The site was also associated previously with William Inman, the owner of a vast, Houston cotton mercantile firm. The home at 2216 Kane Street is classified now as “contributing” to both the National Register Historic District as well as the City of Houston Historic District. The home qualifies for Landmark and Protected Landmark Designation under criteria 1, 4, 5 and 6.

### HISTORY AND SIGNIFICANCE:

The owner of the Inman Compress Company, Mr. William Inman, purchased Lot 2, Block 396 of the W.R. Baker Addition, North Side of Buffalo Bayou, from Mr. Christian Anderson, who lived at 128 Kane, now known as 2212 Kane, on September 27, 1894.

William Inman was a member of the Inman family of Atlanta, Georgia, whose vast wealth came from cotton. The Inman family fortune was used to found many educational institutions and museums, including Georgia Institute of Technology and the High Museum of Atlanta. Atlanta’s first planned community, Inman Park, was named after the family. Mr. William H. Inman relocated to Houston to take advantage of the Texas’ cotton industry and built the Inman Compress Company at the corner of Center and Brashear. He also owned Inman and Company, a cotton mercantile firm, and his assistant, Mr. Edward Andrew Peden, later founded the Peden Iron and Steel Company.

In 1896 Mr. Inman built a substantial two-story dwelling on his property on Kane Street. On June 21, 1901, an enormous fire destroyed 2,000 bales of cotton at the Inman Compress Company, which was located along the banks of Buffalo Bayou, in what was one of the largest fires in Houston’s history. Mr. Inman chose not to rebuild the mill and focused on cotton brokerage instead.

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

As Mr. Inman's wealth increased, he was able to erect a more substantial residence for himself and his family on Fannin Street in Houston's South End. He sold 2216 Kane to Mr. Thomas C. Henderson on March 4, 1909 for \$1,950.00.

On September 18, 1920, Thomas Henderson sold his property to his brother, Walter W. and his wife, Cassie Childre, for \$2,750.00 (Vol. 460, page 635). Mr. Henderson was the owner of Henderson Art Company located next door at 2214 Kane St. He and his wife raised two children, George W. and Ida C., in the former Inman residence.

No documentary information exists to indicate why the Henderson family replaced their residence with a new one in either 1925 or 1926. The 1925 city directory lists the Henderson family at 2214 Kane while previous directories listed them at 2216 Kane, and that directory showed 2216 as vacant in that year. However in the following year, the directory shows the Hendersons back at 2216 Kane. County records showed that the tax value dropped from \$3,840 in 1924 to \$1,200 in 1925, and then back up to \$3,424 in 1926.

Neighborhood lore as well as architectural evidence revealed that the Henderson family chose Modern Home Number 8013, "the Columbine," from the 1921 issue of "Book of Modern Homes and Building Plans" by Sears, Roebuck & Co., Chicago. According to "Houses By Mail, A Guide to Houses from Sears, Roebuck and Company," there is depicted a drawing of The Columbine on page 74, which is one-and-one-half stories. It further states that "the porch roof and pergolas are supported by six colonial columns. The dentils in the porch gables give it the final touch of elegance and good taste. Don't overlook the triple windows on either side of the porch. . ." The house at 2216 Kane features the same porch detailing as shown in the Sears catalogue. The house also features elements found in other Sears homes in Houston and Galveston, such as wide pine plank sub flooring with narrow red oak strip top-flooring, No.1 yellow pine lumber with painted code symbols, Stratford-trademark hardware, and millwork. The type of yellow pine used for the lumber was clearly different from southern or long-leaf pine commonly sold in Houston's lumberyards during the 1920's. Further evidence that 2216 Kane is a Sears design is that the current floor plan also matches the one shown in the Sears catalog. According to "Houses by Mail," the Columbine plan (8013) was illustrated and available for sale in the catalogues for 1921, 1922, 1925, 1926 (P8013), 1928 (C8013A; C8013B; C8013X), and 1929 (P8013A; P8013B), which clearly indicates that there were other variations of the original design. The price for construction of the house from the plans ranged from \$1,971 to \$2,162.

"Houses by Mail," includes an introduction which states "from Pleasantville, NY to Coldwater, Kans., from Philadelphia, Pa., to Cowley, Wyo. And beyond, 100,000 families turned to Sears, Roebuck and Company earlier in this century for one of their most important purchases: their homes. Between 1908 and 1940 Sears was the place to find not only everything to fill an American home; it also manufactured and sold the houses themselves – approximately 450 ready-to-assenble designs from mansions to bungalows and even summer cottages. Ordered by mail and sent by rail wherever a boxcar or two could pull up, these popular houses were neant to fill a need for sturdy, inexpensive and, especially, modern homes – complete with such desirable conveniences as indoor plumbing and electricity."

City directories listed the Hendersons at their new home from 1926 until 1937-38 when their name reappeared next door at 2214 Kane. It is believed that it was the year that the house was remodeled with the addition of the new second floor in 1938. Archaeological and architectural evidence showed that the original kitchen was relocated to the rear bedroom, and the old kitchen was converted into a dining room with the addition of a new staircase to the second floor.

The city directory of the following year, 1939 showed the Hendersons back at 2216 Kane along with their business, Henderson Art Company. It is believed that the Henderson family added the second floor so they could house their business on the first floor. Mr. Henderson passed away on February 20, 1940, shortly after the completion of their house. His widow, Cassie, remained at the address until 1953 when she donated the house on May 15, 1953 (Vol. 2602, page 618) to Salvation Army Corps, along with a payment of \$10 for paperwork purposes. The Salvation Army Corps sold Lot 2, Block 296 of Baker Addition to Mr. Alex Velasquez for \$10 and “other good and valuable consideration” on March 29, 1965. Mr. Velasquez was a social worker who ran a community rehabilitation program for men, a forerunner to Salvation Army’s present-day adult rehabilitation programs. After Mr. Velasquez’ program folded due to lack of funding, he converted the house to a duplex and leased the other half for many years.

The Old Sixth Ward Historic District has one of the largest concentrations of Victorian-era buildings in Houston. The area maintains the feeling of a modest, self-contained neighborhood with its predominantly small 19<sup>th</sup> century, one-story cottages, two-story Victorian-era homes, and some early 20<sup>th</sup> century bungalow style buildings. The neighborhood also contains fire stations, churches, corner stores, and a school. When the National Register Historic District as well as City of Houston Historic District were designated, the inventories showed the building classified as “potentially contributing” due to the alterations to the windows. Since the windows have been restored, the building would now be classified as “contributing” to both historic district designations due to recent appropriate restoration.

### **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:**

The current owner purchased the house on December 13, 2001, and began a series of restoration projects to revert the house back to its original 1924, single-family residential configuration as well as to its circa 1939 later remodeling into a two-story house. The house is a two-story, wood frame home with a low hipped roof. The home’s most prominent feature is a single story, pedimented entry porch with arched ceiling, which is supported by paired, slender round Tuscan wood columns. And located on either side of the entry is an open, wood pergola featuring the same type columns. The original Sears Catalog design for the Columbine house plan, shown as a one-story design in the catalogue, was certainly the inspiration for the home that was constructed at 2216 Kane. And it is highly possible that the home is an actual Sears home design that was constructed with a second story. The home is clad with wood tear drop (false bevel) siding.

The HAHC granted the applicant a Certificate of Appropriateness on March 14, 2003 to replace the aluminum sash windows with wood sash, double hung windows and restore the original pergola structures on either side of the existing front porch. Most of the work was never commenced, and the Certificate of Appropriateness expired on March 14, 2004. The applicant was granted another certificate of appropriateness on October 19, 2006 for the following work: Remove the 10 aluminum sash windows (later alteration) on the façade of the building facing Kane Street and install wood sash, double hung windows in the original openings; the windows on the first floor will feature two sets of paired, wood windows with 1/1 lights; the windows on the second floor will feature two sets of triple, wood windows with 6/1lights consistent with the existing Craftsman/Prairie style entry door and sidelights; Re-construct original pergola structures to their original footprint as evidenced by the existing concrete terrace platform; pergolas were previously removed at an unknown date, but their configuration is shown in a historic photograph of this home; each pergola will be constructed on either side of the existing, pedimented entry porch; each pergola will be constructed of wood and will be supported by paired

round, wood Tuscan columns to match existing pedimented front porch; wood cross members will be constructed above the columns to form the pergola roof structure and will be attached to the front walls of the building and sides of the pedimented porch at the level of the fascia and soffits; rafter ends of cross members will feature decorative, rafter tails. Only the work relating to the front façade windows has been completed.

*The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Thomas McWhorter and Randy Pace, Planning and Development Department, City of Houston.*

**BIBLIOGRAPHY:**

Deed Records, Harris County, Texas

Houses By Mail, A Guide to Houses from Sears, Roebuck and Company, (The Columbine, page 74), Katherine Cole Stevenson and H. Ward Jandl, The Preservation Press, 1986

Houston City Directories, various

Sears, Roebuck and Company, “Book of Modern Homes and Building Plans,” 1921, Chicago, Illinois, (The Columbine, page 89).

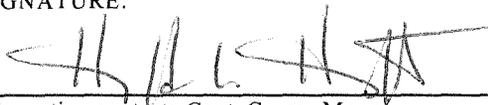
**APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:**

**Sec. 33-224. Criteria for designation of a Protected Landmark.**

- (a) The HAHC and the commission, in making recommendations with respect to designation, and the city council, in making a designation, shall consider three or more of the following criteria, as appropriate for the Protected Landmark designation. If the HAHC reviews an application for designation of a Protected Landmark initiated after the designation of the Landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark unless the property owner elects to designate and if the landmark has met at least (3) three of the criteria of Section 33-224 of the Historic Preservation Ordinance (HPO) at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least (3) three of criteria of Section 33-224 of the HPO, as follows:

S	NA	S - satisfies	D - does not satisfy	NA - not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(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;		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(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;		

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance amending Ch. 7, Code of Ordinances, relating to metal recycling entities, second-hand metal dealers and second-hand dealers.		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-weight: bold;">29</div>
<b>FROM (Department or other point of origin):</b>  Houston Police Department		<b>Origination Date</b>  3/16/07	<b>Agenda Date</b>  MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b>  		<b>Council District affected:</b>  All		
For additional information contact: Capt. Caesar Moore Phone: (713) 308-0989		<b>Date and identification of prior authorizing Council action:</b> Ord 79-1036, 6/29/79, Ord. 76-271, 2/17/76		
<b>RECOMMENDATION: (Summary)</b> That City Council pass the proposed ordinance which materially revises the regulations pertaining to metal recycling entities (scrap metal processors), second-hand metal dealers (junk dealers) and second-hand dealers. The proposed ordinance contains stringent regulations to prevent the theft and resale of building materials and other metal products, provides penalties for violations thereof and increases certain fees.				
<b>Amount of Funding:</b>		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund  <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> Due to the substantial increase in the price of copper and other metals over the past year, HPD, like other police departments across the country, is reporting a great increase in the theft of copper and other metal materials that are sold to metal recyclers, second-hand metal dealers, and second-hand dealers. Thieves are targeting construction sites, public utilities, and public property for access to metal pipes, tubing and wiring, and other construction materials.  The proposed ordinance redesignates certain businesses as metal recycling entities (scrap metal processors), second-hand metal dealers (junk dealers) and amends the definition of a second-hand dealer. The ordinance requires that applicants for a metal recycling entity or second-hand metal dealer post a bond in the amount of \$5,000 conditioned upon compliance with the Code and rules adopted under the authority of the new provisions of the Code. Additional electronic record-keeping requirements are imposed to ensure that such businesses do not traffic in stolen building or other materials. Strict rules concerning the identity (including photographs and fingerprints) of the persons selling or attempting to sell metal products or other building materials to the regulated entities have been strengthened to deter theft and criminal trafficking in such items.  KARCAIRDC3327				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

**REDLINE**

**ARTICLE III. JUNK DEALERS, SCRAP METAL PROCESSORS METAL RECYCLING ENTITIES, SECONDHAND METAL DEALERS AND SECONDHAND DEALERS**

**Sec. 7-51. Definitions; ~~article inapplicable to automotive dealers.~~**

(a) 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:

~~(1) Junk dealer shall mean anyone who engages in the business of buying, selling, trading, or otherwise dealing in new or used scrap materials, including ferrous and nonferrous metal, brass, waste material, etc. Building construction materials means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, door frames, downspouts, gutters, lumber, air conditioning units and other similar materials.~~

~~(2) Scrap metal processor shall mean Chief of police means the chief of police for the City of Houston and such persons as he may designate to perform his duties under this article.~~

Clear thumbprint impression means an intentional recording of the friction ridge detail on the volar pads of the thumb.

Director means the director of the finance and administration department or his designee.

Licensee means a person who holds a license to conduct business as a scrap metal processor or secondhand dealer.

Metal recycling entity means anyone, who from a fixed location engages in the business of utilizing machinery or equipment for the processing of or manufacturing of iron, steel or ~~non-ferrous~~ nonferrous metallic scrap and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for remelting purposes.

Minor means any person under 18 years of age.

Real-time electronic web-based database means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the internet.

Scrap metal means a direct product or byproduct of any form of a manufactured, shaped, or processed iron, steel, aluminum, brass, copper, lead, tin, zinc, or other nonferrous metallic material.

Secondhand metal dealer means a person who operates or maintains a scrap metal yard or other place in which used or previously purchased metal items or scrap metal is collected or kept for shipment, sale, or transfer.

Secondhand dealer means~~(3) Secondhand dealer shall mean~~ anyone who engages in the business of buying, selling, trading or otherwise dealing in used items, other than metal items.

~~(4) Show shall mean~~ Show means any display and offering of used items for sale or trade by more than one dealer at a single location.

~~(5) Used means~~ any items, goods, products, wares, chattels, or articles ~~or of~~ any sort which have previously been owned by someone other than the manufacturer, or a dealer whose business it is to sell such items, goods, products, wares, chattels, or articles when new to the consumer.

**Sec. 7-52. Article inapplicable to automotive dealers.**

~~(b)~~ This article shall not apply to businesses licensed as automotive dealers under chapter 8, article II of this Code or pawnshops as defined by state law.

**Sec. 7-52. License required; application of section 7-55; 53. Administrative rules.**

The director and the chief of police shall promulgate rules and regulations to administer the provisions of this ordinance. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary, the office of the chief of police and the office of the director. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law. Failure to comply with any of the promulgated rules or regulation established under this subsection shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a metal recycling, secondhand metal or secondhand business under this Code. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

**Sec. 7-54. License required; posting of license.**

No person shall operate as a ~~junk dealer, scrap metal processor~~ metal recycling entity, secondhand metal dealer, or secondhand dealer or own any such business without a license as herein provided. Any person who engages in more than one business described herein at the same location must obtain a license only for his principal business activity and not for the other businesses. The provisions of section 7-55 58, requiring that certain records be kept, apply to all businesses carried on at a single location. A separate license shall be required for each permanent location of any such business. The license shall be posted in a conspicuous place upon the licensed premises.

**Sec. 7-53 7-55. Bond.**

(a) The director shall require that an applicant for a metal recycling entity or secondhand metal dealer license file a bond with the application. The bond must be:

- (1) Satisfactory to the director;
- (2) In the amount of \$5,000 for each license;
- (3) Issued by a surety qualified to do business in this state; and
- (4) Valid at the time of the application and remain in effect during the entire term of the license.

(b) The aggregate liability of the surety may not exceed the amount of the bond.

(c) The bond must be in favor of the city for the use of the city and the use of a person who has a cause of action under this article against the metal recycling entity or secondhand metal dealer.

(d) The bond must be conditioned on:

- (1) The metal recycling entity's or secondhand metal dealer's compliance with this article and rules adopted under this article; and
- (2) The payment of all amounts that become due to the city or to another person under this article.

**Sec. 7-56. Application for and issuance or refusal of license.**

(a) Any person desiring a license required by this article shall make application therefor in writing to the ~~tax assessor-collector~~ director on an application form provided for that purpose, ~~stating~~. On the application the applicant shall set forth:

- (1) The full name and residential address of the applicant;
- (2) A statement indicating whether the applicant is a citizen of the United States or an alien legally residing in the United States;
- (3) The applicant's social security number or business' federal tax identification number;
- (4) The full name and address of each partner if the applicant is a partnership;
- (5) The full name and address of each officer and director if the applicant is a corporation;
- (6) The fixed and permanent location where the business is to be located and the residential address of the owner or manager. Such application form shall be accompanied by an affidavit of the applicant, conducted and proof of his ownership of the private property or a written statement including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the business at the proposed location where his business will be in operation. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or one of the principals prior to issuance of any license;
- (7) The regular days and hours of operation;
- (8) The applicant's date of birth, place of birth, and each address where he has resided in the five years immediately preceding his application;
- (9) A statement of whether the individual applicant, any partner in a partnership, or any officer or director of a corporation, has been arrested, charged, or convicted for any criminal offense in this state or any other state or country. If he has been arrested or jailed for any such offense, he shall set out the offense for which he was arrested, jailed, or imprisoned, the date of the arrest or confinement, and the place, court and case number of the case.
- (10) A statement that neither he nor any business partner, nor, in the case of a corporation, any corporate officer or director, has had a license under this

chapter or any preceding city ordinance governing the businesses described herein revoked:

~~— (b) Upon receipt of such application, the tax assessor-collector or his designated deputy shall investigate the items sworn to by affidavit. Such deputies may include representatives of various city departments. If neither the applicant, his business partners, nor any corporate officers have had a license revoked as described above, the tax assessor-collector may issue a license to the applicant upon payment of the license fee. The tax assessor-collector may reject an original application, or an application for a renewal of any existing license, if, as a result of inspections by other city departments, it appears that the applicants' place of business is not in compliance with the provisions of this article.~~

~~— (c) If the tax assessor-collector rejects the application, or a renewal of an existing license, he shall give written notice by certified mail to the applicant at the address stated in the application. The written notice shall specifically set forth the reasons for the rejection.~~

~~— (d) The applicant shall have 30 days from the date of the mailing of the notice of rejection to appeal the rejection of his application to the city council by filing written notice of such appeal with the city secretary. Upon receipt of such notice, the city council shall notify the applicant of the date and time of the hearing, to be held at the earliest time practicable. At the hearing, the city council shall hear evidence on the grounds for the rejection of the application. Based on a preponderance of the evidence, city council shall sustain or overrule such rejection in writing within ten days. The applicant shall be notified of city council's written decision by certified mail, return receipt requested. This shall conclude the applicant's administrative remedies and city council action shall be final.~~

Sec. 7-54:

- (11) The signature of the applicant;
- (12) A sworn and notarized statement that all matters stated in the application are true and correct;
- (13) Evidence that he is at least 18 years of age by presentation of valid identification, including a photograph showing the face of the applicant, in the form of:
  - a. A current driver's license from Texas or another state within the United States;
  - b. An identification card issued by the Texas Department of Public Safety; or

c. A current passport;

(14) Such other information as the director finds relevant.

(b) The director shall review and approve the application and issue a license unless he finds:

(1) The information provided in the application is incomplete, materially false or incorrect or the applicant has failed in any material way to comply with this article and applicable rules and regulations; and

(2) The applicant has had a license revoked during the preceding one year period.

(c) In the event that the director rejects or refuses to issue an application, the provisions of section 7-74 shall apply.

**Sec. 7-57. License fees; use of license at shows.**

(a) ~~The license fees for junk dealers, scrap metal processors, and secondhand dealers with permanent places~~ fee for a metal recycling entity, a secondhand metal dealer or a secondhand dealer with any permanent place of business within the city shall be ~~\$200.00~~ \$250 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) Each licensee with a permanent business location in the city may use the license for that business when attending shows at other locations in the city.

(c) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be ~~\$2.00~~ \$10 per day.

(d) Notwithstanding any other provisions of this article, the license fee shall be ~~\$25.00~~ \$50 yearly for any secondhand dealer who deals exclusively in:

- (1) Used books, magazines and other printed documents;
- (2) Used phonographic records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and/or
- (3) Used items of clothing, except those made in whole or in part from fur,

but not in any other items, goods, products, wares, clothes or articles which are subject to regulation under this article. The said license fee shall be paid prior to the issuance of the license or renewal thereof.

A license issued under this subsection shall be conspicuously marked to indicate that the business is authorized to deal only in the items listed in this subsection.

**Sec. 7-55 58. Records required to be kept by metal recycling entities, and secondhand metal dealers.**

(a) The provisions of this section apply to all businesses carried on at a single location. With the exception of the sale or transfer of aluminum cans, a metal recycling entity or secondhand metal: ~~(a) Every person licensed as a junk dealer, scrap metal processor or secondhand dealer shall keep at his place of business a record book in a real-time electronic web-based database, in a form and method approved by the chief of police, in which he shall enter daily, in English, a full description of all each transaction in which personal property is purchased or otherwise received at his licensed place of business. Such description shall include the:~~

- (1) The date and time of receipt; the of any item;
- (2) The full name and current address of the person or place of business from whom such item was received, and the driver's license or Texas personal identification certificate number of the person each item was received;
- (3) A clear thumbprint impression of the person from whom each item is received, which shall be excluded from the requirement for electronic transmission set forth in subsection (b) of this section but shall be maintained by the metal recycling entity or secondhand metal dealer for not less than 3 years and made available to the director in accordance with rules promulgated by the director for administration of this article and peace officers in accordance with rules promulgated by the chief of police for administration of this article;
- (4) Verified evidence that the person transferring, selling or otherwise giving the items. All entries in the record book shall be made legibly.

~~————(b) In addition to the requirements set out in subsection (a) hereof, the property shall be fully described is at least 18 years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of:~~

- a. A current driver's license from Texas or another state within the United States;
  - b. An identification card issued by the Texas Department of Public Safety; or
  - c. A current passport.
- (5) A description of the motor vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity, secondhand metal dealer, or secondhand dealer's place of business, including state and license plate number, if applicable;
- (6) The individual transaction number assigned by the licensee to each item received;
- (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, length, ~~number of items~~, capacity, and any other designations or descriptions customarily employed in the sale and purchase of such items. ~~The licensee;~~
- (8) A digital photograph of each item received;
- (9) If the item received is a junked, abandoned or wrecked automotive vehicle, documentation of ownership and any other information required for receipt of such vehicles as provided in state or federal laws or regulations and any provision of this Code;
- (10) The name or employee number of the employee who facilitates or conducts the transaction.

(b) The real-time electronic web-based database described in subsection (a) of this section shall be created and maintained by the police department. The metal recycling entity, or secondhand metal dealer shall forward the required record and descriptions set forth in subsection (a) of this section, excluding the thumbprint, to the police department electronically to the designated police department web site before the close of business on each day on which the metal recycling entity or secondhand metal dealer is open for business. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(c) The metal recycling entity or secondhand metal dealer, his agents or employees shall obtain a consecutively numbered receipt from the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and ~~such receipts~~ shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than three years.

~~(c) Every person licensed as a junk dealer, scrap metal processor or secondhand~~  
(d) A metal recycling entity or secondhand metal dealer shall, upon request, submit and exhibit the various business records ~~which that~~ are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the ~~city tax assessor-collector~~ director. Failure to maintain or to so permit the examination or copying of such records when requested shall be a misdemeanor.

(e) Each transaction shall be recorded via video device, and each recording medium shall be maintained for a period of one year from the date of the latest transaction recorded thereon. A metal recycling entity or secondhand metal dealer shall post a notice in each place of business regarding the recording of the transaction via video device pursuant to specifications established by the director and the chief of police. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-59 ~~Sec. 7-56.~~      Stock to be open for examination.**

The stock or inventory of any ~~junk dealer, scrap metal processor~~ metal recycling entity, secondhand metal dealer, or secondhand dealer that is openly displayed and available to the public shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the ~~tax assessor-collector's office. Failure to permit an examination when requested shall be a misdemeanor.~~ director's office. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-57 ~~Sec. 7-60.~~      Articles to be retained at least ~~seven days;~~ 72 hours; tag; exceptions.**

~~No junk dealer, scrap metal processor or secondhand~~ (a) 72-hour hold. No metal recycling entity, or secondhand metal dealer shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for seven days after receipt. During such seven-day 72 hours after receipt, provided that he is not required to keep aluminum cans for more than 24 hours. During such 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the record book database. Such property shall not be kept in such a manner so as to prevent or impede its examination.

(b) Tag. In addition to the requirements set forth in subsection (a) of this section, a metal recycling entity or secondhand metal dealer shall affix or otherwise attach a tag or label to each item maintained for a minimum of 72 hours under the provisions of this section that includes the date of receipt of the item to which the tag or label is attached, the name and address of the person or place of business from whom such item was received, and the corresponding individual transaction number from the database maintained under section 7-58 of this chapter. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(c) Exceptions. A metal recycling entity is not required to comply with the provisions of this section if:

- (1) The metal items are not in their original packaging, in which case the metal recycling entity must comply with section 7-67 of this Code, and
- (2) The metal recycling entity has an unexpired executed, written agreement, which shall be maintained by the metal recycling entity for a minimum of three years, with the person or the employer of the person seeking to sell or otherwise transfer the metal items; or
- (3) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a valid city-issued metal recycling entity or secondhand metal dealer license, which the metal recycling entity or secondhand metal dealer shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three years; or
- (4) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a valid city-issued construction, demolition, or electrical permit, which the metal recycling entity or secondhand metal dealer shall record by photocopying the permit or

recording the project number located on the permit in connection with the sale and maintain for a period of not less than three years.

**Sec. 7-61 ~~Sec. 7-58.~~ Purchasing or receiving goods of minors.**

~~No junk dealer, scrap metal processor~~(a) No metal recycling entity, secondhand metal dealer, or secondhand dealer shall purchase or otherwise receive in the course of his business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless ~~the minor's:~~

- (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent; or
- (2) The only items offered for sale by the minor are aluminum cans.

(b) It shall be the duty of such ~~junk dealer, scrap metal processor~~ metal recycling entity, secondhand metal dealer, or secondhand dealer to preserve and keep on file, and available for inspection, such written statements of consent for a period of not less than three years.

**Sec. 7-62. ~~Sec. 7-59.~~ Change in business address.**

Should any ~~person licensed under this article~~ licensee move his place of business from the place designated in such license to a new address, he shall immediately give written notice to the ~~tax assessor-collector~~ director and have the change noted on his license. A fee of ~~\$2.00~~ \$2 payable to the ~~tax assessor-collector~~ director is hereby levied for such change.

**Sec. 7-60 ~~63.~~ Revocation of license on verified complaint.**

(a) Upon written verified complaint filed by any person with the ~~tax assessor-collector~~ director setting out facts alleging that any licensee under this article has, since the license was granted, violated the provisions of this chapter or any health regulation of the city or the state, or any state or federal statute involving the criminal offense of theft, or the provisions of section 37.09 or 37.10 of the Texas Penal Code or that the licensee falsified his original application for a license, the ~~city tax assessor-collector~~ director shall investigate the allegations.

(b) Such ~~complaint~~ complaints shall be investigated, heard, determined, and shall be subject to appeal as provided in section 7-25 as applicable to antique dealers.

**Sec. 7-61. Reports 64. Acceptance of property suspected stolen; peace officer requested holds; violation.**

(a) It shall be the duty of ~~the licensee~~ every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to report immediately to the police department, by filing a formal complaint, any offer to sell to the ~~licensee~~ metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, property ~~which such licensee~~ that such metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such ~~licensee~~ metal recycling entity, secondhand metal dealer or secondhand dealer, his agents, or employees, shall also report any property acquired by the ~~licensee~~ which the licensee metal recycling entity, secondhand metal dealer or secondhand dealer that the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, subsequently determine or reasonably suspect to be stolen property ~~and the licensee, and the metal recycling entity, secondhand metal dealer or secondhand dealer~~, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.

(b) ~~It shall be unlawful for any licensee~~ Notwithstanding the provisions of section 7-60 of this article, it shall be the duty of every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to ~~purchase an item of property~~ hold all suspected stolen property in a secure place for 60 days upon request by a peace officer. The metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, may not process or remove the property from the dealer's or entity's premises before the sixtieth day after receipt of the request from a peace officer to hold the property unless:

- (1) The item is released into a peace officer's care, custody and control at an earlier time;
- (2) A peace officer releases the hold on the property upon an earlier date;
- (3) A peace officer makes a written request to extend the holding period for up to 24 months from the date the request is received; or
- (4) A court orders release of the property.

(c) Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person

violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-65. Acceptance of building construction materials.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless he complies with the provisions of sections 7-58 through 7-62 and 7-64 of this Code.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless prior to receiving, selling, dismantling, defacing or in any manner altering or disposing of any building construction material, the metal recycling entity or secondhand metal dealer:

- (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; and
- (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-66. Government or utility property.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of Houston" or other words or markings demonstrating ownership by the city except in the following circumstances:

- (1) Where the person offering such property for sale is an employee of the city authorized by the ~~city treasurer~~ director to make such a sale and provides the ~~licensee~~ metal recycling entity or secondhand metal dealer, his agents or employees, his agents or employees with a written authorization from the city treasurer for the sale of such property; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the ~~city treasurer~~ director evidencing the purchase of such property by the person offering such property.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the State of Texas and the United States of America and their agencies and political subdivisions or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:

- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling entity or secondhand metal dealer, his agents or employees with a written authorization from the agency for the sale of such property; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property.

(c) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property.

**Sec. 7-67. Acceptance of property in original packaging.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property in its original packaging unless the person offering such item presents a receipt or proof of purchase for that property.

**Sec. 7-68. Acceptance of property inscribed with company name.**

It shall be unlawful for any metal recycling entity or secondhand metal dealer, or his agents or employees, to purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the metal recycling entity or secondhand metal dealer knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-69. Acceptance of property delivered by shopping cart.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property that is transported to the metal recycling entity, secondhand metal dealer or secondhand dealer's place of business by a shopping cart that is marked with any form of the name or initials of a private company or that the metal recycling entity, secondhand metal dealer or secondhand dealer knows or should reasonably be expected to know belongs to a private company unless the person operating the shopping cart presents at the time of transportation of property to the metal recycling entity, secondhand metal dealer or secondhand dealer presents a valid receipt from the owner of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart.

**Sec. 7-70 Sec. 7-62. Exemptions--From license fee.**

An organization engaged in a business described herein, but which has qualified as nonprofit and which is exempt from taxation under the provisions of Section 501(c)(3) of Title 26 (Internal Revenue Code) of the United States Code, must obtain a license as required herein; provided, however, that such organization shall be exempt from paying the license fee required herein. All other provisions of this article apply to such organizations.

**Sec. 7-62.1. From other 71. Inapplicability of certain chapter provisions.**

Notwithstanding any other provision of this article ~~which~~ that might be construed to the contrary, the provisions of sections 7-55 58 and 7-57 60 of this Code shall not be applicable to the sale, receipt, transfer or holding of:

- (1) Used books, magazines and other printed documents;

- (2) Used phonograph records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and
- (3) Used items of clothing, except those made in whole or in part from fur.

**Sec. 7-~~63~~ 72. Operation of yards used by ~~junk dealers~~ or secondhand dealers.**

(a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of a ~~junk~~ secondhand dealer or used for open storage by a secondhand dealer shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a ~~junk dealer~~ or secondhand dealer. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every yard owned or operated by a ~~junk dealer~~ or secondhand dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least eight feet in height.
- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.

- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal daytime business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used ~~scrap metal~~ materials outside of or above the ~~hereinrequired~~ herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a ~~junk dealer or~~ secondhand dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, neighborhood protection and police officials of the city.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a ~~junk dealer or~~ secondhand dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a ~~junk dealer or~~ secondhand dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the city Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a ~~junk dealer or~~ secondhand dealer must have an all-weather surface of concrete, asphalt, black-top,

stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage.

(l) *Storage of materials.* Any materials stored in a yard owned and operated by a ~~junk dealer~~ or secondhand dealer must be stored at least six inches above the improved surface of the yard. The requirements of this subsection shall not apply to any materials stored wholly inside a building.

(m) *Violations and penalties.* Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a ~~junk dealer~~ or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-64 73.      Operation of yards used by scrap metal processors, metal recycling entities and secondhand metal dealers.**

(a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of ~~scrap metal processors~~ metal recycling entities or secondhand metal dealers shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer in the city. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every equipment and inventory storage and processing yard owned or operated by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least six feet in height.
- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps

left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained in good repair as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for an owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used ~~scrap metal~~ scrap metal materials outside of the ~~hereinrequired~~ herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, health and police officials and the neighborhood protection official of the city. No materials shall be stored at a height greater than six feet within ten feet of the fence required herein.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the city Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage. This subsection shall not include those areas of a yard which are utilized for purposes of inventory storage and processing.

(l) *Vector and rodent control.* Any materials stored in a yard owned and operated by a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer must be stored in a manner which will allow adequate vector and rodent control measures. An owner or operator shall provide for vector and rodent control at least once within a 90-day period or more frequently as needed.

(m) *Violations and penalties.* Failure to comply with any provisions of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a ~~scrap metal processor~~ metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**~~Secs. 7-65-Sec. 7-74.~~      Rejection; refusal to renew; revocation; hearing; penalty.**

(a) Grounds for rejection, refusal to renew or revocation. The director may reject an original application, or an application for a renewal of any existing license, if, as a result of inspections by the police department, the finance and administration department, or other city department, it appears that the applicants' place of business is not in compliance with or violates any provision of this article. Failure to comply with any provisions of this Code shall be grounds for the rejection of an original application, renewal or revocation of any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this article. Any person violating any provision of this article shall be punished as provided by section 1-6 of this Code.

(b) Notice. If the director rejects an application, refuses to renew or revokes any license issued under this article to a metal recycling entity, secondhand metal dealer or secondhand dealer for failure to comply with any provision of this article, the director shall

give written notice by certified mail to the applicant at the address stated in the application of the metal recycling entity, secondhand metal dealer or secondhand dealer. The written notice shall specifically set forth the reasons for the rejection, refusal or revocation.

(c) Appeal. The metal recycling entity, secondhand metal dealer or secondhand dealer shall have 30 days from the date of the mailing of the notice of rejection, refusal or revocation of his license to appeal the rejection, refusal or revocation of the license to the director. Upon receipt of such notice, the director shall notify the metal recycling entity, secondhand metal dealer or secondhand dealer of the date and time of the hearing, to be held at the earliest time practicable.

(d) Hearings.

- (1) All hearings shall be held before a hearing officer appointed by the director, who shall not designate any person to perform the duties of hearing officer under this section who has prior knowledge of the circumstances regarding the rejection, refusal, or revocation of the license. The hearing officer may, prior to the hearing, receive a copy of the notice given to the applicant or license holder.
- (2) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.
- (3) All hearings shall be conducted under rules established by the director that are consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:
  - a. All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
  - b. Each party may present witnesses in his own behalf.
  - c. Each party has the right to cross examine all witnesses.
  - d. Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.
- (4) The hearing officer may affirm or reverse a license rejection, refusal to renew or a license revocation. The decision of the hearing officer shall be final and shall be delivered in writing to the applicant or license holder in the same manner as a notice under subsection (b) of this section.

**Sec. 7-75. Abatement of operations for unlawful operation of a metal recycling, secondhand metal, or secondhand business.**

(a) Declaration; notice. The continued ownership and operation of or engaging in a business that participates in buying, selling, trading or otherwise dealing in new or used items in violation of this article is declared to be a public nuisance where (1) the metal recycling entity, secondhand metal dealer or secondhand dealer is convicted three or more times for violations under this article in a 24 month period, (2) the director finds and determines that the owner or operator habitually violates the provisions of this article and that issuance of citations and subsequent convictions for violations of this article are no longer adequate remedies to address unlawful operations, and (3) that pursuit of a civil action will promote preservation and protection of property of the city or its inhabitants. Whenever the existence of a public nuisance under this section shall come to the knowledge of the director, the director shall cause a written notice, as provided in subsection (b) of this section, to be sent to the owner identifying the business in violation of this article and directing that the unlawful activity cease within a reasonable time to be determined by the director.

(b) Notice.

(1) The notice under this section must be given:

a. Personally to the owner in writing:

b. By letter addressed to the registered agent of the partnership or corporation for service of process, or to the individual owner at the owner's latest address according to the records of the director.

c. If personal service cannot be obtained:

(i) By publication at least once:

(ii) By posting the notice on or near the front door of each building on the property to which the violation relates; or

(iii) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(2) If the director mails a notice to a property owner in accordance with subsection (a) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

- (3) A notice provided under this section shall state that the owner is entitled to request a hearing to be held in the manner described in section (c) of this section.

(c) Abatement hearing. The owner subject to abatement under this section may request a hearing by notifying the director within ten (10) days following the date the city mails the required notice under subsection (b) of this section. The hearing shall be conducted in accordance with the procedures set forth in section 7-74(d) of this Code by a hearing official designated by the director for the purpose of determining whether the metal recycling entity, secondhand metal dealer or secondhand dealer has operated his business in violation of this article and the criteria set out in subsection (a) of this section are satisfied. At the hearing, the owner and the director may present any evidence relevant to the proceedings. If the hearing official determines that the metal recycling entity, secondhand metal dealer or secondhand dealer has operated his business in violation of this article or any other provision of this Code affecting metal recycling entity, secondhand metal dealer or secondhand dealer, and that the criteria set out in subsection (a) of this section for the designation of public nuisance have been satisfied, the hearing official shall issue an order so stating and direct that the owner cease the unlawful operations.

(d) Abatement by city; expenses and liens. If the owner fails to timely cease unlawful operations within 10 business days of the hearing official's order, then the city attorney shall be authorized to exercise all other remedies available to the city relating to the subject matter hereof as set out in subsection (e) of this section.

(e) Remedies cumulative, civil enforcement, other action not limited. The procedures set forth in this section are cumulative of all other remedies available to the city relating to the subject matter hereof. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking any other available actions. Specifically, the city attorney may institute any legal action to enforce this ordinance or enjoin or otherwise cause the abatement of any condition described in this article, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorneys fees and costs, and for civil penalties as provided by law. The city attorney is hereby authorized to file a civil suit in a court of competent jurisdiction to prevent the violation of any of the provisions of this article. This remedy shall be cumulative and in addition to any other remedies.

**Secs. 7-76--7-80. Reserved.**

**City of Houston, Texas, Ordinance No. 2007-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO METAL RECYCLING ENTITIES, SECONDHAND METAL DEALERS, AND SECONDHAND DEALERS; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City has an ordinance that governs metal recycling entities, secondhand metal dealers, and secondhand dealers, and operation of their respective businesses; and

**WHEREAS**, due to the substantial increase in the price of copper and other metals over the past year, police departments across the country are reporting a substantial increase in the theft of copper and other metal materials that are sold to metal recycling entities, secondhand metal dealers, and secondhand dealers; and

**WHEREAS**, metal thieves are targeting construction sites, public utilities, and public property for access to metal pipes, tubing and wiring, and other construction materials; and

**WHEREAS**, improved, uniform electronic record keeping requirements for metal recycling entities, secondhand metal dealers, and secondhand dealers will aid law enforcement in identifying metal thieves and solving metal theft and related crimes; and

**WHEREAS**, the City Council Committee on Public Safety and Homeland Security conducted hearings regarding the need for amendments to the ordinance provisions regulating metal recycling entities, secondhand metal dealers, and secondhand dealers on December 11, 2006, and in connection with those hearings has reviewed the applicable provisions, their effect on the community, and their impact on the problems the ordinance provisions are intended to remedy; and

**WHEREAS**, based upon these findings and the hearing, the City Council is of the opinion that the ordinance provisions regulating metal recycling entities, secondhand metal dealers, and secondhand dealers should be amended; **NOW, THEREFORE**,

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

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

**Section 2.** That Article III of Chapter 7 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"ARTICLE III. METAL RECYCLING ENTITIES, SECONDHAND METAL DEALERS AND SECONDHAND DEALERS**

**Sec. 7-51. 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:

*Building construction materials* means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, door frames, downspouts, gutters, lumber, air conditioning units and other similar materials.

*Chief of police* means the chief of police for the City of Houston and such persons as he may designate to perform his duties under this article.

*Clear thumbprint impression* means an intentional recording of the friction ridge detail on the volar pads of the thumb.

*Director* means the director of the finance and administration department or his designee.

*Licensee* means a person who holds a license to conduct business as a scrap metal processor or secondhand dealer.

*Metal recycling entity* means anyone, who from a fixed location engages in the business of utilizing machinery or equipment for the processing of or manufacturing of iron, steel or nonferrous metallic scrap and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for remelting purposes.

*Minor* means any person under 18 years of age.

*Real-time electronic web-based database* means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the internet.

*Scrap metal* means a direct product or byproduct of any form of a manufactured, shaped, or processed iron, steel, aluminum, brass, copper, lead, tin, zinc, or other nonferrous metallic material.

*Secondhand metal dealer* means a person who operates or maintains a scrap metal yard or other place in which used or previously purchased metal items or scrap metal is collected or kept for shipment, sale, or transfer.

*Secondhand dealer* means anyone who engages in the business of buying, selling, trading or otherwise dealing in used items, other than metal items.

*Show* means any display and offering of used items for sale or trade by more than one dealer at a single location.

*Used* means any items, goods, products, wares, chattels, or articles of any sort which have previously been owned by someone other than the manufacturer, or a dealer whose business it is to sell such items, goods, products, wares, chattels, or articles when new to the consumer.

**Sec. 7-52. Article inapplicable to automotive dealers.**

This article shall not apply to businesses licensed as automotive dealers under chapter 8, article II of this Code or pawnshops as defined by state law.

**Sec. 7-53. Administrative rules.**

The director and the chief of police shall promulgate rules and regulations to administer the provisions of this ordinance. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary, the office of the chief of police and the office of the director. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law. Failure to comply with any of the promulgated rules or regulation established under this subsection shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a metal recycling, secondhand metal or secondhand business under this Code. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

**Sec. 7-54. License required; posting of license.**

No person shall operate as a metal recycling entity, secondhand metal dealer, or secondhand dealer or own any such business without a license as herein provided. Any person who engages in more than one business described herein at the same location must obtain a license only for his principal business activity and not for the other businesses. The provisions of section 7-58, requiring that certain records be kept, apply to all businesses carried on at a single location. A separate license shall be required for each permanent location of any such business. The license shall be posted in a conspicuous place upon the licensed premises.

**Sec. 7-55. Bond.**

(a) The director shall require that an applicant for a metal recycling entity or secondhand metal dealer license file a bond with the application. The bond must be:

- (1) Satisfactory to the director;
- (2) In the amount of \$5,000 for each license;
- (3) Issued by a surety qualified to do business in this state; and
- (4) Valid at the time of the application and remain in effect during the entire term of the license.

(b) The aggregate liability of the surety may not exceed the amount of the bond.

(c) The bond must be in favor of the city for the use of the city and the use of a person who has a cause of action under this article against the metal recycling entity or secondhand metal dealer.

(d) The bond must be conditioned on:

- (1) The metal recycling entity's or secondhand metal dealer's compliance with this article and rules adopted under this article; and
- (2) The payment of all amounts that become due to the city or to another person under this article.

**Sec. 7-56. Application for and issuance or refusal of license.**

(a) Any person desiring a license required by this article shall make application therefor in writing to the director on an application form provided for that purpose. On the application the applicant shall set forth:

- (1) The full name and residential address of the applicant;
- (2) A statement indicating whether the applicant is a citizen of the United States or an alien legally residing in the United States;
- (3) The applicant's social security number or business' federal tax identification number;
- (4) The full name and address of each partner if the applicant is a partnership;
- (5) The full name and address of each officer and director if the applicant is a corporation;
- (6) The fixed and permanent location where the business is to be conducted and proof of his ownership of the private property or a written statement including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the business at the proposed location where his business will be in operation. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or one of the principals prior to issuance of any license;
- (7) The regular days and hours of operation;
- (8) The applicant's date of birth, place of birth, and each address where he has resided in the five years immediately preceding his application;
- (9) A statement of whether the individual applicant, any partner in a partnership, or any officer or director of a corporation, has been arrested, charged, or convicted for any criminal offense in this state or any other state or country. If he has been arrested or jailed for any such offense, he shall set out the offense for which he was arrested, jailed, or imprisoned, the

date of the arrest or confinement, and the place, court and case number of the case.

- (10) A statement that neither he nor any business partner, nor, in the case of a corporation, any corporate officer or director, has had a license under this chapter or any preceding city ordinance governing the businesses described herein revoked;
  - (11) The signature of the applicant;
  - (12) A sworn and notarized statement that all matters stated in the application are true and correct;
  - (13) Evidence that he is at least 18 years of age by presentation of valid identification, including a photograph showing the face of the applicant, in the form of:
    - a. A current driver's license from Texas or another state within the United States;
    - b. An identification card issued by the Texas Department of Public Safety; or
    - c. A current passport;
  - (14) Such other information as the director finds relevant.
- (b) The director shall review and approve the application and issue a license unless he finds:
- (1) The information provided in the application is incomplete, materially false or incorrect or the applicant has failed in any material way to comply with this article and applicable rules and regulations; and
  - (2) The applicant has had a license revoked during the preceding one year period.
- (c) In the event that the director rejects or refuses to issue an application, the provisions of section 7-75 shall apply.

**Sec. 7-57. License fees; use of license at shows.**

(a) The license fee for a metal recycling entity, a secondhand metal dealer or a secondhand dealer with any permanent place of business within the city shall be \$250 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) Each licensee with a permanent business location in the city may use the license for that business when attending shows at other locations in the city.

(c) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be \$10 per day.

(d) Notwithstanding any other provisions of this article, the license fee shall be \$50 yearly for any secondhand dealer who deals exclusively in:

- (1) Used books, magazines and other printed documents;
- (2) Used phonographic records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and/or
- (3) Used items of clothing, except those made in whole or in part from fur, but not in any other items, goods, products, wares, clothes or articles which are subject to regulation under this article. The said license fee shall be paid prior to the issuance of the license or renewal thereof.

A license issued under this subsection shall be conspicuously marked to indicate that the business is authorized to deal only in the items listed in this subsection.

**Sec. 7-58. Records required to be kept by metal recycling entities, and secondhand metal dealers.**

(a) The provisions of this section apply to all businesses carried on at a single location. With the exception of the sale or transfer of aluminum cans, a metal recycling entity or secondhand metal dealer shall keep at his place of business a record in a real-time electronic web-based database, in a form and method approved by the chief of police, in which he shall enter

daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at his place of business. Such description shall include:

- (1) The date and time of receipt of any item;
- (2) The full name and current address of the person or place of business from whom each item was received;
- (3) A clear thumbprint impression of the person from whom each item is received, which shall be excluded from the requirement for electronic transmission set forth in subsection (b) of this section but shall be maintained by the metal recycling entity or secondhand metal dealer for not less than 3 years and made available to the director in accordance with rules promulgated by the director for administration of this article and peace officers in accordance with rules promulgated by the chief of police for administration of this article;
- (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least 18 years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of;
  - a. A current driver's license from Texas or another state within the United States;
  - b. An identification card issued by the Texas Department of Public Safety; or
  - c. A current passport.
- (5) A description of the motor vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity, secondhand metal dealer, or secondhand dealer's place of business, including state and license plate number, if applicable;
- (6) The individual transaction number assigned by the licensee to each item received;

- (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, length, capacity, and any other designations or descriptions customarily employed in the sale and purchase of such items;
- (8) A digital photograph of each item received;
- (9) If the item received is a junked, abandoned or wrecked automotive vehicle, documentation of ownership and any other information required for receipt of such vehicles as provided in state or federal laws or regulations and any provision of this Code;
- (10) The name or employee number of the employee who facilitates or conducts the transaction.

(b) The real-time electronic web-based database described in subsection (a) of this section shall be created and maintained by the police department. The metal recycling entity, or secondhand metal dealer shall forward the required record and descriptions set forth in subsection (a) of this section, excluding the thumbprint, to the police department electronically to the designated police department web site before the close of business on each day on which the metal recycling entity or secondhand metal dealer is open for business. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(c) The metal recycling entity or secondhand metal dealer, his agents or employees shall obtain a consecutively numbered receipt from the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than three years.

(d) A metal recycling entity or secondhand metal dealer shall, upon request, submit and exhibit the various business records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the director. Failure to maintain or to so

permit the examination or copying of such records when requested shall be a misdemeanor.

(e) Each transaction shall be recorded via video device, and each recording medium shall be maintained for a period of one year from the date of the latest transaction recorded thereon. A metal recycling entity or secondhand metal dealer shall post a notice in each place of business regarding the recording of the transaction via video device pursuant to specifications established by the director and the chief of police. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-59. Stock to be open for examination.**

The stock or inventory of any metal recycling entity, secondhand metal dealer, or secondhand dealer that is openly displayed and available to the public shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-60. Articles to be retained at least 72 hours; tag; exceptions.**

(a) *72-hour hold.* No metal recycling entity, or secondhand metal dealer shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for 72 hours after receipt, provided that he is not required to keep aluminum cans for more than 24 hours. During such 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.

(b) *Tag.* In addition to the requirements set forth in subsection (a) of this section, a metal recycling entity or secondhand metal dealer shall affix or otherwise attach a tag or label to each item maintained for a minimum of

72 hours under the provisions of this section that includes the date of receipt of the item to which the tag or label is attached, the name and address of the person or place of business from whom such item was received, and the corresponding individual transaction number from the database maintained under section 7-58 of this chapter. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(c) *Exceptions.* A metal recycling entity is not required to comply with the provisions of this section if:

- (1) The metal items are not in their original packaging, in which case the metal recycling entity must comply with section 7-67 of this Code, and
- (2) The metal recycling entity has an unexpired executed, written agreement, which shall be maintained by the metal recycling entity for a minimum of three years, with the person or the employer of the person seeking to sell or otherwise transfer the metal items; or
- (3) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a valid city-issued metal recycling entity or secondhand metal dealer license, which the metal recycling entity or secondhand metal dealer shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three years; or
- (4) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a valid city-issued construction, demolition, or electrical permit, which the metal recycling entity or secondhand metal dealer shall record by photocopying the permit or recording the project number located on the permit in connection with the sale and maintain for a period of not less than three years.

**Sec. 7-61. Purchasing or receiving goods of minors.**

(a) No metal recycling entity, secondhand metal dealer, or secondhand dealer shall purchase or otherwise receive in the course of his

business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:

- (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent; or
- (2) The only items offered for sale by the minor are aluminum cans.

(b) It shall be the duty of such metal recycling entity, secondhand metal dealer, or secondhand dealer to preserve and keep on file, and available for inspection, such written statements of consent for a period of not less than three years.

**Sec. 7-62. Change in business address.**

Should any licensee move his place of business from the place designated in such license to a new address, he shall immediately give written notice to the director and have the change noted on his license. A fee of \$2 payable to the director is hereby levied for such change.

**Sec. 7-63. Revocation of license on verified complaint.**

(a) Upon written verified complaint filed by any person with the director setting out facts alleging that any licensee under this article has, since the license was granted, violated the provisions of this chapter or any health regulation of the city or the state, or any state or federal statute involving the criminal offense of theft, or the provisions of section 37.09 or 37.10 of the Texas Penal Code or that the licensee falsified his original application for a license, the director shall investigate the allegations.

(b) Such complaints shall be investigated, heard, determined, and shall be subject to appeal as provided in section 7-25 as applicable to antique dealers.

**Sec. 7-64. Acceptance of property suspected stolen; peace officer requested holds; violation.**

(a) It shall be the duty of every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to report immediately to the police department, by filing a formal complaint, any offer to sell to the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, property that such metal recycling entity,

secondhand metal dealer or secondhand dealer, his agents or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such metal recycling entity, secondhand metal dealer or secondhand dealer, his agents, or employees, shall also report any property acquired by the metal recycling entity, secondhand metal dealer or secondhand dealer that the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, subsequently determine or reasonably suspect to be stolen property, and the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.

(b) Notwithstanding the provisions of section 7-60 of this article, it shall be the duty of every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to hold all suspected stolen property in a secure place for 60 days upon request by a peace officer. The metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, may not process or remove the property from the dealer's or entity's premises before the sixtieth day after receipt of the request from a peace officer to hold the property unless:

- (1) The item is released into a peace officer's care, custody and control at an earlier time;
- (2) A peace officer releases the hold on the property upon an earlier date;
- (3) A peace officer makes a written request to extend the holding period for up to 24 months from the date the request is received; or
- (4) A court orders release of the property.

(c) Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

#### **Sec. 7-65. Acceptance of building construction materials.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or

dispose of any building construction material received by him at his licensed place of business unless he complies with the provisions of sections 7-58 through 7-62 and 7-64 of this Code.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless prior to receiving, selling, dismantling, defacing or in any manner altering or disposing of any building construction material, the metal recycling entity or secondhand metal dealer:

- (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; and
- (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-66. Government or utility property.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of Houston" or other words or markings demonstrating ownership by the city except in the following circumstances:

- (1) Where the person offering such property for sale is an employee of the city authorized by the director to make such a sale and provides the metal recycling entity or secondhand metal dealer, his agents or employees, his agents or employees with a written authorization from the city treasurer for the sale of such property; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the director evidencing the purchase of such property by the person offering such property.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the State of Texas and the United States of America and their agencies and political subdivisions or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:

- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling entity or secondhand metal dealer, his agents or employees with a written authorization from the agency for the sale of such property; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property.

(c) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property.

**Sec. 7-67. Acceptance of property in original packaging.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property in its original packaging unless the person offering such item presents a receipt or proof of purchase for that property.

**Sec. 7-68. Acceptance of property inscribed with company name.**

It shall be unlawful for any metal recycling entity or secondhand metal dealer, or his agents or employees, to purchase or receive an item of

property that is marked with any form of the name or initials of a private company or that the metal recycling entity or secondhand metal dealer knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-69. Acceptance of property delivered by shopping cart.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property that is transported to the metal recycling entity, secondhand metal dealer or secondhand dealer's place of business by a shopping cart that is marked with any form of the name or initials of a private company or that the metal recycling entity, secondhand metal dealer or secondhand dealer knows or should reasonably be expected to know belongs to a private company unless the person operating the shopping cart presents at the time of transportation of property to the metal recycling entity, secondhand metal dealer or secondhand dealer presents a valid receipt from the owner of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart.

**Sec. 7-70. Exemptions--From license fee.**

An organization engaged in a business described herein, but which has qualified as nonprofit and which is exempt from taxation under the provisions of Section 501(c)(3) of Title 26 (Internal Revenue Code) of the United States Code, must obtain a license as required herein; provided, however, that such organization shall be exempt from paying the license fee required herein. All other provisions of this article apply to such organizations.

**Sec. 7-71. Inapplicability of certain chapter provisions.**

Notwithstanding any other provision of this article that might be construed to the contrary, the provisions of sections 7-58 and 7-60 of this Code shall not be applicable to the sale, receipt, transfer or holding of:

- (1) Used books, magazines and other printed documents;

- (2) Used phonograph records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and
- (3) Used items of clothing, except those made in whole or in part from fur.

**Sec. 7-72. Operation of yards used by secondhand dealers.**

(a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of a secondhand dealer or used for open storage by a secondhand dealer shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a secondhand dealer. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every yard owned or operated by a secondhand dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least eight feet in height.
- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided,

however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.

- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal daytime business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used metal materials outside of or above the herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a secondhand dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, neighborhood protection and police officials of the city.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a secondhand dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a secondhand dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a secondhand dealer must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage.

(l) *Storage of materials.* Any materials stored in a yard owned and operated by a secondhand dealer must be stored at least six inches above the improved surface of the yard. The requirements of this subsection shall not apply to any materials stored wholly inside a building.

(m) *Violations and penalties.* Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-73. Operation of yards used by metal recycling entities and secondhand metal dealers.**

(a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of metal recycling entities or secondhand metal dealers shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a metal recycling entity or secondhand metal dealer in the city. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every equipment and inventory storage and processing yard owned or operated by a metal recycling entity or secondhand metal dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least six feet in height.

- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained in good repair as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for an owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used metal materials outside of the herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a metal recycling entity or secondhand metal dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, health and police officials and the neighborhood protection official of the city. No materials shall be stored at a height greater than six feet within ten feet of the fence required herein.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a metal recycling entity or secondhand metal dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a metal recycling entity or secondhand metal dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the city Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a metal recycling entity or secondhand metal dealer must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage. This subsection shall not include those areas of a yard which are utilized for purposes of inventory storage and processing.

(l) *Vector and rodent control.* Any materials stored in a yard owned and operated by a metal recycling entity or secondhand metal dealer must be stored at in a manner which will allow adequate vector and rodent control measures. An owner or operator shall provide for vector and rodent control at least once within a 90-day period or more frequently as needed.

(m) *Violations and penalties.* Failure to comply with any provisions of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-74. Rejection; refusal to renew; revocation; hearing; penalty.**

(a) *Grounds for rejection, refusal to renew or revocation.* The director may reject an original application, or an application for a renewal of any existing license, if, as a result of inspections by the police department, the finance and administration department, or other city department, it appears that the applicants' place of business is not in compliance with or violates any provision of this article. Failure to comply with any provisions of this Code shall be grounds for the rejection of an original application, renewal or revocation of any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this article. Any person violating any provision of this article shall be punished as provided by section 1-6 of this Code.

(b) *Notice.* If the director rejects an application, refuses to renew or revokes any license issued under this article to a metal recycling entity, secondhand metal dealer or secondhand dealer for failure to comply with any provision of this article, the director shall give written notice by certified mail to the applicant at the address stated in the application of the metal recycling entity, secondhand metal dealer or secondhand dealer. The written notice shall specifically set forth the reasons for the rejection, refusal or revocation.

(c) *Appeal.* The metal recycling entity, secondhand metal dealer or secondhand dealer shall have 30 days from the date of the mailing of the notice of rejection, refusal or revocation of his license to appeal the rejection, refusal or revocation of the license to the director. Upon receipt of such notice, the director shall notify the metal recycling entity, secondhand metal dealer or secondhand dealer of the date and time of the hearing, to be held at the earliest time practicable.

(d) *Hearings.*

- (1) All hearings shall be held before a hearing officer appointed by the director, who shall not designate any person to perform the duties of hearing officer under this section who has prior knowledge of the circumstances regarding the rejection, refusal, or revocation of the license. The hearing officer may, prior to the hearing, receive a copy of the notice given to the applicant or license holder.
- (2) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.

- (3) All hearings shall be conducted under rules established by the director that are consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:
  - a. All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
  - b. Each party may present witnesses in his own behalf.
  - c. Each party has the right to cross examine all witnesses.
  - d. Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.
- (4) The hearing officer may affirm or reverse a license rejection, refusal to renew or a license revocation. The decision of the hearing officer shall be final and shall be delivered in writing to the applicant or license holder in the same manner as a notice under subsection (b) of this section.

**Sec. 7-75. Abatement of operations for unlawful operation of a metal recycling, secondhand metal, or secondhand business.**

(a) *Declaration; notice.* The continued ownership and operation of or engaging in a business that participates in buying, selling, trading or otherwise dealing in new or used metal in violation of this article is declared to be a public nuisance where (1) the metal recycling entity, secondhand metal dealer or secondhand dealer is convicted three or more times for violations under this article in a 24 month period, (2) the director finds and determines that the owner or operator habitually violates the provisions of this article and that issuance of citations and subsequent convictions for violations of this article are no longer adequate remedies to address unlawful operations, and (3) that pursuit of a civil action will promote preservation and protection of property of the city or its inhabitants. Whenever the existence of a public nuisance under this section shall come to the knowledge of the director, the director shall cause a written notice, as provided in subsection (b) of this section, to be sent to the owner identifying the business in violation of this article and directing that the unlawful activity cease within a reasonable time to be determined by the director.

(b) *Notice.*

- (1) The notice under this section must be given:
  - a. Personally to the owner in writing;
  - b. By letter addressed to the registered agent of the partnership or corporation for service of process, or to the individual owner at the owner's latest address according to the records of the director.
  - c. If personal service cannot be obtained:
    - (i) By publication at least once;
    - (ii) By posting the notice on or near the front door of each building on the property to which the violation relates; or
    - (iii) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (2) If the director mails a notice to a property owner in accordance with subsection (a) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
- (3) A notice provided under this section shall state that the owner is entitled to request a hearing to be held in the manner described in section (c) of this section.

(c) *Abatement hearing.* The owner subject to abatement under this section may request a hearing by notifying the director within ten (10) days following the date the city mails the required notice under subsection (b) of this section. The hearing shall be conducted in accordance with the procedures set forth in section 7-74(d) of this Code by a hearing official designated by the director for the purpose of determining whether the metal recycling entity, secondhand metal dealer or secondhand dealer has operated his business in violation of this article and the criteria set out in subsection (a) of this section are satisfied. At the hearing, the owner and the director may present any evidence relevant to the proceedings. If the hearing official determines that the metal recycling entity, secondhand metal dealer

or secondhand dealer has operated his business in violation of this article or any other provision of this Code affecting metal recycling entity, secondhand metal dealer or secondhand dealer, and that the criteria set out in subsection (a) of this section for the designation of public nuisance have been satisfied, the hearing official shall issue an order so stating and direct that the owner cease the unlawful operations.

(d) *Abatement by city; expenses and liens.* If the owner fails to timely cease unlawful operations within 10 business days of the hearing official's order, then the city attorney shall be authorized to exercise all other remedies available to the city relating to the subject matter hereof as set out in subsection (e) of this section.

(e) *Remedies cumulative, civil enforcement, other action not limited.* The procedures set forth in this section are cumulative of all other remedies available to the city relating to the subject matter hereof. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking any other available actions. Specifically, the city attorney may institute any legal action to enforce this ordinance or enjoin or otherwise cause the abatement of any condition described in this article, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorneys fees and costs, and for civil penalties as provided by law. The city attorney is hereby authorized to file a civil suit in a court of competent jurisdiction to prevent the violation of any of the provisions of this article. This remedy shall be cumulative and in addition to any other remedies.

**Secs. 7-76--7-80. Reserved."**

**Section 3.** 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 4.** 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 one hundred eightieth day next following the date of its passage and approval by the Mayor.

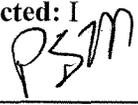
**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor of the City of Houston

*HLH*  
*Hurt*  
Prepared by Legal Dept. *[Signature]*  
MS-V:asw 03/16/2007 Assistant City Attorney  
Requested by Harold L. Hurtt, Chief of Police  
L.D. File No. 0390600263001

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of Avenue B, from 75 <sup>th</sup> Street to 76 <sup>th</sup> Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section. 2. <b>Parcels SY5-003 and DY5-005</b>	<b>Category</b> # 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  30
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/15/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: I</b>  Key Map 495E 
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2004-1015 (09/22/04)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of Avenue B, from 75<sup>th</sup> Street to 76<sup>th</sup> Street, in exchange for a consideration of \$66,100.00 plus the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section. 2. **Parcels SY5-003 and DY5-005**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** By Council Motion 2004-1015, City Council authorized the subject transaction. The abutting property owner, C.M. Garver, trustee, plans to incorporate the street being abandoned and sold into its abutting property to improve its marketability. As the construction requirements listed in Item 2 of the council motion will be completed after City Council passes the ordinance, C.M. Garver, trustee has submitted to the City a \$42,260.00 letter of credit to cover the estimated costs. The construction must be completed within six months of the effective date of the ordinance.

C.M. Garver, trustee has complied with the council motion requirements and/or provided a letter of credit securing the performance of the construction requirements, has accepted the City's offer, and has rendered payment in full. The City will abandon and sell to C.M. Garver, trustee:

**Parcel SY5-003**

24,000-square-foot portion of Avenue B	\$60,000.00
Street improvements	\$17,349.00
<b>TOTAL ABANDONMENTS</b>	<b>\$77,349.00</b>

In exchange, C.M. Garver, trustee will pay:

Cash	\$66,100.00
Plus convey to the City:	

**Parcel DY5-005**

9,000-square-foot sanitary sewer easement	\$11,249.00
<b>TOTAL CONVEYANCES</b>	<b>\$11,249.00</b>

**TOTAL CASH AND CONVEYANCES** **\$77,349.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Avenue B, from 75<sup>th</sup> Street to 76<sup>th</sup> Street, in exchange for a consideration of \$66,100.00 plus the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2.

MSM:NPC:psm

c: Raymond D. Chong, P.E., P.T.O.E.                      Daniel W. Krueger, P.E.                      Marty Stein

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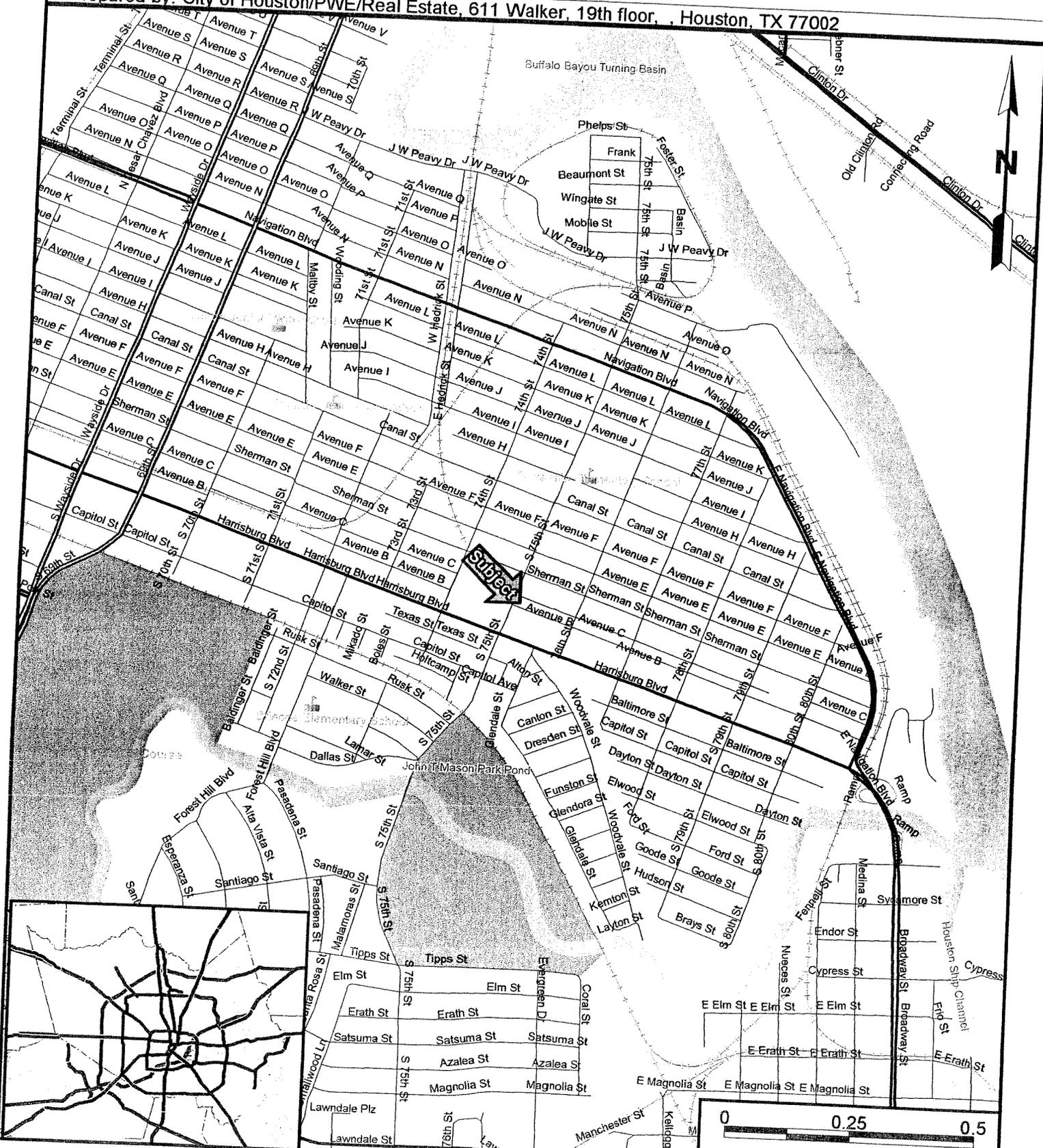
**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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# LOCATION MAP

Abandonment and sale of Avenue B, from 75th Street to 76th Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2. **Subject Address: 7300 Avenue B, Houston, TX 77012**

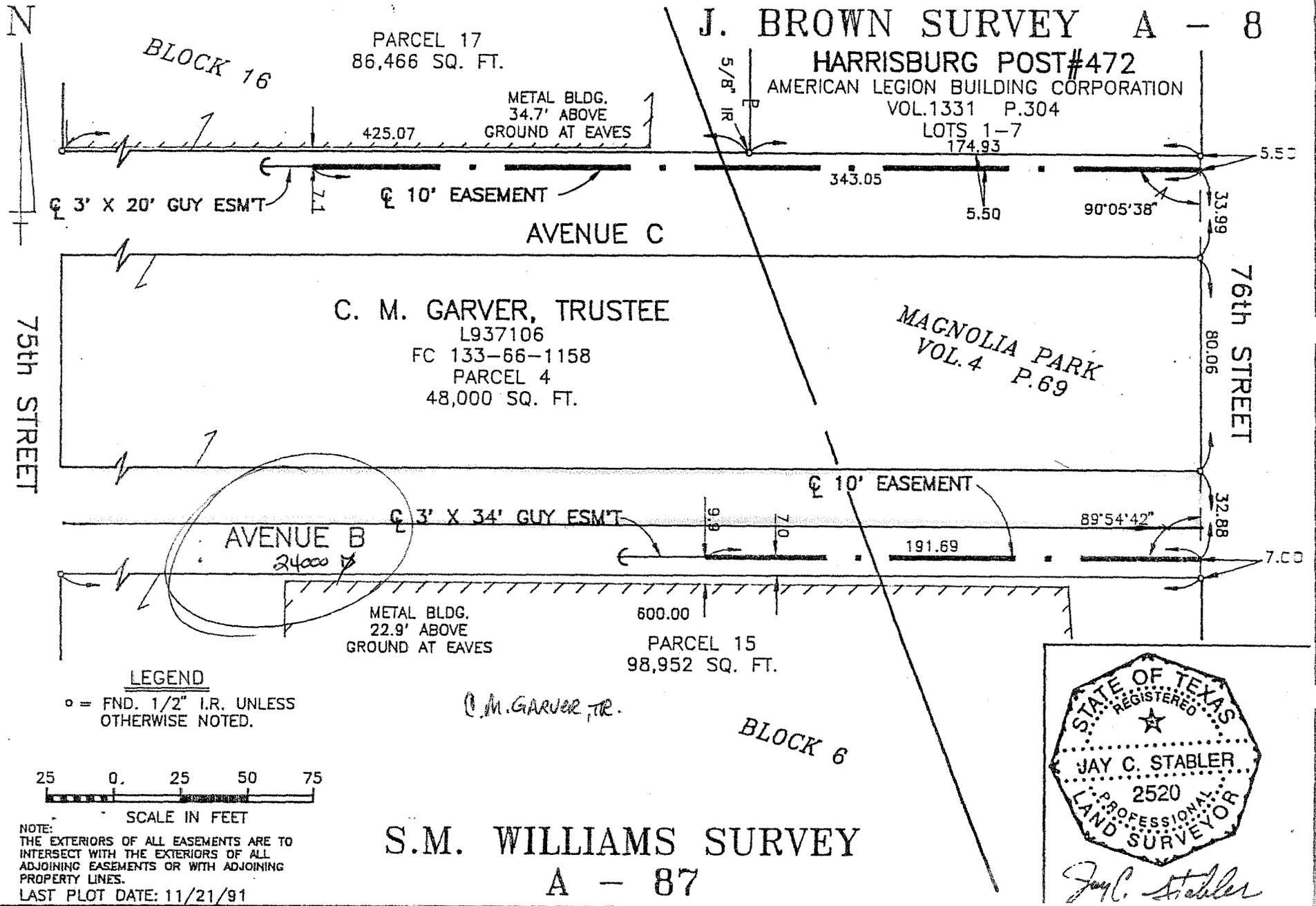
Prepared by: **City of Houston/PWE/Real Estate, 611 Walker, 19th floor, Houston, TX 77002**



### CAUTION:

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

0 0.25 0.5  
Miles  
Copyright 1994-2001 MapPro Inc.



REVISIONS	NO. 1	NO. 2	NO. 3
JOB NO.			
REVISED BY:			
DATE:			
CHECKED BY:			

Abandonment and sale of Avenue B, from 75th Street to 76th Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2. **Parcels SY5-003 and DV5-005**

MOTION by Council Member Alvarado that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from John Weddle, 1901 Lexington Street, Houston, Texas, 77098, on behalf of C. M. Garver, trustee, the abutting property owner, for the abandonment and sale of Avenue B, from 75th Street to 76th Street, located within Magnolia Park, Section 2, Parcel Nos. SY5-003 and DY5-005, be adopted, as follows:

1. The City abandon and sell Avenue B, from 75th Street to 76th Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2;
2. The applicant be required to: (a) cut, plug, and abandon the existing 6-inch water line at the intersection of 75th Street and Avenue B; (b) cut, plug, and abandon the existing 8-inch water line at the intersection of 76th Street and Avenue B; (c) relocate the fire hydrant in Avenue B to the northeast corner of 75th Street and Avenue B; and (d) realign the curb inlets on Avenue B with any new curbing for 75th Street, all at not cost to the City and under the proper permits, and pay the depreciated value of the water lines being abandoned;
3. The applicant be required to: (a) change the public appearance of the street being abandoned and sold either by putting gates at each end of the street or by constructing continuous concrete curbing and sidewalks across it along 75th Street and 76th Street and (b) remove the traffic signs from the portion of the street being abandoned and sold and return them to the City, all at no cost to the City and under the proper permits;
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies;

5. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
6. The Legal Department be authorized to prepare the necessary transaction documents;
7. Ms. Julie Nagle and Mr. Travis Cooper, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interests is expected to exceed \$25,000.00, and
8. Mr. Lee Burns is hereby appointed as alternate appraiser for this transaction should one of the two appointed appraisers be unable to accept the assignment as provided under Section 2-241 of the Houston Code of Ordinances.

Seconded by Council Member Ellis and carried.

Mayor White, Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry voting aye  
Nays none

Council Member Goldberg out of the City on City business

Council Member Khan out of the City on personal business

PASSED AND ADOPTED this 22nd day of September, 2004.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 28, 2004.



City Secretary

<b>SUBJECT:</b> Lease Agreement (Storage) with Trelleborg CRP, Inc. at 1822 Rankin Road for the Health and Human Services Department		<b>Page</b> 1 of 1	<b>Agenda Item</b>  31
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 3/14/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Dadoush</i> 3/3/07	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Jacquelyn L. Nisby 713-247-1814	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a Lease Agreement with Trelleborg CRP, Inc., tenant, for a land lease at 1822 Rankin Road, for the Health and Human Services Department.

<b>Amount and Source Of Funding:</b> Revenue	<b>F&amp;A Budget:</b>
----------------------------------------------	------------------------

**SPECIFIC EXPLANATION** The Building Services Department recommends that City Council approve and authorize a Lease Agreement with Trelleborg CRP, Inc. for two acres of a 2.8766 acre tract of land at 1822 Rankin Road, to be used for the storage of sub sea products (drill risers, flotation devices and associated moldings). The City has owned this land since 1986. The Department of Health and Human Services utilizes a portion of the land to operate its Lake Houston Public Health and Engineering Office.

The proposed Lease Agreement provides for a three-year lease term at a monthly rental of \$900.00, with one three-year renewal option at the current market rental rate. The new lease will commence on the first day of the first calendar month following the date of countersignature.

The Tenant will, at its sole cost and expense, make various improvements to the leased premises with the City's prior written consent.

IZD:BC:JLN:FA:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell, and Fred Maier

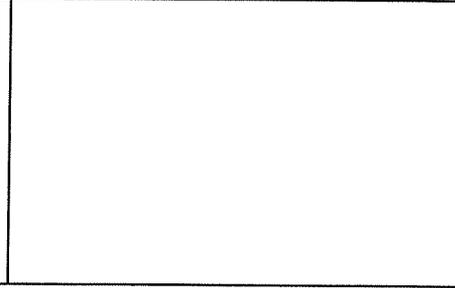
**REQUIRED AUTHORIZATION**

CUIC ID# 25 FA 03

**Building Services Department:**

*Forest R. Christy, Jr.*

Forest R. Christy, Jr.  
 Director, Real Estate Division



**Department of Health and Human Services:**

*Stephen L. Williams*

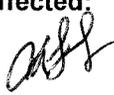
Stephen L. Williams, M.Ed., M.P.A.  
 Director

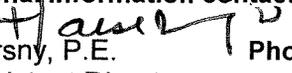
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance setting a public hearing in accordance with Chapter 26, Texas Parks and Wildlife Code, regarding the proposed roadway and bridge construction at Brays Bayou and MacGregor Drive and associated temporary construction easements through Hermann Park by the Department of Public Works and Engineering in connection with Cambridge Bridge Project; WBS N-000720-0001-3 and North MacGregor Relocation; WBS N-000799-0001-3	Page 1 of 1	Agenda Item #  32
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 3/16/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> D 
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<b>For additional information contact:</b> <i>FR</i> Reid K. Mrsny, P.E.  Senior Assistant Director Phone: (713) 837-0452	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approve an ordinance calling a public hearing for May 9, 2007 as required under Chapter 26, Texas Parks and Wildlife Code

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

**SPECIFIC EXPLANATION:** Hermann Park is a City of Houston public park consisting of approximately 445 acres. It was donated in part to the City by George H. Hermann and acquired in part by the City from Mr. Hermann's Estate. The Department of Public Works and Engineering proposes to construct two projects: 1) a new bridge across Brays Bayou connecting Holcombe Boulevard on the south and MacGregor Drive on the north and 2) the relocation of North MacGregor Drive to immediately north of and adjacent to South MacGregor Drive between Fannin Street and Almeda Road. The proposed alignments of both projects are the best alternatives considered and provide the following: 1) improved traffic mobility for the area of the Texas Medical Center Complex, 2) improved mobility and reduced vehicular impacts to Hermann Park by relocating traffic to the southern boundary of the park and 3) less permanent impact to park land and disruption of services to park users by making up to 10 acres of esplanade available for park use.

The Parks and Recreation Department has reviewed the proposed project and believes the alignments would be a benefit to the public and will not negatively impact the users of Hermann Park.

Therefore, it is recommended that City Council approve an ordinance setting a public hearing pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code, regarding the proposed roadway and bridge construction at Brays Bayou and MacGregor Drive and associated temporary construction easements through Hermann Park.

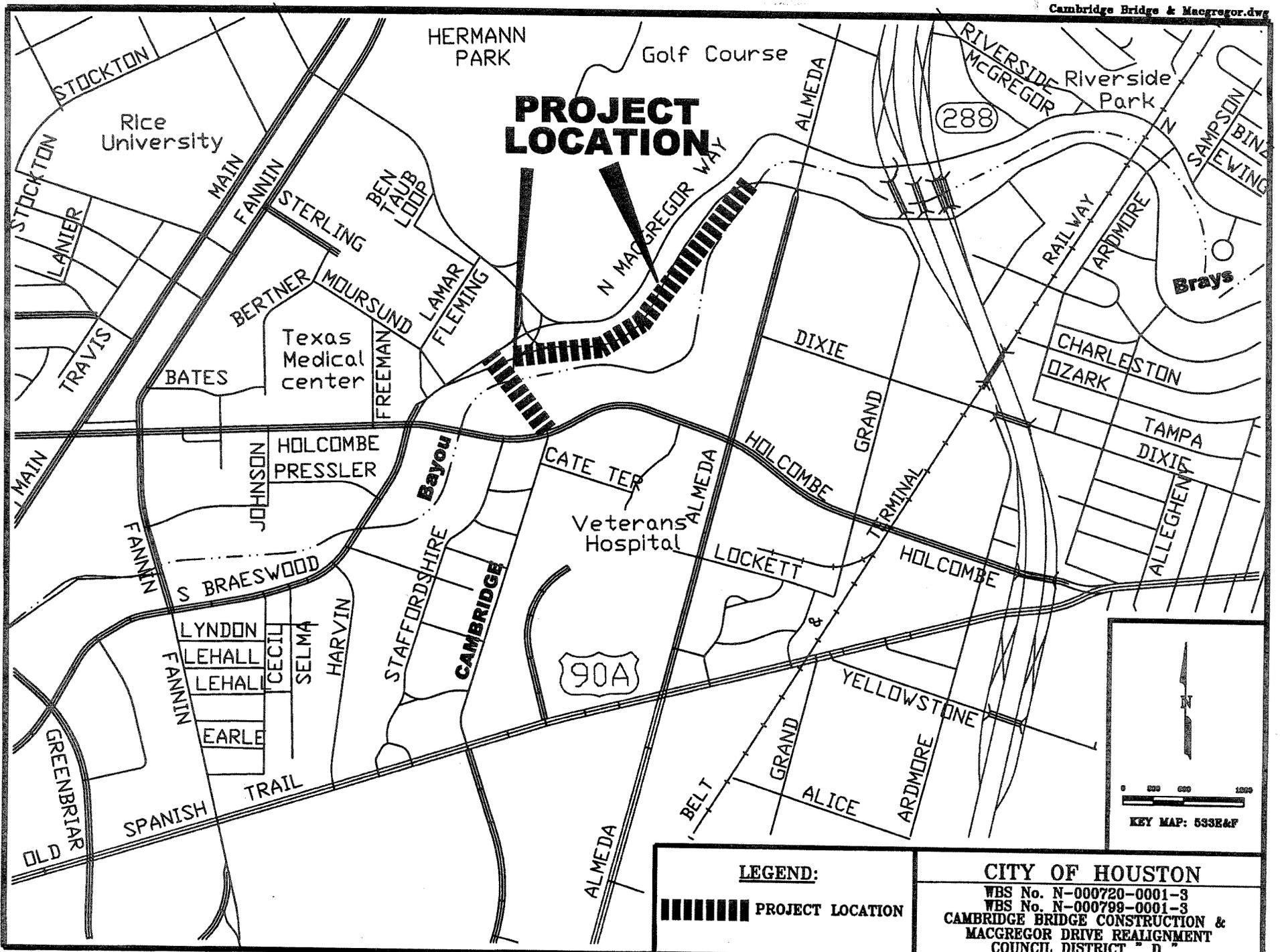
**LOCATION:** The project area is generally bound by Hermann Drive on the north, Brays Bayou on the south, Almeda Road on the east and Main Street on the west. The project is located in Key Map Grids 533E,F.

MSM:DWK:RKM:MLL:ml  
c: Marty Stein  
Daniel W. Krueger, P.E.  
File No. 2.7 (AGMT.PARD)

**REQUIRED AUTHORIZATION 20-CUIC#20MLL43**

<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>  Joe Turner, Director Parks and Recreation Department	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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# PROJECT LOCATION



**LEGEND:**

■■■■■■■■ PROJECT LOCATION

**CITY OF HOUSTON**  
 WBS No. N-000720-0001-3  
 WBS No. N-000799-0001-3  
**CAMBRIDGE BRIDGE CONSTRUCTION &  
 MACGREGOR DRIVE REALIGNMENT**  
 COUNCIL DISTRICT " D "

Drawn By: Ester Jordan

03162007

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 2.3488 acres of land to Harris County Municipal Utility District No. 24 (Key Map No. 330-L).	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>33</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 2-22-07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Jun Chang, P.E. <i>jc</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
The petition for the addition of 2.3488 acres of land to Harris County Municipal Utility District No. 24 be approved.

<b>Amount of Funding:</b> NONE REQUIRED	<b>F &amp; A Budget:</b>
--------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 24 has petitioned the City of Houston for consent to add 2.3488 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Louetta Road, Stuebner Airline Road, Spring Cypress Road, and Theiss Gully. The district desires to add 2.3488 acres, thus yielding a total of 1,009.8745 acres. The district is served by the Harris County Municipal Utility District No. 24 Wastewater Treatment Facility, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 24 is Spring Gully which flows to Theiss Gully then to Cypress Creek then to Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

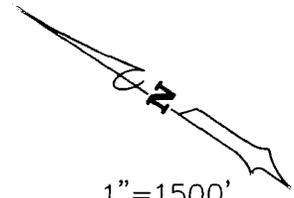
The Utility District Review Committee recommends that the subject petition be approved.

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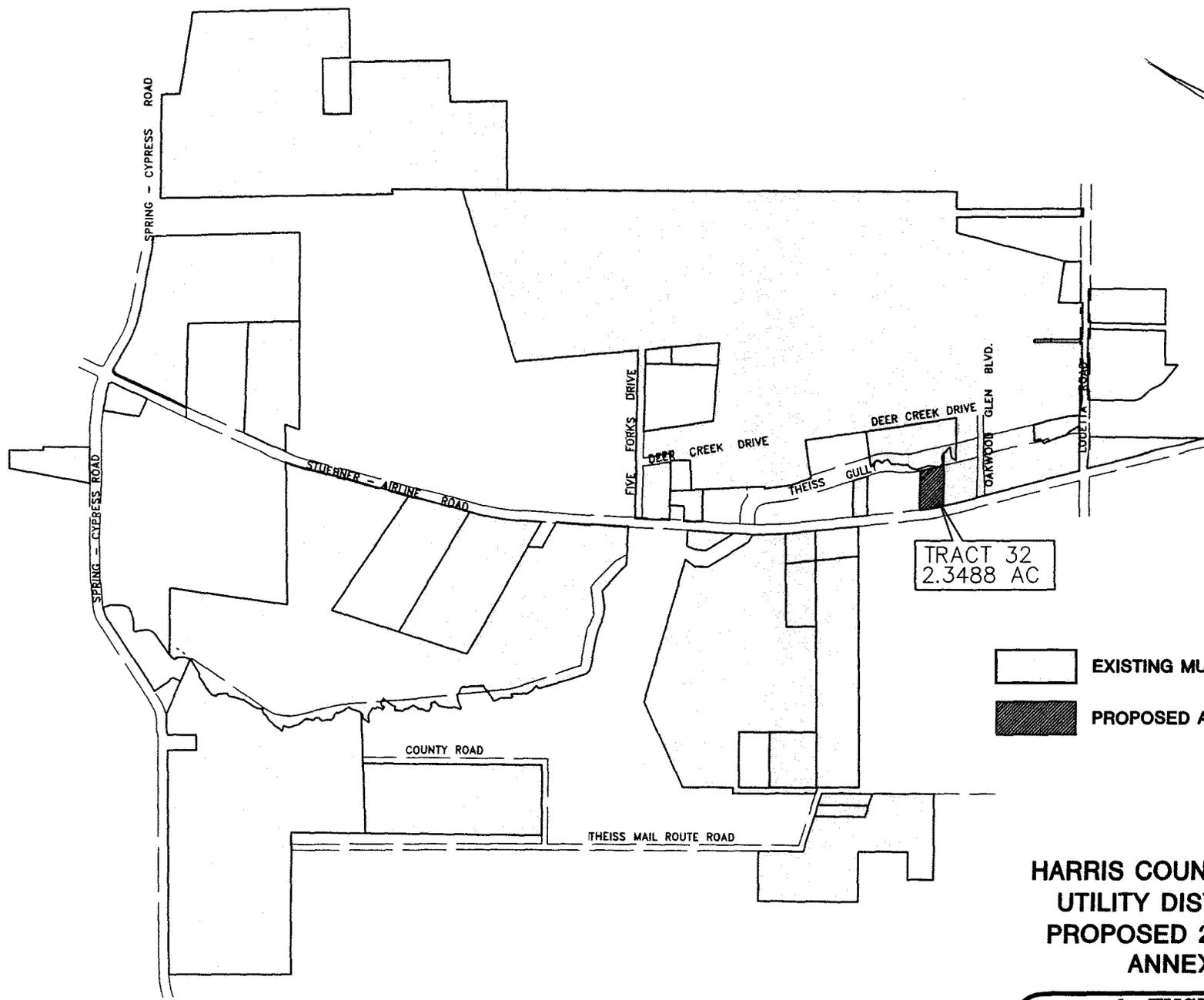
Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Earl Travis Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b> 20JZC244	
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.



1"=1500'



TRACT 32  
2.3488 AC

-  EXISTING MUD 24
-  PROPOSED ANNEXATION

**HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT No. 24  
PROPOSED 2.3488 ACRES  
ANNEXATION**

**eby ENGINEERS inc.**  
2180 North Loop West, Suite 100 Houston, Texas 77018  
Phone (713) 957-0788 Fax (713) 957-0789

330-L



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

02-09-07P01:33 RCVD 10-

Application is hereby made for consent of the City of Houston to the  creation/  addition of 2.3488 acres to Harris County MUD No. 24 under the provisions of Ch. 49.301, Texas Water Code.

Attorney for the District

**Attorney: Strawn & Richardson, PC**

Address: 602 Sawyer Street, Suite 205, Houston, TX Zip: 77007-7510 Phone: 713-864-5466

**Engineer: Eby Engineers, LLP**

Address: 2180 North Loop West, Suite 100, Houston, TX Zip: 77018 Phone: 713-957-0788

**Owners: S-A 2.348 Venture, a Texas Joint Venture**

Address: P. O. Box 682824, Houston, TX Zip: 77268-2824 Phone: 281-880-8820

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey John House Abstract 314

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

North of: Louetta Rd. East of: Stuebner Airline Rd.  
South of: Spring Cypress Rd. West of: Theiss Gully

### WATER DISTRICT DATA

Total Acreage of District: 1007.5257 Existing Plus Proposed Land 1009.8745

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

Single Family Residential \_\_\_\_\_ Multi-Family Residential \_\_\_\_\_  
Commercial 100 Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

Sewage generated by the District will be served by a : District Plant  Regional Plant   
Sewage Treatment Plant Name: Harris County MUD 24 Wastewater Treatment Facility

NPDES/TPDES Permit No: 11988-01 TCEQ Permit No: 11988-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1 MGD

Ultimate Capacity (MGD): 2 MGD

Size of treatment plant site: 5.05 ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 2 MGD.

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: HC MUD 24 Water Plants No. 1,2 and 3

Water Treatment Plant Address: 7010 Oakwood Glen Cir/18519 Stuebner Airline-2&3

Well Permit No: 1779/3750/8678

**Existing Capacity:**

Well(s): 1100/1100/2000

GPM

Booster Pump(s): 1800/1800/4500

GPM

Tank(s): .5/.211/.750

MG

**Ultimate Capacity:**

Well(s): 1100/1100/2000

GPM

Booster Pump(s): 1800/1800/4500

GPM

Tank(s): .5/.211/.750

MG

Size of Treatment Plant Site: .64ac/1.118ac/4.1651ac

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 28.189 acres to The Woodlands Metro Center Municipal Utility District (Key Map No. 251-G).	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>34</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  3/14/07	<b>Agenda Date</b>  MAR 21 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>JC</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
  
The petition for the addition of 28.189 acres of land to The Woodlands Metro Center Municipal Utility District be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

The Woodlands Metro Center Municipal Utility District has petitioned the City of Houston for consent to add 28.189 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Woodlands Parkway, F.M. 1488, Kuykendal Road, and Interstate 45. The district desires to add 28.189 acres, thus yielding a total of 1,599.5955 acres. The district is served by The Woodlands Wastewater Treatment Plant Nos. 1, 2, and 3. The other districts served by these plants are The Woodlands Municipal Utility District No. 2, Montgomery County Municipal Utility District Nos. 6, 7, 36, 39, 40, 46, 47, 60, 67, and The Woodlands Metro Center MUD. The nearest major drainage facility for The Woodlands Metro Center Municipal Utility District is Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

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

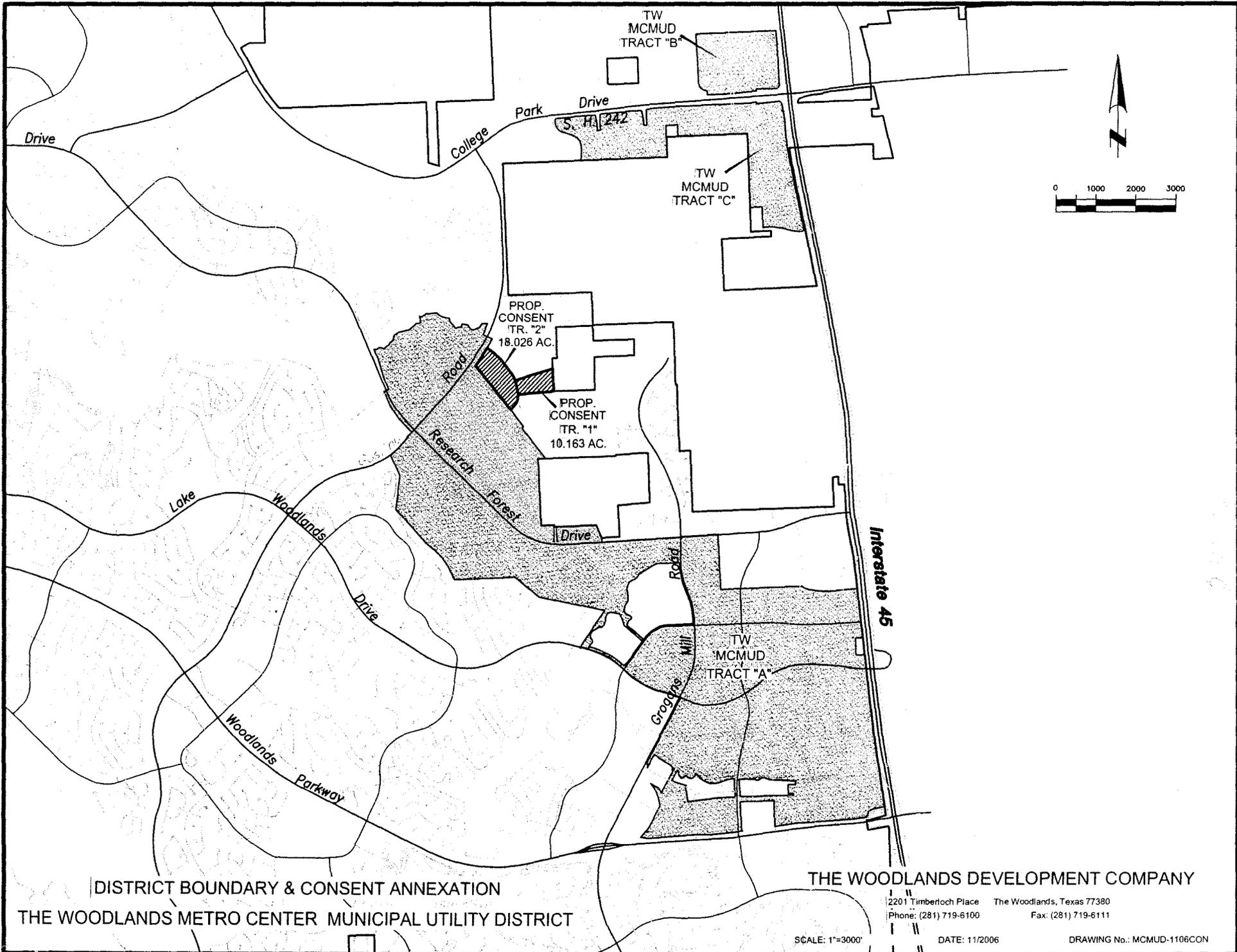
The Utility District Review Committee recommends that the subject petition be approved.

AFI:daw/241thewoodlandsmetrocentermud.b.doc

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Earl Travis Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC241
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>



Drive

College Park Drive

College Park Drive

S. H. 242

TW MCMUD TRACT "B"

TW MCMUD TRACT "C"

PROP. CONSENT TR. "2" 18.026 AC.

PROP. CONSENT TR. "1" 10.163 AC.

Road

Research Forest Road

Drive

Road

Groves Mill Road

TW MCMUD TRACT "A"

Interstate 45

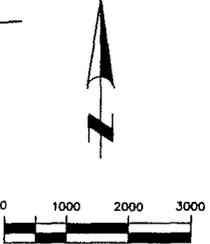
Lake Drive

Woodlands Drive

Drive

Woodlands Drive

Woodlands Parkway



DISTRICT BOUNDARY & CONSENT ANNEXATION

THE WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT

THE WOODLANDS DEVELOPMENT COMPANY

2201 Timberloch Place The Woodlands, Texas 77380  
 Phone: (281) 719-6100 Fax: (281) 719-6111

SCALE: 1"=3000'

DATE: 11/2006

DRAWING No.: MCMUD-1106CON



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 28.189 acres to The Woodlands Metro Center Mud under the provisions of Chapters 49 and 54 Texas Water Code.

*Michael G. Page*  
Attorney for the District

**Attorney: Michael G. Page, Schwartz, Page & Harding, L.L.P.**

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

**Engineer: Calvin Ladner, LJA Engineering & Surveying, Inc.**

Address: 2929 Briarpark Drive, Suite 500, Houston Zip: 77042-3703 Phone: 713-953-5200

**Owners: Richard Derr, The Woodlands Land Dev. Co., L.P.**

Address: 2201 Timberloch Place, The Woodlands Zip: 77380 Phone: 281-719-6110

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) MONTGOMERY

Survey James Stephens

Abstract 536

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

North of: Woodlands Parkway

East of: Kuykendahl Road

South of: F.M. 1488

West of: IH-45

### WATER DISTRICT DATA

Total Acreage of District: 1,571.4065

Existing Plus Proposed Land 1,599.5955

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

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

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

Regional Plant

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 1

NPDES/TPDES Permit No: TX0054186

TCEQ Permit No: 11401-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 7.8

Ultimate Capacity (MGD): 7.8

Size of treatment plant site: 10.5 Acres square feet/acres.

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

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

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

Total permitted capacity: 11.07

MGD of (Regional Plant).

Name of District: The Woodlands MUD # 2

MGD Capacity Allocation 0.091 MGD

or property owner(s)

Name of District: Montgomery County MUD #6

MGD Capacity Allocation 1.184 MGD

Water Treatment Plant Name: Water Treatment Plan No. 1

Water Treatment Plant Address: 11439 Slash Pine, The Woodlands

Well Permit No: N/A

**Existing Capacity:**

Well(s): 28,500 GPM

Booster Pump(s): 29,900 GPM

Tank(s): 13.5 MG

**Ultimate Capacity:**

Well(s): 30,611 GPM

Booster Pump(s): 34,300 GPM

Tank(s): 18.0 MG

Size of Treatment Plant Site: 2.417 Acres

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

ADDENDUM TO  
WATER DISTRICT CONSENT APPLICATION FORM

Date: February 5, 2007  
District: The Woodlands Metro Center Municipal Utility District  
Application: Consent to the addition of 28.189 acres

**Owners:** Sun Development, L.P.

Address: c/o Richard Derr, The Woodlands Land Development Co., L.P.  
2201 Timberloch Place, The Woodlands Zip: 77380 Phone: 281-719-6110

Survey Henry Applewhite Abstract A-541

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 2  
Sewage Treatment Plant Address: 5402 Research Forest Drive, The Woodlands  
N.P.D.E.S. Permit No.: TX0091715 T.D.W.R. Permit No.: 12597-01  
Existing Capacity: 2.5 MGD Ultimate Capacity: 7.6 MGD  
Size of Treatment Plant Site: 24.50 Acres

Sewage Treatment Plant Name: The Woodlands Wastewater Treatment Plant No. 3  
Sewage Treatment Plant Address: 555 Trade Center Parkway, Conroe  
N.P.D.E.S. Permit No.: TX0063461 T.D.W.R. Permit No.: 11658-001  
Existing Capacity: 0.770 MGD Ultimate Capacity: 0.900 MGD  
Size of Treatment Plant: 3.69 Acres

NAME OF DISTRICT OR PROPERTY OWNER(S)	MGD CAPACITY ALLOCATION
Montgomery County MUD # 7	1.339 MGD
Montgomery County MUD # 36	0.681 MGD
Montgomery County MUD # 39	0.698 MGD
Montgomery County MUD # 40	0.830 MGD
Montgomery County MUD # 46	1.341 MGD
Montgomery County MUD # 47	2.632 MGD
Montgomery County MUD # 60	1.421 MGD
Montgomery County MUD # 67	1.000 MGD
The Woodlands Metro Center MUD	1.421 MGD

Water Treatment Plant Name: **Water Plant No. 2**

Water Treatment Plant Address: **6140 Shadow Bend Place, The Woodlands**

Well Permit No: **N/A**

Water Treatment Plant Name: **Water Plant No. 3**

Water Treatment Plant Address: **6698 Alden Bridge Road, The Woodlands**

Well Permit No: **N/A**

Size of Treatment Plant Site: **Water Plant No. 2: 3.45 Acres**  
**Water Plant No. 3: 4.688 Acres**

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 607.47 acres to Harris County Municipal Utility District No. 400 (Key Map No.376-T, U)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>35</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 3/14/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
---------------------------------------------------------------------------------------------	--------------------------------------------

<b>For additional information contact:</b> Jun Chang, P.E. <i>JC</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
----------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

**RECOMMENDATION: (Summary)**

The petition for the addition of 607.47 acres of land to Harris County Municipal Utility District No. 400 be approved.

<b>Amount of Funding:</b> NONE REQUIRED	<b>F &amp; A Budget:</b>
--------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 400 has petitioned the City of Houston for consent to add two (2) tracts of land totaling 607.47 acres, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Beltway 8, Atascocita Road, Garners Bayou, and West Lake Houston Parkway. The district desires to add 607.47 acres, thus yielding a total of 1,197.29 acres. The district will be served by the future Harris County Municipal Utility District No. 400 Wastewater Treatment Plant No. 2. The nearest major drainage facility for Harris County Municipal Utility District No. 400 is Williams Gully which flows to Garners Bayou and then into Greens Bayou and finally to the Houston Ship Channel.

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

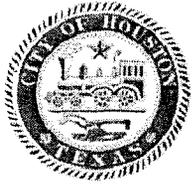
The Utility District Review Committee recommends that the subject petition be approved.

AFI:daw/242hcmud400.b.doc

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Earl Travis Dan Krueger Jack Sakolosky  
 Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC242
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

02-01-07201:36 RCVD 10.

Application is hereby made for consent of the City of Houston to the  creation/  addition of 607.47 acres to Harris County MUD No. 400 under the provisions of 49 & 54 Texas Water Code.

Attorney for the District

**Attorney: Joseph M. Schwartz, Schwartz, Page & Harding, LLP**

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

**Engineer: Cindy M. Albers, P.E., Jones & Carter, Inc.**

Address: 6335 Gulfton, Houston, Texas Zip: 77081 Phone: 713-777-5337

**Owners: See Attached**

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Edwin Stimpson Abstract 702

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

North of: Beltway 8 East of: Garners Bayou  
South of: Atascocita Road West of: West Lake Houston Parkway

### WATER DISTRICT DATA

Total Acreage of District: 589.82 Existing Plus Proposed Land 1,197.29 ✓

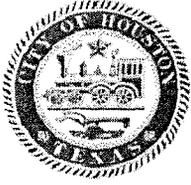
**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential 98% Multi-Family Residential NA  
Commercial NA Industrial NA Institutional 2%

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

Sewage Treatment Plant Name: FUTURE HCMUD No. 400 WWTP No. 2

NPDES/TPDES Permit No: TBD TCEQ Permit No: TBD



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0(See Attached)

Ultimate Capacity (MGD): 0.90

Size of treatment plant site: 261,360/6 square feet/acres.

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

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

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

Total permitted capacity: NA

MGD of (Regional Plant).

Name of District: NA

MGD Capacity Allocation NA

or property owner(s)

Name of District: NA

MGD Capacity Allocation NA

Water Treatment Plant Name: HCMUD No. 400 Water Plant No. 1

Water Treatment Plant Address: 4810 1/2 Wilson Road Humble TX 77396

Well Permit No: 9400 (See Attached)

### Existing Capacity:

Well(s): 1,700

GPM

Booster Pump(s): 3,000

GPM

Tank(s): 0.508

MG

### Ultimate Capacity:

Well(s): 1,700

GPM

Booster Pump(s): 3,000

GPM

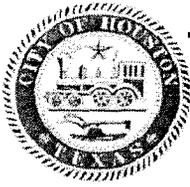
Tank(s): 0.508

MG

Size of Treatment Plant Site: 68,113/1.56

square feet/acres.

Comments or Additional Information: (See Attached)



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

## CHECKLIST

- The attorney for the district signed the application.
- The rounding of the acreage is consistent throughout the metes and bounds, petition, application, survey, and vicinity map, if listed.
- All documents are scanned electronically including survey and vicinity maps and copies submitted by e-mail or cd-rom (the original with original signature must be delivered in hard copy).

## Attachments

- Petition to the state.
- Exhibit A metes and bounds.
- Exhibit B Consent Conditions, either ETJ (2006 version) or in-city. If this is an in-city mud, exhibit must state bonds must be approved by the city.
- The sealed survey plat is included.
- An 8 ½ inches by 11 inches vicinity map is attached and shows nearby roads and depicts the original boundary of the district (East West South and North direction delineated correctly on maps). If this is an annexation, also highlight the area to be annexed.
- Letters from adjacent districts and municipalities stating availability of utility service are attached. (This is for creation petitions and is applicable only if there is not an existing regional plant.)
- Certificates of Authority from lien holders.
- An application fee of \$425 per each non-contiguous tract included.

### **Please submit a complete original with all attachments to:**

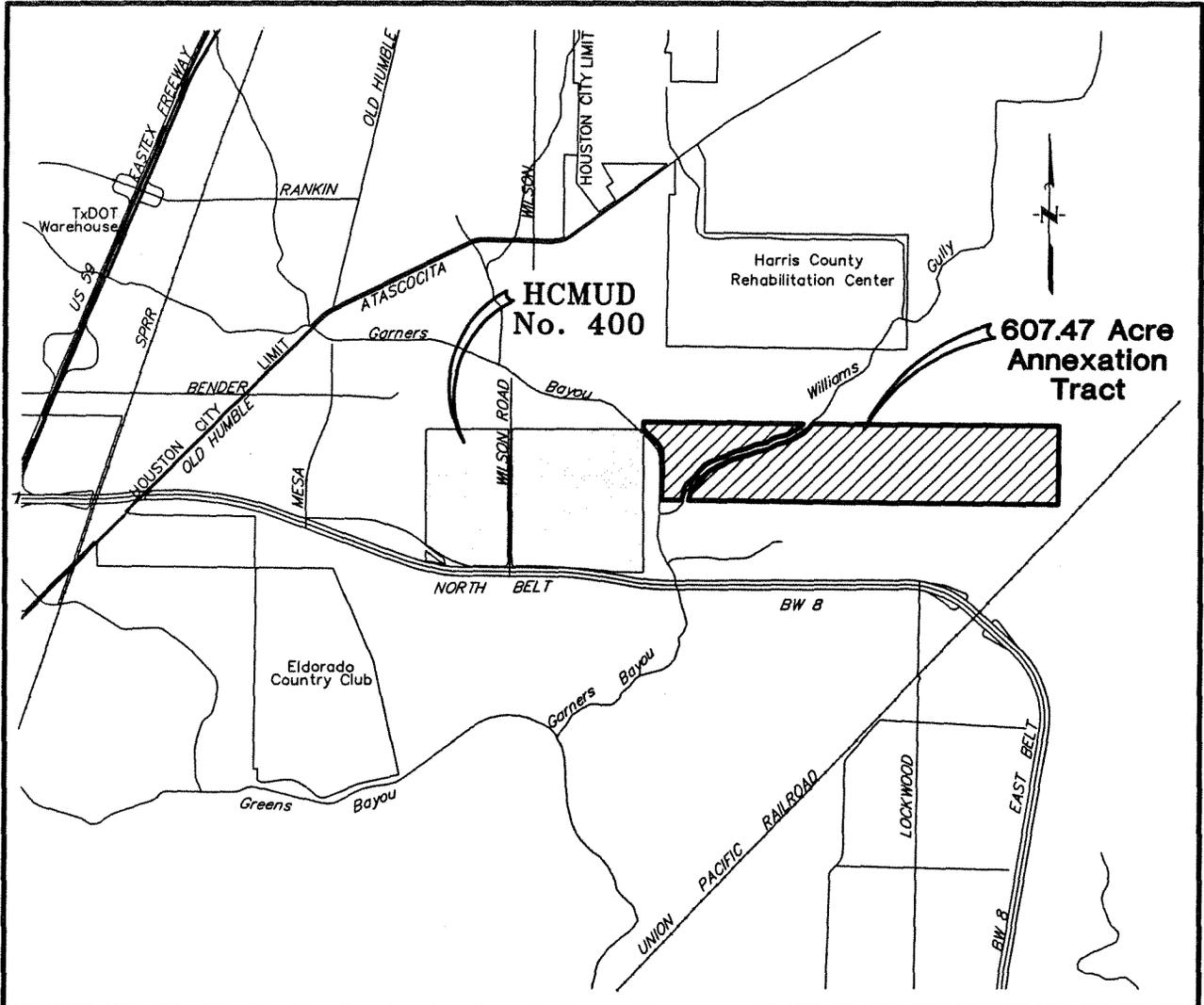
City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21<sup>st</sup> Floor; Houston, TX 77002.

**An electronic copy of the entire consent application, including all attachments, will expedite processing and is encouraged. Please submit the electronic copy to [mudreview@cityofhouston.net](mailto:mudreview@cityofhouston.net).**

**PLEASE NOTE, APPLICATION WILL NOT BE ACCEPTED AS COMPLETE FOR PROCESSING UNLESS ALL ITEMS ARE INCLUDED. INCOMPLETE APPLICATIONS ARE SUBJECT TO RETURN.**

The applicant may be contacted at anytime during the review process for additional information, even after the application is accepted as complete.

**Please direct any questions regarding consent applications to [mudreview@cityofhouston.net](mailto:mudreview@cityofhouston.net).**



**VICINITY MAP**

Scale: 1" = 1 Mile 876-T-1

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of six (6) tracts of land totaling 7.6446 acres to West Harris County Municipal District No. 1 (Key Map No. 410-T)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>36</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 2-22-07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Jun Chang, P.E. <i>JC</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
----------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
The petition for the addition of 7.6446 acres of land to West Harris County Municipal District No. 1 be approved.

<b>Amount of Funding:</b> NONE REQUIRED	<b>F &amp; A Budget:</b>
--------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

West Harris County Municipal District No. 1 has petitioned the City of Houston for consent to add six (6) tracts of land totaling 7.6446 acres, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Highway 290, White Oak Bayou, Beltway 8, and Fairbanks N Houston. The district desires to add 7.6446 acres, thus yielding a total of 408.3746 acres. The district is served by the White Oak Bayou Regional Wastewater Treatment Plant. Other districts that are served and share ownership in this regional plant are Harris County Municipal District No. 25, City of Jersey Village, Windfern Forest Utility District, and Baker Oil Tools. The nearest major drainage facility for West Harris County Municipal District No. 1 is Cole Creek which flows to White Oak Bayou and then to Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by Harris County Municipal District No. 25 and Harris County Municipal District No. 1 Joint Water Plant No. 1. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

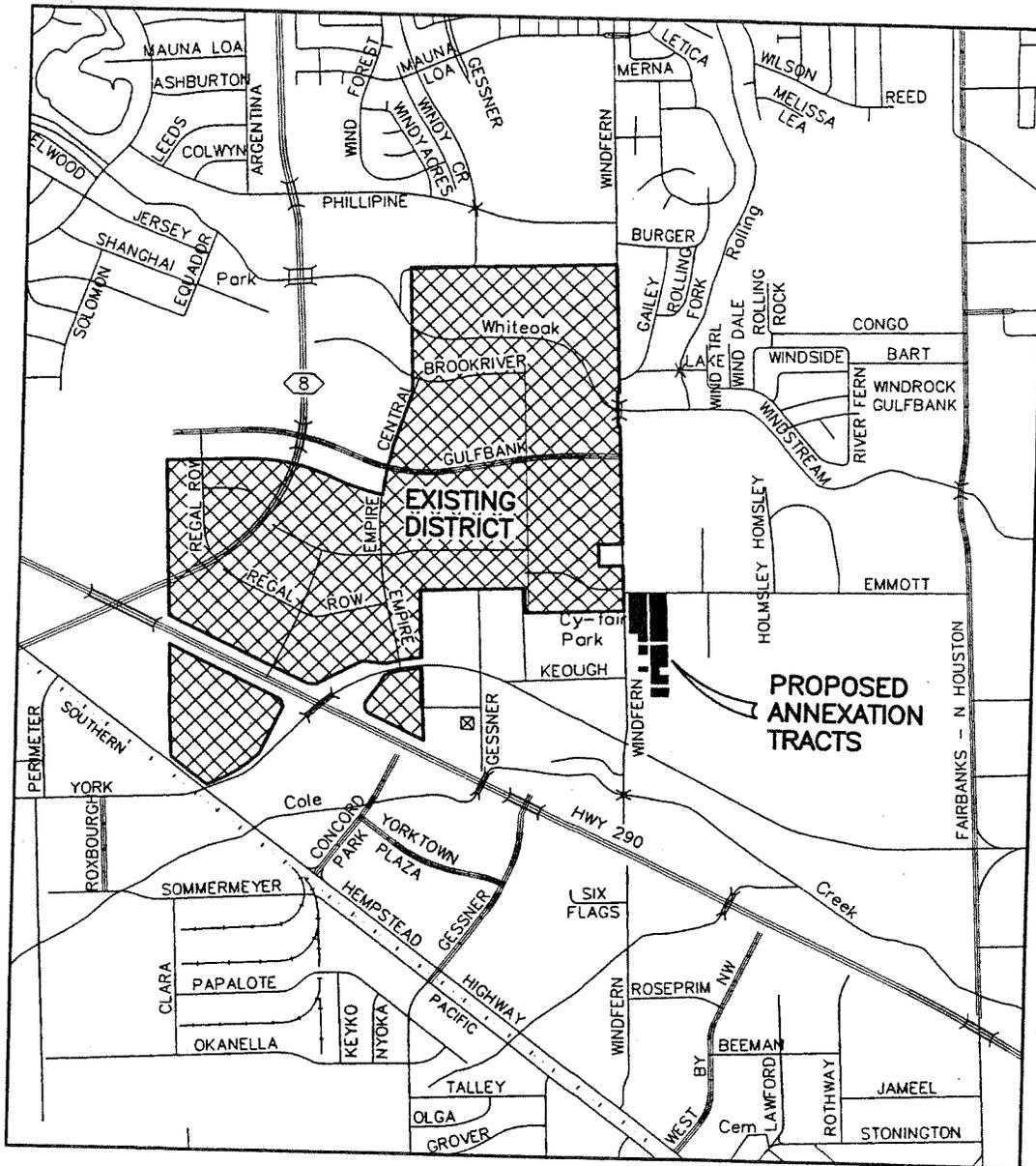
The Utility District Review Committee recommends that the subject petition be approved.

AFI:daw/240whcmud1.b.doc

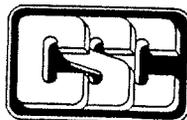
Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Earl Travis Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

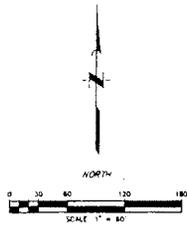
<b>REQUIRED AUTHORIZATION</b>		20JZC240
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>



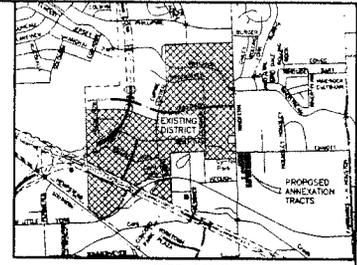
VICINITY MAP  
 OF  
**WEST HARRIS COUNTY MUD No. 1**  
 HARRIS COUNTY, TEXAS  
 JANUARY 2007



COTTON SURVEYING  
 COMPANY  
 6335 Gulton, Suite 103  
 Houston, Texas 77081  
 Office (713) 981-0275

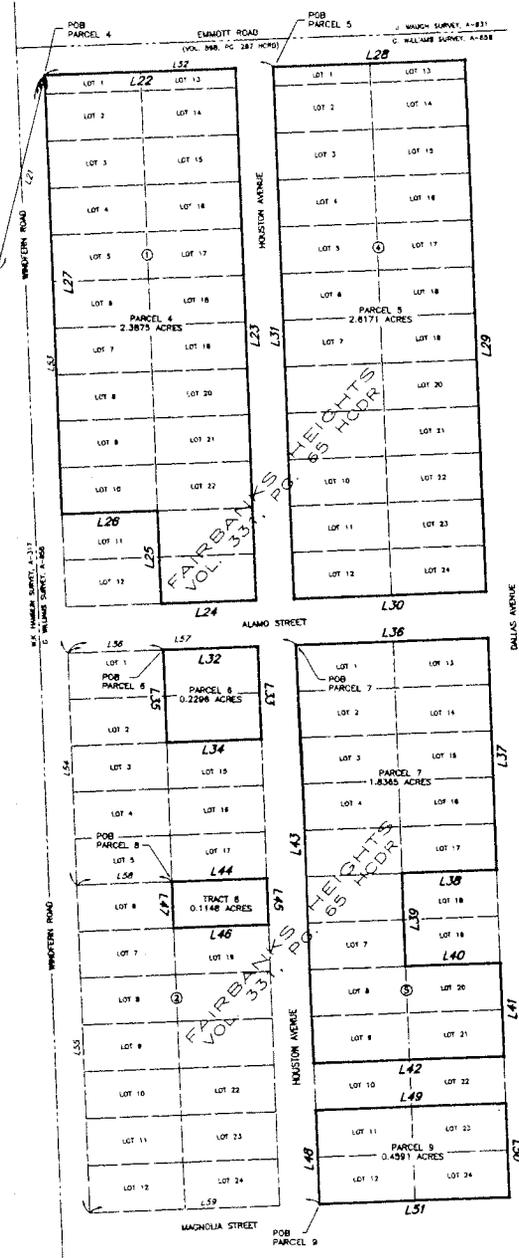


LEGEND  
 HCDR HARRIS COUNTY DEED RECORDS  
 HCOBRRP HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY  
 PG PAGE  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCING  
 VOL VOLUME



PARCEL 3  
 360.1748 ACRES  
 CT No. 1546348 HCOBRRP

POC  
 PARCELS  
 4-9



1	12.1814	212.50
2	12.1814	202.00
3	12.1814	192.00
4	12.1814	182.00
5	12.1814	172.00
6	12.1814	162.00
7	12.1814	152.00
8	12.1814	142.00
9	12.1814	132.00
10	12.1814	122.00
11	12.1814	112.00
12	12.1814	102.00
13	12.1814	92.00
14	12.1814	82.00
15	12.1814	72.00
16	12.1814	62.00
17	12.1814	52.00
18	12.1814	42.00
19	12.1814	32.00
20	12.1814	22.00
21	12.1814	12.00
22	12.1814	2.00
23	12.1814	0.00
24	12.1814	0.00

Supplemental Metes and Bounds descriptions of Parcels 4 through 9 are filed in the office of Cotton Surveying, Houston, Texas.

Bearings shown herein are based on a cast of South 07°34'07" West along the most existing south line of a cased 360.1748 acre tract recorded in Clark's File No. 1546348, Harris County Official Public Records of Real Property.

Martin G. Hicks, a Registered Professional Land Surveyor, do hereby certify that this map accurately describes the proposed annexation boundaries of West Harris County Municipal Utility District No. 1.

WITNESS MY HAND AND SEAL the 15th day of JANUARY, 2007.

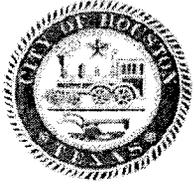


*Martin G. Hicks*  
 Martin G. Hicks  
 Registered Professional Land Surveyor  
 No. 4367

This document was prepared under 22 TAC 663.01, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests imposed or anticipated by the creation or configuration of the political subdivision for which it was prepared.

BOUNDARY MAP  
 OF  
 WEST HARRIS COUNTY MUD No. 1  
 PROPOSED ANNEXATION  
 OF  
 7.6446 ACRES  
 OUT OF THE  
 G. WILLIAMS SURVEY, A-858  
 HARRIS COUNTY, TEXAS  
 JANUARY 2007





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

01-30-07212:00 RCVD (0-

Application is hereby made for consent of the City of Houston to the  creation/  addition of 7.6446 acres to West Harris County MUD No. 1 under the provisions of Chapters 49 & 54 Texas Water Code.

Attorney for the District

**Attorney: Young & Brooks, L.L.P. - J. Ron Young**

Address: 1415 Louisiana, Fifth Floor, Houston, Texas Zip: 77002 Phone: 713-951-0800

**Engineer: Jones & Carter, Inc. - Tobin Synatschk, P.E.**

Address: 6335 Gulfton Street, Suite 200, Houston, Texas Zip: 77081-1112 Phone: 713-777-5337

**Owners: Jarrar Holdings, L.L.C.**

Address: 7303 Windfern, Houston, Texas Zip: 77040 Phone: 832-467-4750

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

NAME OF COUNTY (S) Harris

Survey G. Williams

Abstract A-858

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

North of: HWY 290

East of: BWY 8

South of: White Oak Bayou

West of: Fairbanks- N. Houston

### WATER DISTRICT DATA

Total Acreage of District: 400.7300

Existing Plus Proposed Land 408.3746 ✓

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

Single Family Residential \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_

Commercial 100 Industrial \_\_\_\_\_

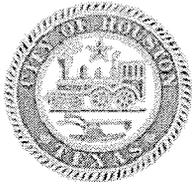
Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: White Oak Bayou Regional Treatment Plant

NPDES/TPDES Permit No: TX0057029

TCEQ Permit No: 11538-001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 3.2

Ultimate Capacity (MGD): 4.5

Size of treatment plant site: 5.8 square feet/acres.

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

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

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

Total permitted capacity: 3.2

MGD of (Regional Plant).

Name of District: West Harris Co. MUD No. 1

MGD Capacity Allocation 0.81

or property owner(s)

Name of District: Harris County MUD No. 25

MGD Capacity Allocation 0.09

Water Treatment Plant Name: HCMUD25/WHCMUD1 Joint Water Plant No. 1

Water Treatment Plant Address: 10435 W. Gulf Bank, Houston TX 77040

Well Permit No: 124988

### Existing Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 5,450

GPM

Tank(s): 1.0

MG

### Ultimate Capacity:

Well(s): 1,500

GPM

Booster Pump(s): 5,450

GPM

Tank(s): 1.0

MG

Size of Treatment Plant Site: 1

square feet/acres.

Comments or Additional Information: Additional WOB Regional WTP Owner Capacities are:

City of Jersey Village - 1.3 MGD ; Windfern Forest Utility District - 0.9 MGD &

Baker Oil Tools - 0.1 MGD ; a total of five (5) owners for the 3.2 MGD WTP capacity

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

<b>SUBJECT:</b> Ordinance designating the 4600 block of McKinney Street, south side, between South Lockwood Drive and Eddington Street as a Special Building Line Requirement Area		<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>37</b>
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department		<b>Origination Date</b> 2/9/2007		<b>Agenda Date</b> MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Marlene L. Gafrick</i>		<b>Council District affected:</b> I		
<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance designating the 4600 block of McKinney Street, south side, between South Lockwood Drive and Eddington Street as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" prevailing building line.				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 1 and Tract 2A, Block 27, of the Eastwood Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from 5 of the 6 property owners (83%). Notification was mailed to 6 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.</p> <p>It is recommended that the City Council adopt an ordinance establishing a 20'-0" Prevailing Building Line for the area.</p> <p>MLG:md</p> <p>Attachments: Planning Director's Approval, Prevailing Building Line Application &amp; Petition, Evidence of Support, Map of the Area</p> <p>xc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Linda Tarver, Public Works and Engineering Gary Bridges, Public Works and Engineering</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

## Special Building Line Requirement Area No. 88b

### Director's Approval

Satisfies	Does Not Satisfy	Criteria
		<b>The application satisfies each of the following criteria (1-5):</b>
X		1. Boundaries include all property within at least one block face;  <i>The application is for the 4600 block of McKinney Street, south side, between South Lockwood Drive and Eddington Street.</i>
X		2. More than 50% of the lots in the SBLRA are developed with SF residential units;  <i>67% of the lots are developed with SF residential.</i>
X		3. Demonstrated Sufficient Evidence of Support;  <i>Petition signed by 83% of the property owners.</i>
X		4. Establishment of the SBLRA will further the goal of preserving the prevailing building line character of the area; and,  <i>Prevailing building line character exists.</i>
X		5. Less than 25% of the SF residential properties have a constructed building line that varies by more than 5 feet from the most frequent constructed building line.  <i>4 of the 6 lots contained within the proposed Special Building Line Requirement Area are developed with single-family residential units. 2 lots are multi-family. 0 of the 4 SF residential units deviate from the prevailing building line by more than five feet (0%). Therefore, the prevailing constructed building line for this application is 20'-0."</i>
X		Petition was signed by the owners of 51 percent or more of the lots or tracts within the SBLRA; and  <i>Owners of 83% of the lots or tracts signed petition.</i>
X		A timely protest was not filed  <i>No protest was filed.</i>

The Special Building Line Requirement Area has a prevailing building line of twenty feet and zero-inches (20'- 0").


 Date 2/3/07  
 Marlene L. Gafrick, Director

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

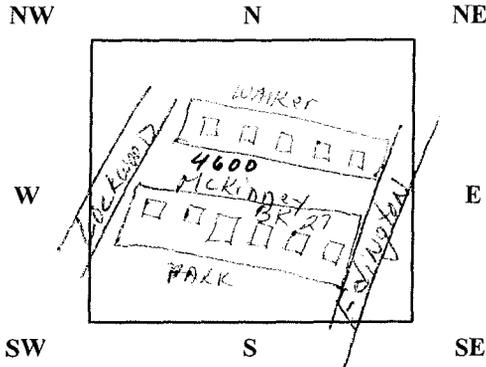
## PREVAILING BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.

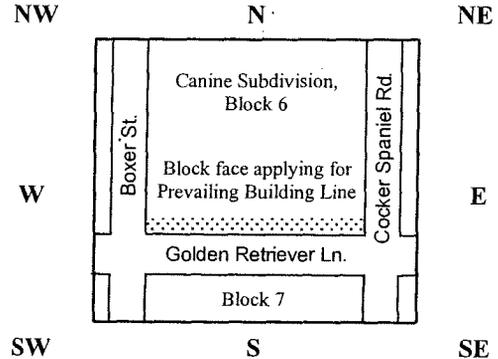


Staff will complete shaded items.

### LOCATION



### LOCATION EXAMPLE



#### 1. BOUNDARY:

Block no.: 27  
 Lot nos.: 1-8  
 Subdivision name: EASTWOOD  
 St. name & side: So side of McKinney  
 Block Address: 4600 Block  
 Odd/Even Addresses: EVEN Addresses

#### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

#### 2. PROJECT INFO.:

File no.:   
 Lambert: Census Tract: School Dist.: HISD  
 Key Map: \_\_\_\_\_ Zip Code: 77023 City Council Dist.: I  
 Co. Comm. Prct.: Z

#### 3. CONTACTS:

Applicant: Ed Robert  
 Address: 4602 McKinney Phone: 713-921-1525 Fax: \_\_\_\_\_  
 City: HOUSTON, TX State: TX Zip: 77023  
 Other: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

#### 4. SUBMITTAL REQUIREMENTS

PVL BL

- |                                                                                    |                          |
|------------------------------------------------------------------------------------|--------------------------|
| Completed application form                                                         | <input type="checkbox"/> |
| Map or sketch showing the address and land use of all lots within boundary         | <input type="checkbox"/> |
| Data showing the distance from the front property line to each building on the lot | <input type="checkbox"/> |
| Signed petition                                                                    | <input type="checkbox"/> |
| Evidence of support from the property owners                                       | <input type="checkbox"/> |

*Spoke with Ed some more about the procedure*

prevail *limited info with Ed*

04/16/99

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

<b>SUBJECT:</b> Ordinance designating the 2600 block of Oakdale Street, north and south sides, between Live Oak and Ennis Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>38</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 3/9/2007	<b>Agenda Date</b> MAR 21 2007
---------------------------------------------------------------------------------------------------------------------------	-------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>Ms Marlene L. Gafrick</i>	<b>Council District affected:</b> D
--------------------------------------------------------------	----------------------------------------

<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
-------------------------------------------------------------------------------	-------------------------------------------------------------------------

**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 2600 block of Oakdale Street, north and south sides, between Live Oak and Ennis Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-213 of the Code of Ordinances, the property owner of of Tracts 8 & 9A, Block 5, of the Riverside Extension Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from 15 of the 29 property owners (52%). Notification was mailed to the 29 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 5,125 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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## Special Minimum Lot Size Requirement Area No. 223

### Planning Director's Approval

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 2600 block of Oakdale Street, north and south sides.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>100% of the properties are developed with not more than two SF residential units per property. 29 of the 29 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 52% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A 5,125 sf prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 31 lots – 4 are corner lots, 22 of the 27 lots are within 10% of the average lot size (82%). The average lot size is 5,428 sf.</b></p>

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

*Marlene L. Gafrick*      3/9/07  
 Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

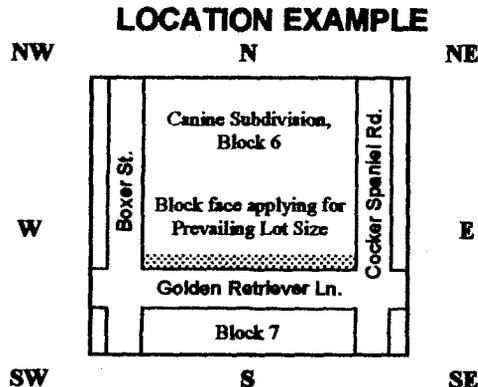
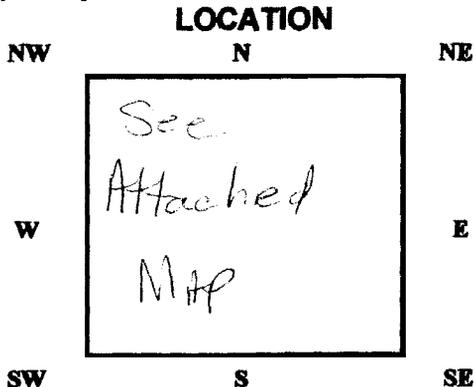
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

Staff will complete shaded items.



**1. BOUNDARY:**

Block no.: 4 E 5  
 Lot nos.: 15-30 E 1-15  
 Subdivision name: Riverside Extension  
 Street name & side: Oakdale North: South  
 Lot(s) Address: 2602  
 Odd/Even Addresses: Odd & Even

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

**2. PROJECT INFO:**

File no.:   
 Lambert: 5355 Census Tract:   
 Key Map: 533B & 533C Zip Code: 77004 School Dist.:   
 S Neigh: 83 City Council Dist.: D  
 TIRZ:  Co. Comm. Prct.:

**3. CONTACTS:**

Applicant: Linda Poole  
 Address: 2632 Oakdale Phone: 713-874-0330 Fax:   
 City: Houston State: TX Zip: 77004  
 Other: La Quinta Donatto  
 Address: 2502 Oakdale Phone: 832-607-1926 Fax:   
 City: Houston State: TX Zip: 77004

**4. SUBMITTAL REQUIREMENTS**

	PVLS
Completed application form	<input type="checkbox"/>
Map or sketch showing the address and land use of all lots within boundary	<input type="checkbox"/>
Data showing the actual size of each lot	<input type="checkbox"/>
Signed petition	<input type="checkbox"/>
Evidence of support from the property owners within the boundary	<input type="checkbox"/>

## PREVAILING LOT SIZE

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 100-300 blocks of Payne Street, north and south sides, between Houston Avenue and Interstate 45 North Freeway as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <i>39</i>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 1/11/2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MLG</i> <i>Marlene R. Gafrick</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Mina Gerall Phone:713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 100-300 blocks of Payne Street, north and south sides, between Houston Avenue and Interstate 45 North Freeway as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-213 of the Code of Ordinances, the property owner of of Tract 7, Block 1, of the Highland Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from 17 of the 25 property owners (68%). Notification was mailed to the 25 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 5,090 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION		
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**Special Minimum Lot Size Requirement Area No. 229  
Planning Director's Approval**

Planning Director's Evaluation:

<b>Satisfies</b>	<b>Does Not Satisfy</b>	<b>Criteria</b>
<b>X</b>		<i>PLS area include all property within the block faces;</i>  <b>The application is for the 100-300 blocks of Payne Street, north and south sides.</b>
<b>X</b>		<i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i>  <b>92% of the properties are developed with not more than two SF residential units per property. 23 of the 25 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b>
<b>X</b>		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by 68% of the property owners.</b>
<b>X</b>		<i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i>  <b>A (5,090 sf) prevailing lot size character exists.</b>
<b>X</b>		<i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i>  <b>The MLS area contains 28 originally platted lots – 6 are corner lots, 21 of the 22 lots are within 10% of the average lot size (96%). The average lot size is 5,208 sf.</b>

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

Marlene L. Gafrick      1-9-07  
Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

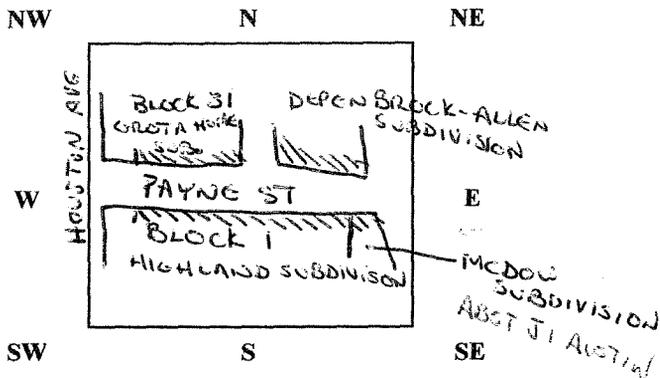
## PREVAILING LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

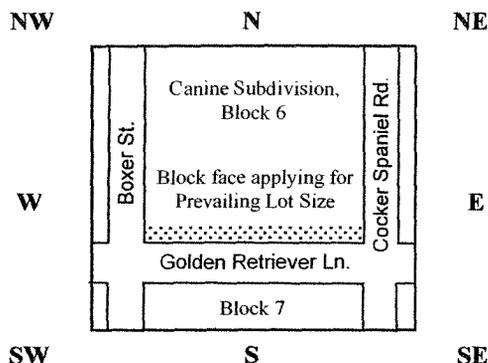
Staff will complete shaded items.

**COMPLETED**  
10/9/06

### LOCATION



### LOCATION EXAMPLE



#### 1. BOUNDARY:

Block no.: 1  
 Lot nos.: 2-15  
 Subdivision name: HIGHLAND  
 Street name & side: SOUTH SIDE OF PAYNE ST  
 Lot(s) Address: 100-300  
 Odd/Even Addresses: EVEN

#### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

#### 2. PROJECT INFO.:

File no.: 279  
 Lambert:   
 Key Map:   
 SN:   
 TIRZ:

Census Tract:   
 Zip Code: 77009

School Dist.: HISD  
 City Council Dist.: H  
 Co. Comm. Prct.: 001

#### 3. CONTACTS:

Applicant: KAY DONAHUE  
 Address: 126 PAYNE ST Phone: 713-410-6622 Fax:   
 City: HOUSTON State: TX Zip: 77009

Other: SHARON GREIFF  
 Address: 826 WOODLAND ST Phone: 713-868-1579 Fax:   
 City: HOUSTON State: TX Zip: 77009

#### 4. SUBMITTAL REQUIREMENTS

- Completed application form
- Map or sketch showing the address and land use of all lots within boundary
- Data showing the actual size of each lot
- Signed petition
- Evidence of support from the property owners within the boundary

PVL BL

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

<b>SUBJECT:</b> Ordinance designating the 2200 and 2300 blocks of Wichita Avenue, north and south sides, between Highway 288 and Dowling Street as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>40</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 01.25.2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 2200 and 2300 blocks of Wichita Avenue, north and south sides, between Highway 288 and Dowling Street as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-213 of the Code of Ordinances, the property owner of Lot 14 and Tract 13, Block 10, of the Riverside Terrace Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from 6 of the 13 property owners (46%). Notification was mailed to the 13 property owners indicating that the special lot size area application had been made. No written protests were filed. However, the application was referred to the Planning Commission for a hearing because there were less than 51% support. The Houston Planning Commission considered the application on December 14, 2006 and voted to recommend that the City Council establish the Special Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 6,500 sf.

MLG:jh

Attachments: Planning Commission's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Minimum Lot Size Requirement Area No. 215  
Planning Commission Approval**

Planning Commission Evaluation:

<b>Satisfies</b>	<b>Does Not Satisfy</b>	<b>Criteria</b>
<b>X</b>		<i>PLS area includes all property within the block faces;</i>  <b>The application is for the 2200 and 2300 blocks of Wichita Avenue, north and south sides.</b>
<b>X</b>		<i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i>  <b>85% of the properties are developed with not more than two SF residential units per lot. 11 of the 13 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b>
		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by 46% of the property owners.</b>
<b>X</b>		<i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i>  <b>A (6,500 sf) prevailing lot size character exists.</b>
<b>X</b>		<i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i>  <b>The MLS area contains 16 lots – 4 are corner lots, 12 of the 12 lots are within 10% of the average lot size (100%). The average lot size is 6,500 sf.</b>

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

*Carol Abul Lewis*      *12/14/06*  
 Carol Lewis, Chair                      Date  
 or

\_\_\_\_\_  
 Mark A. Kilkenny                      Date  
 , Vice-Chair

*1st Stamped 5/4  
 Complete 11/20*

# CITY OF HOUSTON

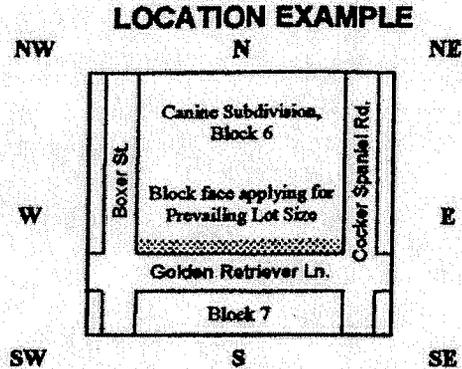
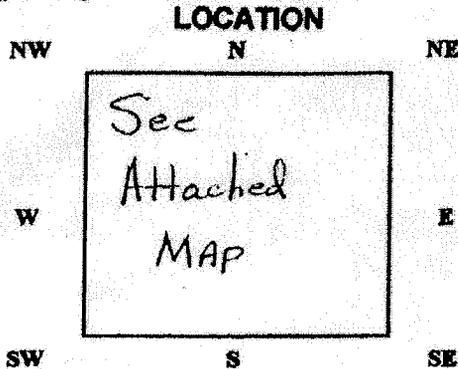
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

*Staff will complete shaded items.*



**1. BOUNDARY:**

Block no.: 10 & 11

Lot nos.: 10-18 & 5-11

Subdivision name: Riverside Terrace Section I

Street name & side: North & South sides of Wichita

Lot(s) Address: 2200 & 2300 Wichita

Odd/Even Addresses: Odd & Even

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

**2. PROJECT INFO.:**

File no.:

Lambert:

Key Map:

S Neigh:

TIRZ:

Census Tract:

Zip Code:

School Dist.:

City Council Dist.:

Co. Comm. Prct.:

**3. CONTACTS:**

Applicant: Juanita Harris Paul M Smith - 832-215-9879

Address: 2419 Wichita 2303 Wichita Phone: 713-522-3452 Fax:

City: Houston State: Tx. Zip: 77004

Other: La Quinta Donatto

Address: 2502 Arbor Phone: 832-607-1926 Fax:

City: Houston, Tx. State: Tx. Zip: 77004

**4. SUBMITTAL REQUIREMENTS**

	PVLS
Completed application form	<input type="checkbox"/>
Map or sketch showing the address and land use of all lots within boundary	<input type="checkbox"/>
Data showing the actual size of each lot	<input type="checkbox"/>
Signed petition	<input type="checkbox"/>
Evidence of support from the property owners within the boundary	<input type="checkbox"/>

## PREVAILING LOT SIZE



<b>SUBJECT:</b> To enter into a contractual Agreement thru Seventh (7 <sup>th</sup> ) Contract Amendment to Contract No. FC34109 for the (B06) 32 <sup>nd</sup> Year CDBG funded "SPARK" Program with the Alief Independent School District (AISD), SPARK Parks Office and the Housing and Community Development Department (HCDD).		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b>  42
<b>FROM (Department or other point of origin):</b> David Minberg, Acting Director Housing and Community Development		<b>Origination Date</b> 03/01/2007.	<b>Agenda Date</b> MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Ms Renee Carrington for David Minberg.</i>		<b>Council District affected:</b> "F"		
<b>For additional information contact:</b> Kathleen Ownby Phone: 713-247-2909 Gayve F. Anklesaria Phone: 713-868-8466		<b>Date and identification of prior authorizing Council action:</b> N/A		

**RECOMMENDATION: (Summary)**  
City Council Ordinance approving and authorizing Contractual Agreement with Alief ISD, SPARK Parks Office and HCDD to allow allocation of CDBG funding in the amount of \$55,000 approved in the City of Houston Consolidated Plan for the (B06) – 32<sup>nd</sup> Year program.

**Amount of Funding: Grant funds (5000)** \$55,000 **F&A Budget:**

**SOURCE OF FUNDING** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund  
[ ] Other (Specify) Community Development Block Grant (CDBG)

**SPECIFIC EXPLANATION:**

Through this Seventh (7<sup>th</sup>) Contract Amendment, City Council is requested to authorize and approve an Intergovernmental Agreement and between the City of Houston and the Alief Independent School District (AISD) for a "SPARK" program. This Contract will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.

This Contract will provide funding for \$55,000 from the (B06) 32<sup>nd</sup> Year CDBG Program for Liestman Elementary School to be appropriated for work specified in the scope of work below in the HUD/CDBG low-income areas.

**PROJECT DESCRIPTION/SCOPE:** CDBG funds will be utilized for renovation and/or installation of:  
Concrete sidewalk  
Play Equipment  
Fall surface  
Concrete stage with shade structure  
Three (3) picnic tables and four (4) benches, and  
Site work

**PROJECT NAME AND LOCATION:** Liestman Elementary, 7610 Synott, Houston, Texas 77083

**PROJECT COST:** In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and the SPARK agency.

Approval of this Ordinance is recommended.

DM:ga  
xc: City Attorney  
Mayor's Office  
City Secretary  
Finance and Administration

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Kathleen Ownby</i>	<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD07-40

06-HISD.RCA

<b>SUBJECT:</b> First amendment to the HISD Contract for the (B06) 32 <sup>nd</sup> Year CDBG funded "SPARK" Program with the Houston Independent School District (HISD), SPARK Parks Office and the Housing and Community Development Department (HCDD).		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>43</b>
<b>FROM (Department or other point of origin):</b> David Mincberg, Acting Director Housing and Community Development		<b>Origination Date</b>  03/01/2007	<b>Agenda Date</b>  MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>MS Renee Carney for David Mincberg</i>		<b>Council District affected:</b>  "A, B,C,D,F,H,I"		
<b>For additional information contact:</b> Kathleen Ownby Phone: 713-247-2909 Gayve F. Anklesaria Phone: 713-868-8466		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> City Council Ordinance approving and authorizing first Contractual Amendment with HISD, SPARK Parks Office and HCDD to allow allocation of CDBG funding in the amount of \$394,214 approved in the City of Houston Consolidated Plan for the (B06) – 32 <sup>nd</sup> Year program.				
<b>Amount of Funding: Grant funds (5000)</b> \$394,214			<b>F&amp;A Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)      Community Development Block Grant (CDBG)				
<b>SPECIFIC EXPLANATION:</b>  Through this first Contract Amendment City Council is being requested to authorize and approve an Intergovernmental Agreement between the City of Houston and the Houston Independent School District (HISD) for a "SPARK" program. This Contract will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.  This Contract will provide \$394,214 from the (B06) 32 <sup>nd</sup> Year CDBG Program to be appropriated for various SPARK park activities specified in the project description/ scope of work below at ten (10) SPARK schools in the HUD/CDBG low income eligible areas.  <b>PROJECT DESCRIPTION/SCOPE:</b> CDBG funds will be utilized for renovation and/or installation of new park equipment, sidewalks, concrete seating areas, asphalt and/or crushed granite tracks, in-ground bleachers and benches, landscaping and site work.  <b>PROJECT NAME AND LOCATION:</b> The SPARK Schools in HISD for (B06) 32 <sup>nd</sup> Year are reflected in Attachment I.  <b>PROJECT COST:</b> In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and the SPARK agency.  Approval of this Ordinance is recommended.  DM:ga xc: City Attorney Mayor's Office City Secretary Finance and Administration				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b> <i>Kathleen Ownby</i>		<b>Other Authorization:</b>

<b>Date</b> 03/01/07	<b>Subject:</b> contractual Agreement for the (B06) 32 <sup>nd</sup> Year CDBG funded "SPARK" Program with the Houston Independent School District (HISD), SPARK Parks Office and the Housing and Community Development Department (HCDD).	<b>Originator's Initials</b> <i>RC</i>	<b>Page</b> <b>2 of 2</b>
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**ATTACHMENT I**

Project Description	Project Location	CDBG Budget	Council District
Deady Middle School	2500 Broadway Houston Texas - 77012	\$52,208	I
DeChaumes Elementary	155 Cooper Houston Texas - 77076	\$10,506	H
Energized for Excellence Academy	6201 Bissonnet Houston Texas - 77081	\$50,000	C
Fleming Middle School	4910 Collingsworth Houston Texas - 77026	\$15,500	D
Garden Oaks Elementary	901 Sue Barnett Houston Texas - 77018	\$50,000	A
Holland Middle School	1600 Gellhorn Houston Texas - 77029	\$16,000	D
Houston High School	9400 Irvington Houston Texas - 77076	\$50,000	H
Kashmere High School	6900 Wileyvale Road Houston Texas - 77028	\$50,000	B
McReynolds Middle School	5910 Market Street Houston Texas - 77020	\$50,000	I
Stevenson Middle School	9595 Winkler Houston Texas - 77017	\$50,000	I
Total Budget		<b>\$394,214</b>	

HCD07-32

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

07-El Centro-PS

<b>SUBJECT:</b> An Ordinance authorizing a Contract Between the City of Houston and El Centro de Corazon to provide primary care with mental health services in the East End.	<b>Category #</b> 1	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  44
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<b>FROM (Department or other point of origin):</b> David Minberg, Interim Director Housing and Community Development	<b>Origination Date</b> 2/22/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Rene Carrington for David Minberg.</i>	<b>Council District affected:</b> "H" - ADRIAN GARCIA
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<b>For additional information contact:</b> Patricia Bunns Phone: 713-868-8472	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Approval of an Ordinance authorizing a Contract Between the City of Houston and El Centro de Corazon to provide mental health services in the East End.

<b>Amount of Funding:</b> \$ 50,000.00	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund  
 Other (Specify)    COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department recommends approval of a Contract between the City of Houston and El Centro de Corazon (El Centro).

This Contract will address the lack of bilingual and culturally sensitive mental health services for the Hispanic population in the East End. Patients need long term therapy and suffer from the following mental illnesses: chronic depression, bipolar, schizophrenia, suicide tendencies, delayed stress syndrome due to domestic violence, sexual abuse and other forms of violence. El Centro's mental health program provides adult, couple and family therapy at the agency, attends to patients at each of its clinics and provides child and adolescent therapy in a school-based setting or after school at the agency.

El Centro's clinic located at 5001 Navigation Boulevard currently provides prenatal care, mental health services, and early childhood development and youth services for girls. As part of its mission, El Centro is expanding services to provide mental health care for clinic patients, especially for those diagnosed cases of anxiety and depression. The clinic will also provide a service previously lacking for mental health patients, access to health care exams. This contract will provide funding for one Mental Health Therapist.

<b>REQUIRED AUTHORIZATION</b>			<b>NOT</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

<b>Date:</b> 2/22/07	<b>Subject:</b> <b>SEE PAGE 1</b>	<b>Originator's Initials</b> RC	<b>Page</b> <b>2 of 2</b>
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The Housing and Community Development recommends approval of this Contract for a one-year period to begin March 22, 2007 through March 21, 2008 in the amount of \$50,000.00. Therefore, approval is recommended for this Contract.

The Housing and Community Development Committee considered this item and recommended it for full Council approval on February 22, 2007.

MW:PAB:pab

cc: City Secretary  
Legal Department  
Finance & Administration  
Mayor's Office

<b>SUBJECT:</b> Ordinance authorizing a Contract Amendment between the City of Houston and India House, Inc. to increase the scope of work and reduce the Restricted Use Period for construction of a Community Center.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  45
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<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date</b> 2/28/2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Kene Camacho for David Minberg</i>	<b>Council District affected:</b> District F
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> October 11, 2005 Ordinance # 05-1146
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**RECOMMENDATION: (Summary)**  
Adopt Ordinance authorizing a Contract Amendment between the City of Houston and India House, Inc. to increase the scope of work and reduce the Restricted Use Period for the new construction of a Community Center.

<b>Amount of Funding:</b> No additional funding (Previous Funding: \$500,000 – CDBG Fund)	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**  
On October 11, 2005 City Council approved CDBG grant funding in the amount of \$500,000 for India House, Inc. for construction of a Community Center located at 8880 West Bellfort, Houston, Texas 77003. The Housing and Community Development Department (HCDD) requests approval of a Contract Amendment that would allow India House to increase the scope of work so they may expand the size from 12,000 to 29,000 square feet. The new estimated cost of this project is \$4,975,000.00, of which India House, Inc. will provide \$4,475,00.00. India House, Inc. shall certify, prior to the beginning of construction, that all additional funding needed for the completion of the project has been in receipt and deposited into their project account by the Board Treasurer of India House, Inc. The Contract Amendment will also change the Restricted Use Period from 10 years to 5 years. HCDD and HUD have determined that 5 years is a reasonable time to monitor and collect performance data from India House, Inc.

India House, Inc. is a non-profit organization serving the low to moderate income and senior citizen families in the community. The principal objective is to provide services to benefit low and moderate income persons. Special emphasis will be given to providing youth programs such as after school programs, computer literacy and job preparation skills. Other services will include education and enrichment classes and recreational opportunities.

The Community Center will be a 29,000 sq. ft. building with paving, parking, driveway and landscaped areas. The Center will have an auditorium that will be used for social and cultural events throughout the year and will be provided for use by various community organizations.

India House, Inc. submitted an application for funding through the HCDD's Request for Applications. The project was selected because India House provides critical social services to the low and moderate income family members within the community. The facility will serve approximately 85 persons daily.

The Housing and Community Development Committee reviewed this item on 03/01/2007 and recommended it for favorable consideration.

<b>REQUIRED AUTHORIZATION</b>			<b>NOT</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD07-45

07-NHHCanalApts

<b>SUBJECT:</b> An Ordinance to amend an Agreement between the City of Houston and NHH-Canal Street Apartments, Inc.		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 46
<b>FROM (Department or other point of origin):</b> David M. Mincberg, Acting Director Housing and Community Development Department		<b>Origination Date</b> 2/14/07	<b>Agenda Date</b> MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> District "H" - Garcia		
<b>For additional information contact:</b> Donald H. Sampley Phone: 713-868-8458		<b>Date and identification of prior authorizing Council action:</b> 03-0774 , 8/20/03		

**RECOMMENDATION: (Summary)**

The Department recommends approval of an Ordinance to amend an Agreement between the City of Houston and NHH-Canal Street Apartments, Inc. to develop a permanent/transitional housing facility.

**Amount of Funding:** No Additional Funds Required

**F&A Budget:**



**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

**Other (Specify) HOME FUNDS**

**SPECIFIC EXPLANATION:**

Due to additional HOME Funds being awarded to the NHH Canal Street Apartments Project, by the Texas Department of Housing and Community Affairs, the City of Houston Loan Agreement with NHH Canal Street Apartments, Inc. needs to be amended to reflect 34 affordable restricted units verses the original 120 affordable units out of a total 133 project units. Therefore, to be consistent with HOME fund minimum unit count requirements, the State of Texas will have HOME credits for 34 affordable units and the City of Houston HOME credits will be for 34 affordable units.

NHH-Canal Street Apartments Inc. ("NHH Canal Street") is a non-profit 501(c)(3) corporation established in 2002 by New Hope Housing, Inc. to develop a permanent Single-Room Occupancy ("SRO") housing development. New Hope Housing, Inc. is a non-profit corporation, which has successfully owned and operated another 129 unit Hamilton Street Residence SRO development for several years at 320 Hamilton Street. This development is located across the street from Minute Maid Park (formerly Enron Field). The Canal Street Apartments consists of 133 single-room occupancy units located in the City's Second Ward community. The project involves new construction on approximately 1.6 acres of vacant land at 2800 Canal Street between North Paige and North Delano, one block southwest of Navigation Boulevard. NHH-Canal Street Apts. Inc. has obtained support for the project from an impressive coalition of neighborhood organizations and community leaders. The board members of NHH Canal Street include Michael "Mac" J. Fowler, President, Nell Richardson, Vice President, John W. Benzon, Eric Hagstette, Janet F. Clark and Joy Horak-Brown, Executive Director.

The City of Houston has provided a twenty (20) year performance based loan from which proceeds were used for costs associated with the construction of the project. The fully furnished dwelling units, completed in 2005, are approximately 200 square feet with a private bathroom and kitchenette. The rents are \$350.00 per unit, including utilities. This project is consistent with the City of Houston Consolidated Plan to provide affordable housing for low-income families. The City's participation in the project contributes to the goal of increasing the number of affordable rental housing units for individuals with special needs.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 2/14/07	<b>Subject:</b> An Ordinance to amend an Agreement between the City of Houston and NHH-Canal Street Apartments.	<b>Originator's</b> Initials <i>[Handwritten Signature]</i>	<b>Page</b> <u>2</u> of <u>2</u>
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The project is consistent with the City's Consolidated Plan to provide transitional housing for very low-income and low-income residents.

On August 8, 2006, the Housing and Community Development Committee met and agreed to pass this amendment request on to City Council for consideration with recommendation.

The Department recommends approval of an ordinance to amend the agreement between the City and NHH-Canal Street Apartments Inc.

cc: Finance & Administration  
Legal Department  
City Secretary  
Mayor's Office

<b>SUBJECT:</b> An ordinance approving and authorizing a \$50,000 contract between the City of Houston and Houston SHIFA Services Foundation, Inc., using Federal HOME funds to pay for operating expenses associated with the development of affordable housing.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  47
<b>FROM (Department or other point of origin):</b>  Housing and Community Development		<b>Origination Date:</b>  February 01, 2007	<b>Agenda Date:</b>  MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>David M. Minberg</i> David M. Minberg, Interim Director		<b>Council District affected:</b>  "A" - CM Toni Lawrence		
<b>For additional information contact:</b> Donald Sampley, Assistant Director  Phone: 713-868-8458		<b>Date and identification of prior authorizing Council action:</b> None		
<b>RECOMMENDATION: (Summary)</b> The Department recommends approval of an ordinance authorizing a \$50,000 contract between the City of Houston and Houston SHIFA Services Foundation, Inc., using Federal HOME funds to pay for operating expenses associated with the development of affordable housing.				
<b>Amount of Funding:</b> \$50,000			<b>F&amp;A Budget:</b> <i>[Signature]</i>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input checked="" type="checkbox"/> Other (Specify) HOME FUND      Grant Funds (5000)				
<b>SPECIFIC EXPLANATION:</b> Houston SHIFA Services Foundation, Inc., ("SHIFA") is a 501(c) 3 nonprofit corporation. The Department proposes providing HOME funds to SHIFA for the development of affordable housing at Langfield and West Little York. SHIFA has been certified as a Community Housing Development Organization (CHDO). The Department of Housing and Urban Development (HUD) makes operating expenses available to CHDOs to ensure that they have sufficient funds to operate and assist with developing their project. The City proposes to provide \$50,000 for operating expenses to SHIFA for one year. SHIFA must develop an affordable housing project within twenty-four (24) months after receiving the \$50,000 operating expenses funds. These funds will be issued in the form of a grant and must be used to develop The Langfield/West Little York project.  HUD allows cities to provide operating expenses for the following: salaries, wages, benefits and other employee compensation; employee education, training and travel; rent and utilities; communication costs; taxes and insurance; equipment, materials and supplies.  The Department recommends approval of an ordinance approving and authorizing a \$50,000 contract between the City of Houston and SHIFA for one year, using Federal HOME funds to pay for operating expenses associated with the development of affordable housing at Langfield and West Little York.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<i>[Signature]</i>

**Date**  
02/01/07

**Subject:** An ordinance approving and authorizing a \$50,000 contract between the City of Houston and Houston SHIFA Services Foundation, Inc., using Federal HOME funds to pay for operating expenses associated with the development of affordable housing.

**Originator's  
Initials**

*RC*

**Page**  
**2 of 2**

The Housing and Community Development Committee approved this item on December 12, 2006 and voted to recommend the proposed action to City Council.

The Department recommends approval of an ordinance approving and authorizing a \$50,000 contract between the City of Houston and Houston SHIFA Services Foundation, Inc., using Federal HOME funds to pay for operating expenses associated with the development of affordable housing.

DM:DHS:MEB

Attachment: Budget

C: Mayor's Office  
City Secretary  
Legal Department  
City Controller

<b>SUBJECT:</b> An Ordinance approving an amendment with Simmons Garden to modify Loan Agreement from a Net Cash Flow Loan to a regular amortizing loan.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>
			48

<b>FROM (Department or other point of origin):</b> David M. Mincberg, Acting Director Housing and Community Development Department	<b>Origination Date:</b> 02/02/07	<b>Agenda Date:</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>David M. Mincberg</i>	<b>Council District affected:</b> District "D" – Ada Edwards
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For additional information contact: Donald Sampley Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> 10/30/96 Ord.96-1133; 01/97 Ord. 97-01
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The Department recommends approval of an Ordinance approving an amendment of the Loan Agreement between the City of Houston and Simmons Garden Senior Citizen Housing, Ltd.

<b>Amount of Funding:</b> -0-	<b>F&amp;A Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

No additional funding required

**SPECIFIC EXPLANATION:**  
City Council on October 30, 1996 approved a Loan Agreement between the City of Houston and Simmons Garden Senior Citizen Housing, Ltd., providing \$2,200,000 in HOME Funds to assist in constructing 120 new units restricted to affordable senior tenants. The Affordability Period expires 1/12/2025. The City has a first lien position. In January 2005 property ownership interests were sold to affiliates of Cobalt Capital Company. The transfer of interests resulted in the City making a demand for payment and a subsequent posting of the property for foreclosure. Extended negotiations with representatives of Cobalt Capital resulted. In April 2005 the principals of Cobalt were arrested by the FBI and imprisoned on charges of security fraud with the SEC appointing a receiver for all Cobalt entities. The limited partners (tax credit) have removed the General Partner and replaced it with an affiliate. The Borrower placed \$137,000 in escrow with outside counsel.

The proposed amendment involves the City's modification of the loan from a Net Cash Flow loan to a regular amortizing loan. No further payments on the loan will be required before January 1, 2008. On or before January 1, 2008 and on or before the first day of each subsequent month until maturity the Borrower shall pay the City a fixed monthly interest payment in the amount of \$3,750. The Borrower's obligation is absolute and is not conditioned upon the availability of Net Cash Flow; all remaining outstanding principal and accrued unpaid interest shall be due and payable to the City on the maturity date, which is March 7, 2027. The amendment would also include the following terms:

- 1) No payments or distributions may be paid to any project partner during the term of the loan. This includes payments on any loans made by any project partner.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 02/02/07	<b>Subject:</b> An Ordinance approving an amendment with Simmons Garden to modify Loan Agreement from a Net Cash Flow to a regular amortizing loan.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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- 2) On or before January 1, 2008, Borrower shall place \$140,000 into the Replacement and Operating Reserve. Said reserve account shall maintain a minimum balance of \$140,000 throughout the term of the loan unless otherwise approved in advance, in writing, by the City.
- 3) The City and Borrower shall jointly request the release to Borrower of the approximate sum of \$137,000 which is presently being held in informal escrow by the Law Firm of Coats, Rose, and Borrower shall, within ten (10) business days of receipt of said funds, use said funds to pay ad valorem taxes on the project, insurance premiums for the project, and/or to partially fund the Replacement and Operating Reserve and shall contemporaneously provide the Director with written evidence of such disbursement.
- 4) Borrower shall actively pursue judicial proceedings to remove from the project a certain unauthorized lien placed by Bridge Capital in the approximate amount of \$5,500,000. Evidence of Borrower's efforts shall be included in the monthly reports which Borrower is required to provide to the City under the Loan Agreement, as amended. Such evidence will include copies of current pleadings, correspondence, reports from Borrower's counsel, court orders and any release of lien.
- 5) Failure of Borrower to comply with any term or condition of this proposed Second Amendment shall constitute additional events of default under the Loan Agreement, as amended.

Allowing this restructure of the loan for the owner will permit the property to be brought up to HUD standards as well as allow the retention of the restrictive covenants.

We recommend authorization to enter into a Second Amendment of the Loan Agreement as prepared by our Legal Department.

**The project is consistent with the City's Consolidated Plan to provide affordable housing for low-income families.**

**The Housing and Community Development Committee approved this item on Thursday, February 22, 2007 and voted to recommend it to City Council.**

**City Council approval is recommended.**

MM:DS:jjh

cc: Mayor's Office  
City Secretary  
Legal Department

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT: Ordinance Authorizing the purchase of General Property Insurance Policies**

**Category #**

**Page 1 of 2**

**Agenda Item# 49**

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

Judy Gray Johnson, Director  
Finance and Administration Department

**Origination Date**

March 9, 2007

**Agenda Date**

**MAR 21 2007**

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

**Council Districts affected:**

All

**For additional information contact:**

Tina A. Paquet Phone: 713-837-9856

**Date and identification of prior authorizing Council Action:** 03-29-06; Ordinance No. 2006-297

**RECOMMENDATION: (Summary)**

Authorize the purchase of a General Property Insurance Policy with the insurance carriers noted below.

**Amount of Funding:** \$7,778,372 Policy Premium  
\$ 155,567 Contingency Premium  
\$7,933,939 Total Proposed Premium

**F & A Budget:**

*Mitchelle Mitchell*

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

Property / Casualty Fund (Insurance Revolving Fund): 1004  
To Be Reimbursed By Various Funds

**SPECIFIC EXPLANATION:**

The Finance and Administration Department recommends that Council: (1) approve the proposed general property insurance policies recommended by the City's Insurance Broker of Record, John L. Wortham and Son, L.P. (Wortham); and (2) accept the individual proposals from the insurance carriers listed below that are participating in the layered property insurance program recommended by Wortham.

A Request for Proposal for General Property Insurance was issued and advertised on December 31, 2006 and January 7, 2007 for coverage effective April 1, 2007. Additionally, Wortham solicited proposals from 31 national and international insurance carriers of which 9 submitted proposals.

The recommended funding of \$7,933,939 includes premium of \$7,778,372 for the policy term and \$155,567 as contingent coverage for properties added during the policy year.

No multi-year proposals were received. No individual insurance company submitted a proposal to provide coverage for the City's total property value. Therefore, Wortham structured a multi-layered property insurance policy consisting of a primary layer plus three excess layers. Terms of the proposed policy are:

Term: April 1, 2007 to April 1, 2008

Insurance Carriers: Westchester Fire Insurance Company; Lexington Insurance Company; Essex Insurance Company; Liberty Mutual Fire Insurance Company; James River Insurance Company; Commonwealth Insurance Company; Continental Casualty Insurance Company; Underwriters at Lloyds London; and Allied Word Assurance (US)

Total Premium Cost: \$7,933,939 (\$7,778,372 Premium + \$155,567 Contingency Premium)

Rate: 10.6 cents per \$100 of insured property value

Insured Property Value: \$6,996,987,112 (Replacement Cost Basis)

Insured Revenue Stream of \$369,526,475 (Actual Loss Sustained Basis)

Total Insured Value: \$7,366,513,587

**REQUIRED AUTHORIZATION**

F&A Director:

Type of Coverage: All Risk Coverage (excluding terrorism coverage), which includes flood and earthquake for buildings and contents, as well as Business Interruption coverage for the Houston Airport System and Convention & Entertainment Facilities Departments.

Deductibles: \$2,500,000 per occurrence, except (1) 5% of values for flood at any location from a named storm, subject to a \$5,000,000 minimum and \$20,000,000 maximum, and (2) 3% of values for windstorm losses from a named storm, subject to a \$2,500,000 minimum and \$20,000,000 maximum.

Loss Limits: \$100,000,000

Flood Loss Limit: \$50,000,000 of which \$35,000,000 may apply to Flood Zone A (100-year flood plain).

The proposed coverage is structured to meet insurance requirements being enforced by the Federal Emergency Management Agency (FEMA) for eligibility of federal assistance for damages caused by Tropical Storm Allison and should future catastrophic floods occur.

The solicitation and analysis of the City's property insurance program details are more fully discussed in the attached memorandum.

Attachment

cc: Anthony Hall, Chief Administrative Officer  
Arturo Michel, City Attorney  
Marty Stein, Agenda Director



# CITY OF HOUSTON

Finance & Administration  
Department

## Interoffice

Correspondence

**To:** Bill White, Mayor and  
Members of City Council

**From:** Judy Gray Johnson, Director  
Finance & Administration Department

**Date:** March 9, 2007

**Subject:** **2007 Property/Flood/Terrorism  
Insurance Proposal**

### Introduction

The purpose of this memorandum is to describe the solicitation of proposals and provide details about the City's property insurance program and obligations to purchase this coverage. Optional quotes for separate terrorism insurance are included.

The premium comparisons contained in this report exclude contingency amounts added for properties acquired during the policy year.

### Highlights

- **Recommend purchase of property/flood insurance policy for premium of \$7,933,939.**
  - 1) The portion of the recommended premium for property/flood insurance is \$7,778,372. The portion for contingency coverage of properties added during the policy year is \$155,567.
  - 2) The proposed premium of \$7,778,372 is a 3.7% reduction from the expiring policy premium of \$8,073,475. The rate is 10.6 cents per \$100 of insured property value.
  - 3) Insured values (property + insured revenue stream) increased by 6.2%, from \$6.93 billion last year to \$7.37 billion. This amount includes the value of properties affected by the City's regulatory obligations to insure, \$5.49 billion.
  - 4) Policy loss limit of \$100 million is consistent with the expiring policy.
  - 5) Funding for a separate Request for Council Action to purchase excess property insurance is estimated to cost \$1.47 million.
- **Reject terrorism insurance quote offered in accordance with the Terrorism Risk Insurance Extension Act of 2005 (TRIEA), due to prohibitive cost of \$1,133,485.63 and restrictive coverage.**
- **Recommend purchase of broader terrorism coverage through a separate policy for premium of \$311,701.50. This item is submitted to City Council for separate action.**
- Hurricanes that occurred during the 2004 and 2005 hurricane seasons continue to impact the availability of commercial property insurance.

### Background

The City's Insurance Broker of Record, John L. Wortham and Son, L.P. (Wortham), is assigned the task of arranging and recommending renewal of the City's property insurance program.

A Request for Proposal was issued and published in the *Houston Business Journal* on December 31, 2006 and January 7, 2007. The City's current policy expires on April 1, 2007.

Wortham structured a multi-layered loss limit property insurance program proposed by nine participating insurance carriers to insure the City's \$7.37 billion total insured property value. A layered program is common for entities with large property values and allows each insurer to minimize their exposure to risk by dividing coverage among more than one insurer. The structure of the proposed multi-layered program is consistent with the expiring program. The layered insurance program has been the only property insurance option available to the City for the past ten years. The proposed program consists of one primary layer, plus three excess layers.

### **Current Market Conditions**

The hurricanes that occurred during 2004 and 2005 continue to have an adverse impact on worldwide commercial property insurance markets. The catastrophic property insurance claims caused by these storms far exceeded maximum loss projections modeled by insurance underwriters to evaluate risk. During 2006, insurance carriers reassessed their underwriting standards, scrutinizing the coastal locations with significant hurricane exposure such as Houston. Reassessment led some carriers to withdraw from underwriting properties susceptible to hurricanes. Others completely stopped underwriting property insurance. The few remaining carriers available to coastal locations in 2007 have increased control of their financial stability through selectively underwriting limited coverage.

A nationally recognized industry authority, *MRNatCatService* published insured property losses as of 2006. The insured losses from hurricanes originating in the North Atlantic during 2004 were reported to be \$32 billion, while insured losses exceeded \$83 billion in 2005. Comparatively, commercial property insurance carriers experienced a relatively tranquil hurricane season in 2006. As a result, the industry-wide cost of property insurance has begun to stabilize. This change is reflected in the proposed coverage premiums.

Under current market conditions there is restricted availability of qualified insurance carriers with capacity to insure the City of Houston's combined insured property value of \$7.37 billion, with high risk of wind and flood damage exposure. Although the cost of insurance is stabilizing, available carriers persist in proposing limited coverage, as provided on the expiring policy, due to the City's high exposure to hurricanes.

### **Current Coverage**

The key factors that define a property insurance program are (a) insured value of covered property, (b) annual per occurrence loss limits, (c) type of coverage, (d) deductibles, and (e) premium rates. The City's current policy includes all real property owned and facilities leased by the City and insured revenue stream, which totaled \$6.93 billion when the current policy was purchased.

The City's current property insurance policy has an annual term. It is a layered program with thirteen participating insurance carriers and an annual premium of \$8,073,475. An additional premium of \$161,470 is included as a contingency for properties added during the policy year. The premium rate

for combined property and flood coverage is 11.6 cents per \$100 of insured property value. Coverage is provided in one primary and three excess layers. The policy has a \$2.5 million deductible per occurrence for all perils except (1) flood, which has a deductible of 5% of the value of the affected property, subject to a \$5 million minimum and \$20 million maximum and (2) wind, which has a deductible of 3% of the affected property, subject to a \$2.5 million minimum and \$20 million maximum. The policy per occurrence loss limit is \$100 million, of which \$50 million per occurrence and in the aggregate is flood-related.

Flood coverage for \$1.69 billion in insured property value is provided for designated properties located in Flood Zone A (the 100-year flood plain). The applicable loss limit is \$35 million in the aggregate per policy period.

The Houston Airport System and Convention and Entertainment Facilities Department have business interruption coverage to continue their revenues in the event of insured damages to their properties.

### **Proposed Coverage**

Wortham requested proposals from 31 national and international insurance carriers to participate in the City's property insurance program with approximately the same conditions as exist in the current policy. Wortham received proposals by the submission due date that met minimum policy specifications to provide a \$100 million loss limit per occurrence commercial property insurance policy, including flood coverage. Coverage contingency extends to properties added during the policy year. The proposed policy term is one year, from April 1, 2007 to 2008. No multi-year policy quotes were submitted.

A \$100 million loss limit represents 1.36% of the City's insured property value. This is the maximum limit offered by the proposers. Therefore, a second Request for Proposals has been issued to solicit proposals for excess coverage to increase the proposed loss limit by \$50 million.

The City's insured value base is now at \$7.37 billion, an increase of approximately \$433 million (6.2%) from last year. The largest single concentration of property is the Bush Intercontinental Airport, with approximately \$1.72 billion in insured value. Building structures in the downtown area are the second biggest concentration with \$1.07 billion in value; included are City Hall/City Hall Annex, Bob Lanier PW&E Building, Central Library/Julia Ideson Library, Heritage Society Historical Structures, Police Administration Building, Gus S. Wortham Theater Center, Jesse H. Jones Hall and George R. Brown Convention Center. The 69<sup>th</sup> Street Wastewater treatment plant, at \$480 million is the third largest concentration.

Business interruption coverage continues to be provided for the Houston Airport System and Convention and Entertainment Facilities Department.

The primary insurer, Westchester Fire Insurance Company, provides the first layer of \$5 million in coverage. Westchester will be designated as the "lead" carrier and will be responsible for administering all terms and conditions of the insurance program.

The recommended policy includes the following per occurrence deductibles that are the same as our current policy:

- \$2.5 million per occurrence for all losses except,
- Flood: 5% of values at affected locations; subject to a \$5 million minimum and \$20 million maximum deductible
- Wind: 3% of values at affected locations included in windstorm loss from a named storm, subject to a \$2.5 minimum and a \$20 million maximum deductible

Under the current policy, separate deductibles apply based upon the differing perils involved in each loss. In contrast, the proposed policy applies one single deductible per occurrence if a loss should occur. This significant improvement in the application of the deductible could result in savings up to \$20 million in the event of an insured loss that involves multiple perils.

### **Flood**

The proposed policy provides an annual aggregate loss limit of \$50 million of which \$35 million is applicable to properties located in the 100-year flood plain (Flood Zone A). This is the same coverage as the expiring policy. The value of properties located in Flood Zone A is \$1.7 billion. Commercial flood insurance is required to comply with Federal Emergency Management Association (FEMA) regulations.

### **Insurance Obligations**

Self-insurance is not a viable option due to the large insured value of City properties under commercial property insurance requirements for revenue bond covenants and FEMA regulations. This requirement obligates the City to insure \$5.49 billion of the City's \$7.37 billion insured property value. This obligation does not affect the remaining portion of the City's \$1.88 billion property risk exposure; which includes \$13.3 million in annual revenue produced by the Convention and Entertainment Facilities Department and \$356.3 million in annual revenue produced by the Houston Airport System.

### **Policy Rate**

The recommended premium rate has decreased. The proposed policy rate of 10.6 cents is a 9.3% decrease from the expiring policy rate of 11.6 cents.

Insurance premiums are generally shared among the City's funds. The approximate allocations for the proposed policy are Water and Wastewater 44.98%, Houston Airport System 27.78%, Convention & Entertainment Facilities 9.77%, General Fund 16.2%, and Other Funds 1.26%.

The annual budget for insurance premiums for all departments is established in the Property and Casualty Fund 1004, a "revolving fund". Revolving Funds, by definition, are billed out to operating funds and have no beginning or ending balances, other than through timing differences.

### **Terrorism Coverage Options**

The Terrorism Risk Insurance Extension Act of 2005 requires that property insurance carriers offer terrorism insurance as an option to their policyholders. This coverage is restrictive in application, responding only to acts of foreign terrorism. The program triggers when damages are in excess of \$100 million and three separate federal authorities have certified that a "terrorist act" has occurred. The additional premium for citywide terrorism insurance as prescribed by the Terrorism Risk Insurance

Extension Act is \$1,133,485.63. It is recommended that this quote be rejected as cost prohibitive for restrictive coverage.

Approval of a separate terrorism insurance policy at a cost of \$311,701.50 has been proposed and is submitted to City Council separately for consideration. This policy will extend coverage to Bush-IAH and Hobby-HOU Airports. Ellington Airport will not be covered because it has minimal commercial air traffic. This coverage is consistent with the expiring terrorism policy.

**Recommendation**

Finance and Administration and department representatives from Public Works & Engineering, Convention & Entertainment Facilities and the Houston Airport System recommend that the City accept the proposed property insurance program. Our insurance broker agrees with this recommendation. Rejection of the citywide terrorism insurance proposal that complies with the Terrorism Risk Insurance Extension Act of 2005 and acceptance of a separate terrorism insurance policy providing broader coverage (separate Request for Council Action) is also recommended.

If you have any questions, please call Tina A. Paquet at (713) 837-9856.

  
\_\_\_\_\_  
Judy Gray Johnson, Director

JGJ: TAP

cc: Anthony Hall, Chief Administrative Officer  
Arturo Michel, City Attorney  
Marty Stein, Agenda Director  
Jimmie Locke, F&A  
Tina A. Paquet, F&A

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

<b>SUBJECT: Ordinance Authorizing the purchase of Terrorism Insurance Coverage</b>	Category #	Page 1 of <u>1</u>	Agenda Item# <b>50</b>
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<b>FROM: (Department or other point of origin):</b> Judy Gray Johnson, Director Finance and Administration Department	Orignation Date March 9, 2007	Agenda Date <b>MAR 21 2007</b>
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<b>DIRECTOR'S SIGNATURE:</b> 	Council Districts affected: B & I
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<b>For additional information contact:</b> Tina A. Paquet Phone: 713-837-9856	<b>Date and identification of prior authorizing Council Action:</b> 3-29-06; Ordinance No. 2006-298
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**RECOMMENDATION: (Summary)**  
 Authorize the purchase of Terrorism Insurance Coverage for Houston Airport System properties

<b>Amount of Funding:</b> \$311,701.50	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING:**      General Fund      Grant Fund      Enterprise Fund      Other (Specify)

Property / Casualty Fund (Insurance Revolving Fund): 1004  
 To Be Reimbursed By Houston Airport System

**SPECIFIC EXPLANATION:**  
 The Finance and Administration Department recommends that Council: (1) approve the proposed terrorism insurance policy for Bush/IAH and Hobby/HOU Airports; and (2) accept the proposal from Lexington Insurance Company for terrorism coverage, providing a \$100 million aggregate loss limit and \$10 million deductible, for the period of April 1, 2007 to April 1, 2008. Houston Airport System management concurs with this recommendation.

A Request for Proposal (RFP) for general property insurance was issued and advertised on December 31, 2006 and January 7, 2007. A proposal for terrorism coverage was presented as an option in the RFP. The City's Insurance Broker of Record, John L. Wortham and Son, L.P., solicited proposals from more than 31 national and international insurance carriers. Only Lexington Insurance Company provided the option proposed for terrorism coverage at Bush/IAH and Hobby/HOU Airports.

The proposed policy is the same coverage as provided under the expiring terrorism policy. The policy applies to scheduled Houston Airport System locations at Bush/IAH and Hobby/HOU Airports. It also provides business interruption coverage for loss of insured revenue stream at these locations. The current insured value of scheduled facilities, including business interruption, is \$2,008,078,892. The policy also applies to new anticipated airport facility construction during the policy period. The proposed annual premium of \$311,701.50 is a 6% increase, reflective of the increase in the value of insured property.

The proposed coverage applies to both foreign and non-foreign domestic terrorist acts as part of an effort to coerce the civilian population of the United States, influence the policy of, or affect the conduct of the United States government by coercion. Terrorism also includes any act which is verified or recognized by the United States Government as an act of Terrorism.

cc: Rick Vacar, Director, Houston Airport Systems  
 Anthony Hall, Chief Administrative Officer  
 Arturo Michel, City Attorney  
 Marty Stein, Agenda Director

**REQUIRED AUTHORIZATION**

F&A Director:

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

**SUBJECT:**  
Legal Services Contract for Time Warner Franchise Fee Compliance Review Claim Litigation Project.

Category #

Page 1 of 1

Agenda Item#

**51**

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

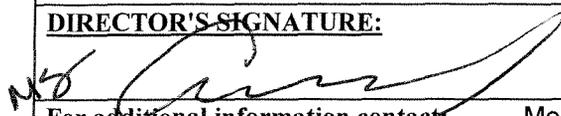
Origination Date

**3/15/07**

Agenda Date

**MAR 21 2007**

**DIRECTOR'S SIGNATURE:**



Council Districts affected:

ALL

For additional information contact: Melba T. Pourteau  
Phone: (713) 437-6709

Date and identification of prior authorizing Council Action:

**RECOMMENDATION: (Summary)**

Adopt an ordinance approving a legal services contract with Marshall & Lewis, LLP in connection with Time Warner franchise fee compliance review claim litigation project.

**Amount of Funding:**

\$100,000 FY'07 \$375,000 FY'08 \$50,000 FY'09  
\$525,000 Maximum Contract Amount

**F & A Budget:**

**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund       Other Number

**SPECIFIC EXPLANATION:**

On March 3, 1993, City Council approved Ordinance No. 93-156 ("Franchise") renewing the grant of a cable franchise to Warner Cable Communications, a division of Time Warner Entertainment Company, L.P. ("Time Warner" or "TW"). The City consented to TW's assignment of the Franchise to Texas Cable Partners, L.P., a Delaware Limited Partnership by Ordinance No. 98-1044. The Franchise provided for quarterly franchise fee payments to the City in the amount of 5% of TW's adjusted gross revenue as compensation for use of the public rights-of-way.

In the last quarter of 2005, the City commenced a franchise fee compliance review of Time Warner's performance under the Franchise. Through its review of documentation produced by TW in response to the City's informal requests for information the City identified several principal areas of noncompliance including: (1) improper deduction of collection expense in calculation of uncollectibles; (2) improper deduction of advertising commissions from advertising revenues; (3) geographic customer coding errors; and (4) late payment interest. The City's claim for the combined nonpayment or underpayment due to noncompliance with the Franchise exceeds \$3.5M.

The City intends to hold TW and any other responsible parties such as its successors or guarantors, accountable to demonstrate compliance with franchise obligations in these areas and, if necessary, to resolve this matter through litigation.

The City will require the assistance of outside legal counsel in this matter. The submitted professional services contract provides for legal representation under the supervision of the City Attorney.

**REQUIRED AUTHORIZATION**

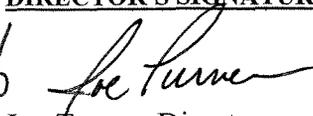
F&A Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

<b>Subject:</b> Ordinance approving a revenue contract for the operation of Melrose Golf Course	Category #	Page 1 of 1	Agenda Item <b>52</b>
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<b>FROM (Department or other point of origin):</b> Houston Parks and Recreation Department	<b>Origination Date:</b> March 14, 2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Joe Turner, Director	<b>Council District(s) affected:</b> B
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<b>For additional information contact:</b> Fred Buehler, 713-867-0386 Olaf Krause, 713-845-8075	<b>Date and Identification of prior authorizing Council Action:</b> Ordinance # 2006-0882, August 22, 2006
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**RECOMMENDATION: (Summary):**

Adopt an ordinance approving a revenue contract for the operation of Melrose Golf Course for a period of eight (8) years with no more than two (2) successive two-year renewal options

<b>Amount of Funding:</b>	<b>REVENUE</b>	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

Houston Parks and Recreation Department (HPARD) recommends that City Council approve a revenue contract with Walton Golf Management for the operation of Melrose Golf Course for a period of eight (8) years with no more than two (2) successive two-year renewal options with the current concessionaire, Walton Golf Management.

Walton Golf Management has been successfully managing and operating Melrose Golf Course since Council approved assignment of the previous contract on August 22, 2006. Over the past 6 months HPARD has reviewed Walton's performance as well as alternative management options. Melrose is a small par-3 course with limited revenue potential, but the facility provides an important community resource. HPARD concluded that Walton has provided excellent service to Melrose patrons and would best serve the management needs of this unique course.

Under the proposed new contract Walton Golf Management will continue to operate Melrose Park Golf Course and incorporate a First Tee "North" youth golf program at no charge to the participants. Walton Golf Management will be required to remit to the City 5% of its monthly gross revenue generated by all classifications of goods and services. The contract also requires that Walton perform capital improvements valued at a minimum of \$28,000 within the first four (4) years. These will include picket fence replacement, new course street sign, yardage signs on each tee with laser-measured distances, new portion of chair link fence and improvements to the enclosed patio. HPARD projects approximately \$7,000 as the 5% revenue payment to the City on an annual basis based on FY '06 gross revenue of \$138,711. A monthly revenue breakdown for FY '06 is attached, along with a comparison of the proposed and prior contract terms.

The prior contract that was assigned to Walton in August 2006 had been assigned four times previously, each due to limited revenue potential that led to operating losses. The City now has an opportunity to work with an experienced and motivated concessionaire who wants to continue to operate Melrose Golf Course for the benefit of its clientele.

Attachments (2)

**REQUIRED AUTHORIZATION**

F&A Director:	Other Authorization:	Other Authorization:
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<b>Melrose Revenue FY06</b>		
<b>Month</b>	<b>Gross Sales</b>	<b>Commission Paid</b>
July	\$ 11,973	\$ 958
August	10,700	856
September	9,341	747
October	13,574	1,086
November	12,682	1,015
December	11,010	881
January	11,937	955
February	7,559	605
March	13,581	1,087
April	15,893	1,271
May	10,762	861
June	9,700	776
<b>Total</b>	<b>\$ 138,711</b>	<b>\$ 11,097</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: Ordinance approving acceptance of pet food products and authorizing an animal feeding services agreement with Hill's Pet Nutrition, Inc.</b>		<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 53
<b>FROM (Department or other point of origin):</b> Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services		<b>Origination Date</b> 02/28/07	<b>Agenda Date</b> MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Stephen L. Williams</i>		<b>Council District affected:</b> ALL		
<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 or 713-826-5801		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance authorizing acceptance of pet food products and an animal feeding services agreement with Hill's Pet Nutrition, Inc.				
<b>Amount of Funding:</b> Total Agreement Value: \$38,625.00 Initial allocation: \$6,500.00 Health Special Revenue Fund (2002)		<b>F&amp;A Budget:</b>		
<b>SOURCE OF FUNDING:</b> [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ X ] Other ( Specify )				
<b>SPECIFIC EXPLANATION:</b>  <p>The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing a feeding services agreement with Hill's Pet Nutrition, Inc. to provide pet food products free of charge to the Bureau of Animal Regulation and Care (BARC). HDHHS will be responsible for the shipping costs in the amount of \$12,875.00 annually. The agreement term is from March 21, 2007 and shall remain in effect for a period of two years, with one-year successive renewal period. The total agreement value is \$38,625.00 with an initial allocation of \$6,500.00.</p> <p>On January 31, 2007 City Council amended Chapter 6 of the Code of Ordinances relating to the care and control of animals. Sec 6-25 authorizes the Director to accept on behalf of the City, donations, gifts or bequests, which shall be used solely for the care of animals. HDHHS is requesting City Council to authorize the Director to: 1) accept donation as soon as awarded; and 2) accept supplemental awards offered by Hill's Pet Nutrition, Inc. during the entire project period.</p> <p>BARC utilizes 75,000.00 pounds of dog and cat food yearly and it is estimated to spend \$29,000.00 in food costs for FY07. This agreement will bring savings of \$15,000.00 a year in food costs as well as providing higher quality of food for the animals in its care and custody.</p> <p>cc: Finance &amp; Administration Legal Department Agenda Director</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

NOT

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

<b>SUBJECT:</b> Second Amendment to the contract with Baker & Taylor, Inc., for the provision of acquisition, cataloging and processing services for the Houston Public Library	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> <b>54</b>
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<b>FROM (Department or other point of origin):</b> Library Department	<b>Origination Date</b> 3/15/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> Rhea Brown Lawson, Ph.D. <i>Rhea Brown Lawson</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Greg Simpson Phone: 832-393-1333	<b>Date and identification of prior authorizing Council action:</b> ORD 01-1136 12/12/01; ORD 06-1193 12/5/06
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**RECOMMENDATION:** Adopt an ordinance approving a 120 day extension to the contract with Baker & Taylor, Inc., for the provision of acquisition, cataloging and processing services for the Houston Public Library

<b>Amount and Source of Funding:</b> No additional funding required	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

The Houston Public Library entered into an agreement with Baker & Taylor, Inc., on December 12, 2001 for the provision of materials acquisition, cataloging and processing services. That contract was scheduled to expire December 21, 2006. Council approved a 90 extension to that contract on December 5, 2006 so that the City of Houston could negotiate new contracts for these services.

These negotiations are ongoing and will not be completed prior to the expiration of the extension. The Library, therefore, requests approval of a 120 day extension of the current contract with Baker and Taylor, Inc. No additional funds are necessary, and the extension can be terminated prior to the 120 day deadline if negotiations on the new contracts are completed prior to that time.

Baker and Taylor, Inc. is a leading full-line distributor of books, video and music products to libraries, retailers, and other resellers. Baker & Taylor has been in business for over 176 years, and ships in excess of 1 million unique titles to customers each year. They provide approximately 280,000 books, video and music titles to HPL each year, most of which come to us shelf-ready, thus saving cataloging and processing costs.

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>



# CITY OF HOUSTON

Library Department

## Interoffice

Correspondence

**To:** Mayor and Council Members

**From:** Rhea Brown Lawson, Ph.D., Director

**Date:** 3/15/07

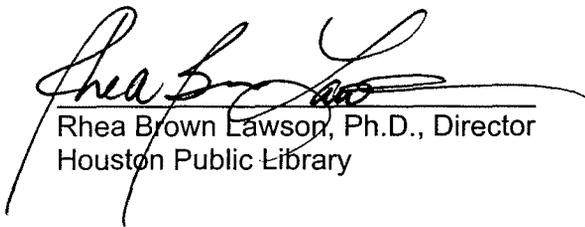
**Subject:** **Contract with Baker and Taylor, Inc.**

The following information is provided regarding the request for an extension of the Library's contract with Baker and Taylor, Inc., for the provision of materials acquisition, cataloging and processing services.

The Houston Public Library, through the Strategic Purchasing Division of the Finance and Administration Department, is in the process of negotiating a new contract with Baker and Taylor for the provision of these services. The negotiations have proven to be complicated and have taken more time than expected. On December 5, 2006, Council approved a 90-day contract extension. Productive negotiations have continued deep into the extension period on the assumption that an agreement could be reached in time. Unfortunately, that was not the case.

I am requesting another contract extension, for 120 days, which should provide enough time to finalize the new agreement. Because the current extension expires on March 21, 2007, a tag of the item would leave HPL without a contract for library materials.

I understand the importance of providing Council sufficient time to review all agenda requests, and I regret that we failed to do so this time. I will ensure that this does not happen in the future. If you have any questions regarding this issue please contact me at 832-393-1300.



Rhea Brown Lawson, Ph.D., Director  
Houston Public Library

cc: Calvin Wells, City Purchasing Agent

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7287**

**Subject:** Formal Bids Received for Grounds Maintenance and Landscaping Services for the Building Services Department S29-L22189

Category #  
4

Page 1 of 2

Agenda Item

**55**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

February 14, 2007

**Agenda Date**

**MAR 21 2007**

**DIRECTOR'S SIGNATURE**

*MS*

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Jacquelyn L. Nisby                      Phone: (713) 247-1814  
Ray DuRousseau                          Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Green Acres Lawn Care on its low bid in an amount not to exceed \$839,207.70 for grounds maintenance and landscaping services for the Building Services Department.

Estimated Spending Authority: \$839,207.70

**F & A Budget**

\$839,207.70 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a one-year contract, with two one-year options to extend, for a total three-year term, to Green Acres Lawn Care on its low bid in an amount not to exceed \$839,207.70 for grounds maintenance and landscaping services for the Building Services Department. The City Purchasing Agent may terminate this contract at anytime upon 30-days written notice to the contractor.

This project was advertised in accordance with the requirements of the State of Texas bid laws. One hundred twenty-seven prospective bidders viewed the solicitation document on SPD's e-bidding website and eight bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. Green Acres Lawn Care	\$ 839,207.70
2. SRB Landscaping and Sprinkler System	\$1,138,224.00
3. BIO Landscape & Maintenance, Inc.	\$1,160,526.00
4. D.S.D Landscape	\$1,190,064.00
5. Sequoyah Environmental Services Inc.	\$1,627,956.00
6. Affordable Lawn Pros.	\$1,631,682.00
7. TIBH Industries	\$2,546,286.85
8. Southwest Wholesale	\$4,477,197.60

- In view of the price disparity between the low bidder and the next low bidder, the Strategic Purchasing Division (SPD) contacted the owner of Green Acres Lawn Care to discuss the scope of work for this project. Green Acres Lawn Care's owner stated and confirmed in writing that their bid price includes all cost associated with performing the work called for in the published specifications. Based on the aforementioned, the Department and SPD are confident that the recommended contractor can perform the specified work for the bid price.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**NBT**

**55**

Date: 2/14/2007	Subject: Formal Bids Received for Grounds Maintenance and Landscaping Services for the Building Services Department S29-L22189	Originator's Initials DM	Page 2 of 2
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The scope of work requires the contractor to provide all labor, materials, parts, equipment, tools and supervision necessary to perform grounds maintenance and landscaping services at 88 City locations. The work includes weeding, weeding beds, mowing, trimming, spot treatment for insects, fertilizing lawns, beds, trees and mulching beds and feeding flowering plants.

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level. Green Acres Lawn Care has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Oil Products Distribution, LTD	Supplying Fuel	\$92,312.85

This contract will be monitored by the Affirmative Action Division.

**Estimated Spending Authority**

Department	FY 2007	Out Years	Total
Building Services	\$78,883.20	\$760,324.50	\$839,207.70

Buyer: Douglas Moore

**LIST OF SERVICE LOCATIONS****HEALTH & HUMAN SERVICES, POLICE DEPARTMENT AND BUILDING SERVICES LOCATIONS:**

1. Acres Home M.S. Center – 6719 W. Montgomery
2. Air Quality Control Building – 7411 Park Place
3. Animal Control & Warehouse – 2700 Evella
4. Central Health – 1115 South Braeswood
5. Locations H.Q. – 3026 Berry
6. Fifth Ward M.S. Center – 4014 Market
7. John Peavy Senior Center – 3814 Market
8. Kashmere M.S. Center – 4802 Lockwood
9. Lyons Health Center – 5602 Lyons Avenue
10. Magnolia Health & M.S. Center –, 7037 Capitol
11. Northside Health Center Annex – 8523 Arkansas
12. Health Dept. Headquarters – 8000 North Stadium Drive
13. Riverside Health Center – 3315 Delano
14. Sunnyside Health Center – 9314 Cullen Blvd
15. Sunnyside M.S. Center – 4605 Wilmington
16. Warehouse – 7131 Cullen
17. West End Health Center – 190 Heights Blvd.
18. West End M.S. Center – 170 Heights Blvd.
19. La Nueva Casa de Amigos – 1809 Main
20. 4401 1/2 Lang
21. 1828 Rankin Road
22. 22627 Shorewood Loop
23. 6132 West Montgomery
24. 3719 Dowling
25. 1501 Webster
26. Third Ward M.S. Center – 3611 Ennis
27. Houston Police Department – 61 Riesner
28. Municipal Courts – 1400 Lubbock
29. Auto Theft Storage Complex – 1200 Morin
30. Fleet Repair Shop – 1202 Washington
31. Gerson Building – 33 Artesian
32. Homicide Print Stall – 1305 Dart
33. Uniform Supply – 700 Houston Ave.
34. Volker Bldg. –1100 Morin/Goliad
35. Police Academy – 17000 Aldine Westfield
36. North Police Station Complex – 9455 W. Montgomery Rd.
37. Clear Lake Substation – 2855 Bay Area Blvd.
38. HPD S.W.A.T. – 1500 W. Dallas
39. Independence Heights Storefront – 803 Crosstimbers
40. Kingwood Police Station – 3915 Rustic Woods Drive
41. Lake Patrol Office Complex – 22619 W. Shorewood Dr.
42. Magnolia Substation/Eastside Patrol – 7525 Sherman
43. Mounted Patrol-Administration – 300 N. Post Oak
44. Northeast Police Station – 8301 Ley Rd.
45. Reed Road Storefront – 3511 Reed Rd.
46. Southeast Command Station Complex – 8300 Mykawa
47. Southwest Substation Complex – 4503 Beechnut
48. Westside Police Station Complex – 3203 S. Dairy Ashford
49. Ripley House Storefront – 4401 Navigation
50. Wesley House Storefront – 1410 Lee
51. Westbury Storefront–5550 Gasmer
52. McNair– 2202 St. Emanuel
53. Helicopter Patrol – 8402 Larson

54. Magnolia Park Station – 7223 Ave. F
55. Northwest Police Station – 6000 Teague
56. 2411 Texas Ave.
57. 6400 High Star
58. 901 Henderson
59. 522 Crosstimbers
60. 4520 Washington
61. 2812 Berry Rd.
62. 13900 Hillsboro
63. 16300 Park Row
64. 3718 Reed Road
65. 821 San Antonio
66. 6000 Wayside at Griggs
67. 13505 Aqueduct
68. 120001A East Freeway
69. 3600 El Dorado
70. 2000 Dairy Ashford
71. 1300 Dart
72. 1500 Bellaire & Winkleman
73. 1205 Dart, Fire Logistics
74. 2707 Dalton, South District PM Headquarters
75. 402 Tabor, Comm. Site/Old Fire Station 15
76. 6302 Lyons, Old Fire Station 27
77. 6515 Lyons, Vacant Lot
78. 7413 Park Place, Vacant Lot
79. 5820 Little York, Vacant Lot
80. 5820 Teague, Comm. Site
81. 2933 W. 12<sup>th</sup>, Comm. Site
82. 8203 Coletto, Comm. Site
83. 1307 Crawford, Air Monitor Site
84. 12836 Croquet, Air Monitor Site
85. 9726 Monroe, Air Monitor Site
86. 7330 N. Wayside, Air Monitor Site
87. 3102 Center St.
88. 1200 Travis, HPD Headquarters

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7099

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Document Processing and WEB Presentment - ASP Solution for the Public Works and Engineering Department  
TC-6-7670-053-21084

Category #  
4

Page 1 of 2

Agenda Item

56

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

March 14, 2007

Agenda Date

MAR 21 2007

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected

All

For additional information contact:

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best respondent, Anacomp, Inc., in an amount not to exceed \$1,159,497.00 for document processing and WEB presentment - ASP solution for the Public Works and Engineering Department.

Estimated Spending Authority: \$1,159,497.00

F & A Budget

\$1,159,497.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to extend, for a total five-year term to the best respondent, Anacomp, Inc. in an amount not to exceed \$1,159,497.00 for document processing and WEB presentment - ASP solution for the Public Works and Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

WEB presentment - ASP solution is a contract with the service provider for remote storage of and secure Web access to water/waster customer account information.

Anacomp had the previous contract for these services and currently processes and presents, on a secure website, over 8 million pages of historical data from the department's electronic water/wastewater billing registers, and report files accessible by authorized city employees. This contract will continue the current service plus expand the scope to allow for the electronic archiving of paper documents such as billing adjustments processed by the department, forms, and documents submitted by customers into one integrated document management system. Anacomp will process 1.9 million pages of electronic files and paper documents annually, in addition to the existing 8 million pages currently processed. Anacomp's integrated web presentment solution will allow employees to retrieve all documents related to the customer's water/wastewater billing account using a single site. This will reduce the time required to process, resolve, and respond to customer requests and inquiries. The files are the property of the City.

The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to furnish and implement the document processing and WEB presentment. The contractor will also be required to provide the City with scanning, converting, indexing and ingestion into the ASP solution. Additionally, the contractor will pickup and deliver paper documents, Image Tiff, JPEG, PDF-CD, DVD, Microfiche and FTP for electronic report files; in addition to Microsoft-Word and Microsoft-Excel documents. The scope of work also includes 24-hour tech support and other support services including disaster recovery.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

*[Handwritten mark]*

Date: 3/14/2007	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Document Processing and WEB Presentment - ASP Solution for the Public Works and Engineering Department TC-6-7670-053-21084	Originator's Initials DM	Page 2 of 2
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The Request for Proposal was advertised and evaluated in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from Anacomp, Inc. and TELA Technologies. The evaluation committee consisted of five Public Works and Engineering employees. The proposals were evaluated based on the following criteria:

1. Conformance to Scope of Work
2. Price
3. Required Documentation
4. M/WBE Participation
5. Financial Strength

Anacomp, Inc. received the highest overall score of 427 out of a possible 500 points.

**M/WBE Subcontracting:**

This request for proposal was issued as a goal-oriented contract with a 7% M/WBE participation level. Anacomp, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Managed Digital Documents Partnership L.P.	Scanning Services	\$226,102.00	19.5%

The Affirmative Action Division will monitor this award.

**Funding Information**

**Estimated Spending Authority**

<b>Department</b>	<b>FY 2007</b>	<b>Out Years</b>	<b>Total</b>
Public Works & Engineering	\$200,000.00	\$959,497.00	\$1,159,497.00

Buyer: Douglas Moore

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract for Information Technology Professional Services with Derek Consulting Group, Inc. at George Bush Intercontinental Airport (IAH), William P. Hobby Airport (HOU), and Ellington Field (EFD). WBS A-000138-0013-3-01, Project 409F	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 57
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> 1/23/07	<b>Agenda Date</b> MAR 21 2007
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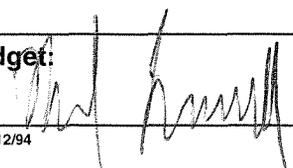
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> "B", "E", "I"
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<b>For additional information contact:</b> Frank Haley  <b>Phone:</b> 281/233-1835	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP A-0138.63 \$2,500,000.00 Airports Improvement Fund 8011:  \$ 458,000.00 28/8001/2800060015/520107 FY07 <u>\$3,592,000.00</u> 28/8001/2800060015/520107 (Out Years) \$6,550,000.00 Total	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance authorizing and approving a contract with Derek Consulting Group, Inc. for Information Technology Professional Services to include planning, program/project management, and technical services, and appropriate the necessary funds to finance the cost of these services.

**SPECIFIC EXPLANATION:**  
The Houston Airport System (HAS) recommends that City Council approve an ordinance awarding a three-year contract with two one-year options for a total of five years to Derek Consulting Group, Inc. (DCG) for information technology professional services. DCG will assist in IT planning, program/project management and technical management and support of specific areas of information systems and technology. Specific services include Information Technology Planning; Program/Project Management Oversight; Technology Design Services; Applications Development/Support; and Business Process Improvement.  
  
During 2007, HAS is completing projects remaining under its multi-year \$3.5 billion Capital Improvement Program (CIP). This Program has included approximately \$180 million of Information Technology (IT) related initiatives, resulting in \$100 million of new IT infrastructure and more than \$40 million in new IT systems, primarily in the areas of security, customer service, facilities management, and operations. As this Program approaches completion, both IAH and HOU airports have completed federally-mandated Airport Master Plan projects in FY 05/06 which defined airport expansion needs and the strategic capital project direction for the next 20 years. This next CIP cycle, estimated to be \$5 billion, is now scheduled to begin in the 2008/2009 time frame as a result of faster than anticipated traffic growth. A major Strategic Information Plan update is included in the work scope to align IT planning with the airport Master Plans.  
  
The significant technology expansion and systems growth resulting from the current Program has increased maintenance and operational support needs. At the same time, other operational initiatives, including the recent implementation of Phase 1 of the City's ERP system, continue to require integration and operational support. Finally, planning and design support for the next CIP Program cycle are accelerated.

REQUIRED AUTHORIZATION		
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> 1/23/07	<b>Subject:</b> Contract for Information Technology Professional Services with Derek Consulting Group, Inc. at George Bush Intercontinental Airport (IAH), William P. Hobby Airport (HOU), and Ellington Field (EFD). WBS A-000138-0013-3-01, Project 409F	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Resource support for all of these initiatives will be met by internal and contracted/outsourced resources. This contract will provide some of those resources, particularly in the areas of strategic planning, IT program/project management, design, and applications support.

DCG is recommended from a group of eight (8) proposers, all of which provided oral presentations in addition to their written proposals. The Evaluation Committee evaluated the proposals based upon the following criteria:

- A. Experience
- B. Past Performance
- C. Familiarity Of Airport Environment
- D. Financial & Human Resources
- E. MWBE Participation

The Office of Affirmative Action and Contract Compliance has approved an 18% MWBE participation goal. DCG will use 4b Technologies LLC, Advarion Inc, Complete Solutions Inc, Ferguson Consulting Inc, and ManageTech LLC to satisfy the MWBE participation goal.

IT Steering Committee has approved this matter.

RMV: FH  
Attachments

Cc: Ms. Marty Stein  
Mr. Anthony Hall  
Mr. Arturo G. Michel  
Ms. Velma Laws  
Mr. Richard M. Vacar  
Mr. Mark Mancuso  
Ms. Sara Culbreth  
Ms. Kathy Elek

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

<b>SUBJECT:</b> An Ordinance authorizing the execution of a Treated Surface Water Supply Contract between the City of Houston and John M. Fultz, Receiver for Vergil Martin, d/b/a H&J Utilities	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>58</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 3/16/07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Jun Chang    Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action</b>
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**RECOMMENDATION: (Summary)**  
To approve an ordinance authorizing the Mayor to execute a Treated Water Supply Contract between the City of Houston and John M. Fultz, Receiver for Vergil Martin d/b/a H&J Utilities.

**Amount and Source of Funding:** NO FUNDS REQUIRED; REVENUE CONTRACT FOR TREATED WATER.

**SPECIFIC EXPLANATION:**  
Request approval for an ordinance authorizing a Water Supply contract between the City of Houston and John M. Fultz, Receiver for Vergil Martin, d/b/a H&J Utilities. Mr. Martin, held a Certificate of Convenience and Necessity under the name of MATCO to provide water to the Wrenwood subdivision. Mr. Martin has ceased operations. The State of Texas, through a state appointed Receiver, is in the process of closing out Mr. Martin's Certificate of Convenience and Necessity and his business operations with the end result of transferring the customers to the City of Houston.

In order to facilitate transition from the current groundwater supply wells, John M. Fultz, Receiver, requested that the City of Houston provide potable water and has submitted a Treated Surface Water Supply Contract drafted by our Legal Department. The contract term will begin on the date of countersignature by the City Controller and shall expire at such time as Houston begins providing retail service to the service area, the residents for Wrenwood, expected to be around 18 months.

This contract charges \$1.436 per thousand gallons for water used.

The Planning and Development Services Division has evaluated the request and found that the water supply and delivery system is adequate to provide the requested quantities.

Approval of Water Supply Contract is requested.

cc: Marty Stein  
Michael S. Marcotte, P.E., DEE  
Waynette Chan  
Gary Norman  
Andrew F. Icken  
Jeff Taylor  
Jun Chang, P.E.

CUIC# 20JZC 258

<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Jun Chang for</i> Andrew F. Icken, Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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**TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Cost Sharing Agreement between City of Houston and Buffalo Lakes Ltd. for the design and construction of the Paving Extension of Buffalo Speedway from West Bellfort Boulevard to the extended Willowbend Boulevard and Willowbend Boulevard from its present terminus to Buffalo Speedway.	<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>59</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  1/11/07	<b>Agenda Date</b>  <del>FEB 14 2007</del>
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: C</b>  MAR 21 2007
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<b>For additional information contact:</b>  Jun Chang, P.E. Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action</b>
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**RECOMMENDATION: (Summary)**  
Approve a cost sharing agreement between the City of Houston and Buffalo Lakes, Ltd. for Buffalo Lakes, Ltd. to pay for 100% of the design of the paving extension, water line, and sanitary sewer and 70% of the construction of sanitary sewer for the Paving Extension of Buffalo Speedway from West Bellfort Boulevard to the extended Willowbend Boulevard and Willowbend Boulevard from its present terminus to Buffalo Speedway (WBS No. N-000622-0001-3).

<b>Amount of Funding: None under this Agreement</b>	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)

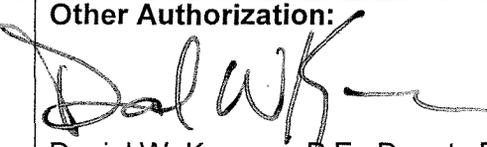
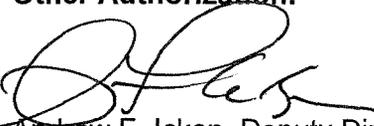
**SPECIFIC EXPLANATION:**  
Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for City participation in the cost of construction of water and sewer mains by a developer. Under Section 47-164 of the Houston Code, the City and the Developer may enter into a cost-sharing agreement under which the Developer designs and constructs the mains and dedicates them to the City for 30% reimbursement of the construction cost. The City also reimburses 100% of allowable over-sizing costs.

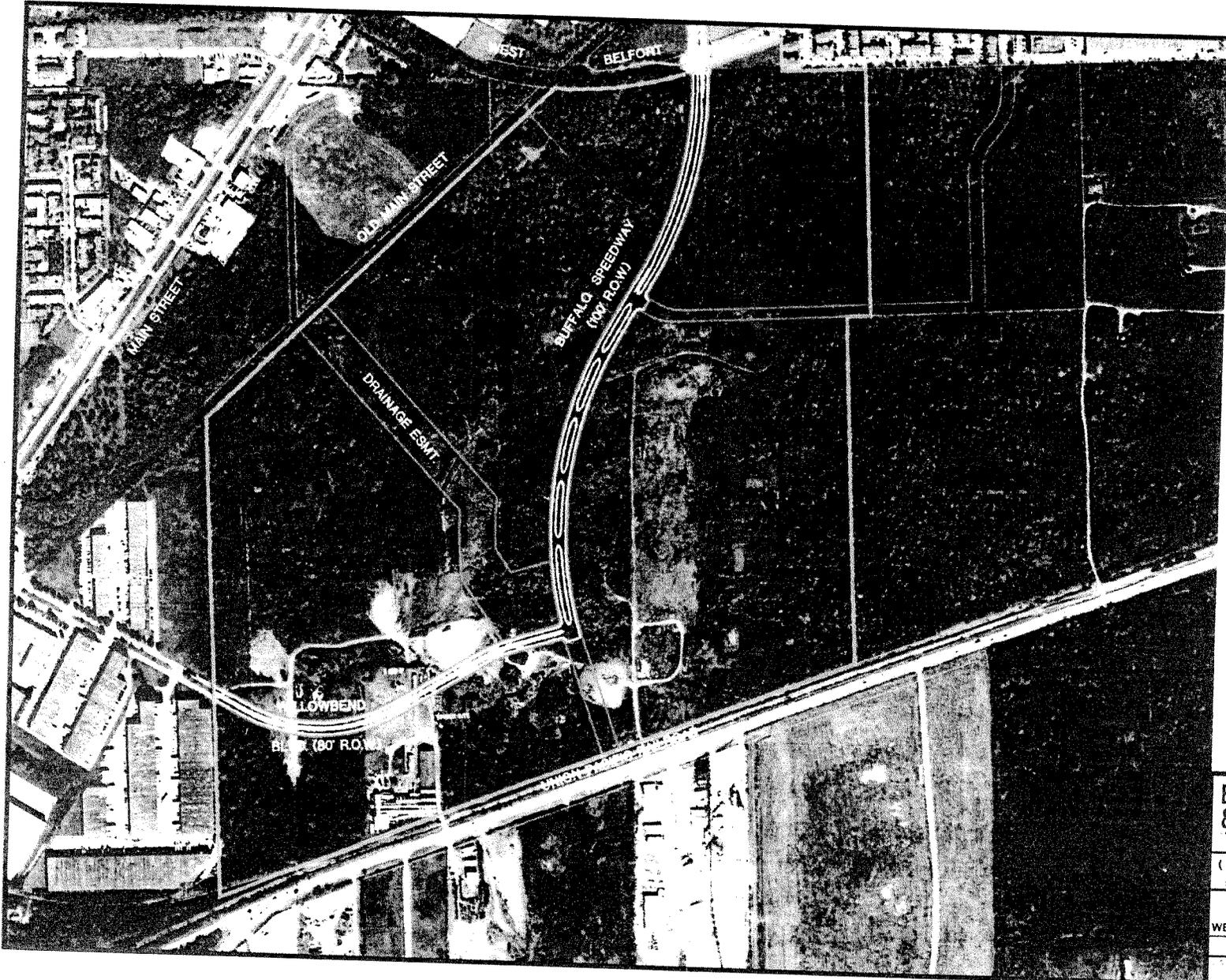
Buffalo Lakes, Ltd. proposes to enter into a cost sharing agreement with the City to construct new sanitary sewer lines to serve a future development project. Under this agreement, the City will construct water and storm sewer as part of the Paving Extension of Buffalo Speedway from West Bellfort Boulevard to the extended Willowbend Boulevard and Willowbend Boulevard from its present terminus to Buffalo Speedway (WBS No. N-000622-0001-3). The developer will place 70% of the funds necessary for the sewer in an account available to the City. The City will appropriate those funds with planned capital funds to reconstruct the street with water and sanitary sewer lines.

The total cost of the project is estimated to be \$4,649,226. Of this, the estimated sewer construction is \$625,706.92. The 70% developer's share of the wastewater construction is estimated to be \$438,000.

cc: Marty Stein      Michael S. Marcotte, P.E., DEE      Waynette Chan      Gary Norman  
 Jeff Taylor      Jun Chang, P.E.

CUIC# 20JZC142

<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services
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**BROWN & GAY** CIVIL ENGINEERS & SURVEYORS  
 1100 WESTHEIMER BOULEVARD  
 HOUSTON, TEXAS 77030  
 (713) 865-1100

**CITY OF HOUSTON**  
 DEPARTMENT OF PUBLIC WORKS

**BUFFALO SPEEDWAY  
 PAVING EXTENSION  
 WEST BELFORT BLVD. TO HOLMES RD  
 CONCEPTUAL LAYOUT**

DATE:	10/15/2014
SCALE:	AS SHOWN
PROJECT NO.:	14-00000
DRAWN BY:	W. J. GAY
CHECKED BY:	W. J. GAY
APPROVED BY:	W. J. GAY

<b>SUBJECT:</b> First Amendment to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc. for services associated with the Surface Water Transmission Program. WBS No. S-000900-0002-3	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 60
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<b>From: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 2-22-07	<b>Agenda Date</b> MAR 21 2007
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<b>Director's Signature:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected: (Council District Letter Only)</b> "All" B42
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<b>For additional information contact:</b> Hamlet Hovsepian, P.E. Interim Senior Assistant Director (713) 837-7033	<b>Date and identification of prior authorizing Council action:</b> Ordinance Number 2006-0277 (March 22, 2006)
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**Recommendation: (Summary)**  
 Approve First Amendment with Lockwood, Andrews & Newnam, Inc. and appropriate funds.

**Amount and Source of Funding:** \$3,025,000.00 from the Water and Sewer Consolidated Construction Fund No. 8500. Original (previous) appropriations of \$3,300,000.00 from Water and Sewer System Consolidated Construction Fund No. 755. *22-02107106*

**SPECIFIC EXPLANATION:** This contract supports execution of the Surface Water Transmission Facilities Capital Improvement Program (CIP). This amendment and appropriation will provide for additional program management, technical and planning support, water system management support and design services for citywide water projects.

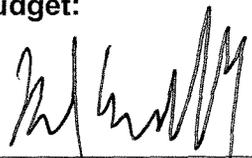
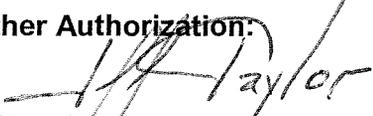
**PROJECT NOTICE/JUSTIFICATION:** The Surface Water Transmission Program provides professional engineering services to assist the City in meeting the growing water system demands, the City's efforts in evaluating the risk associated with failure of critical transmission lines and the City's efforts to rehabilitate existing large diameter transmission mains.

**DESCRIPTION/SCOPE:** These projects will provide cost-effective planning, design and engineering support of major water transmission line extensions. This appropriation will fund specific tasks to allow the City to maximize the use of available surface water. The net result of these improvements will be improved water system reliability and operational efficiencies stemming from the consolidation of groundwater pump station facilities. Some of the specific tasks planned under this appropriation consist of engineering design and associated support services (such as surveying, geotechnical investigations, traffic control design) for several water line projects. Additionally, these tasks include route evaluations for future projects, real estate assistance, and water system planning and modeling assistance.

- LOCATION:** The project areas are generally described:
- 72-inch water line along Fuqua, Mango and East Haven from Seaford to Alameda-Genoa (576T, S, and 575R).
  - 72-inch water line along East Haven, Meldrum, East Haven, Arledge, Scranton and Mosely from Alameda-Genoa to Airport (575R, M, H, and D).
  - 60-inch water line along Mosely, Canniff and Easements from Airport to Hwy. 3 (575 D and 535 Z).
  - 60-inch water line along Brookglen and Old Galveston from Hwy. 3 to Baker (535 Z, V, and R).
  - 42-inch water line along Tidewater, S. Post Oak, W. Orem, Croquet and Easements from Candleshade to Sims Bayou Pump Station (571 G, L, and K).
  - Various water line relocations resulting from inter-local agreements for Intergovernmental Agency coordination. These projects' Key Map Grids are unknown at this time.

As determined necessary by the Director, the identified projects may be changed to meet scheduling and right-of-way requirements and facilitate coordination with other planned capital improvements.

**REQUIRED AUTHORIZATION** CUIC ID #20BLL11 MDT

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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**SUBJECT:** First Amendment to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc. for services associated with the Surface Water Transmission Program. WBS No. S-000900-0002-3

**Originator's  
Initials**

**Page  
2 of 2**

**PREVIOUS HISTORY AND SCOPE:** City Council approved the original Contract on March 22, 2006. The scope of services under the Original Contract consisted of a 42-inch water line along Knight and Holmes bound by W. Bellfort on the north and the Buffalo Speedway Extension on the west, a 42-inch water line along the Buffalo Speedway Extension and proposed easements bound by Holmes on the north and W. Airport Blvd. on the south, a 42-inch water line along W. Airport Blvd. and Allum bound by Buffalo Speedway Extension on the east and S. Post Oak on the west, Air Release Valve Upgrade-Package No. 3, Pressure Release Valve Station Improvements-Package No. 4, and the On-Call Rehabilitation and Replacement of Large Diameter Water Mains and Valves-Package No. 6. Under this Contract, the designs of the above referenced projects are underway and are anticipated to be completed under the original appropriation. The Director has determined the need for continuation of the Surface Water Transmission Program due to its success in assisting the City in meeting the stated goals and objectives. Additional funds are needed to fund the next year's activities.

**SCOPE OF THIS SUPPLEMENT AND FEE:** The requested additional appropriation will accomplish the following tasks: Basic Services (Phase I - Preliminary Design, Phase II - Final Design, Phase III -Construction Phase Services) and Additional Services. \$1,785,964.00 is budgeted as Basic Services Fee to be administered on a lump sum or reimbursable basis. Certain other Additional Services are also proposed to be paid as lump sum or on a reimbursable basis. The Additional Services are currently anticipated to include surveying, geotechnical investigations, Phases I and II environmental services, traffic control plans, and surge analysis, which comprise the bulk of the additional services funds. The total Additional Services Fee under the additional appropriation is \$964,036.00. The total requested appropriation is \$3,025,000.00 to be appropriated as follows: \$2,750,000.00 for contract services and \$275,000.00 for City recoverable costs of project management.

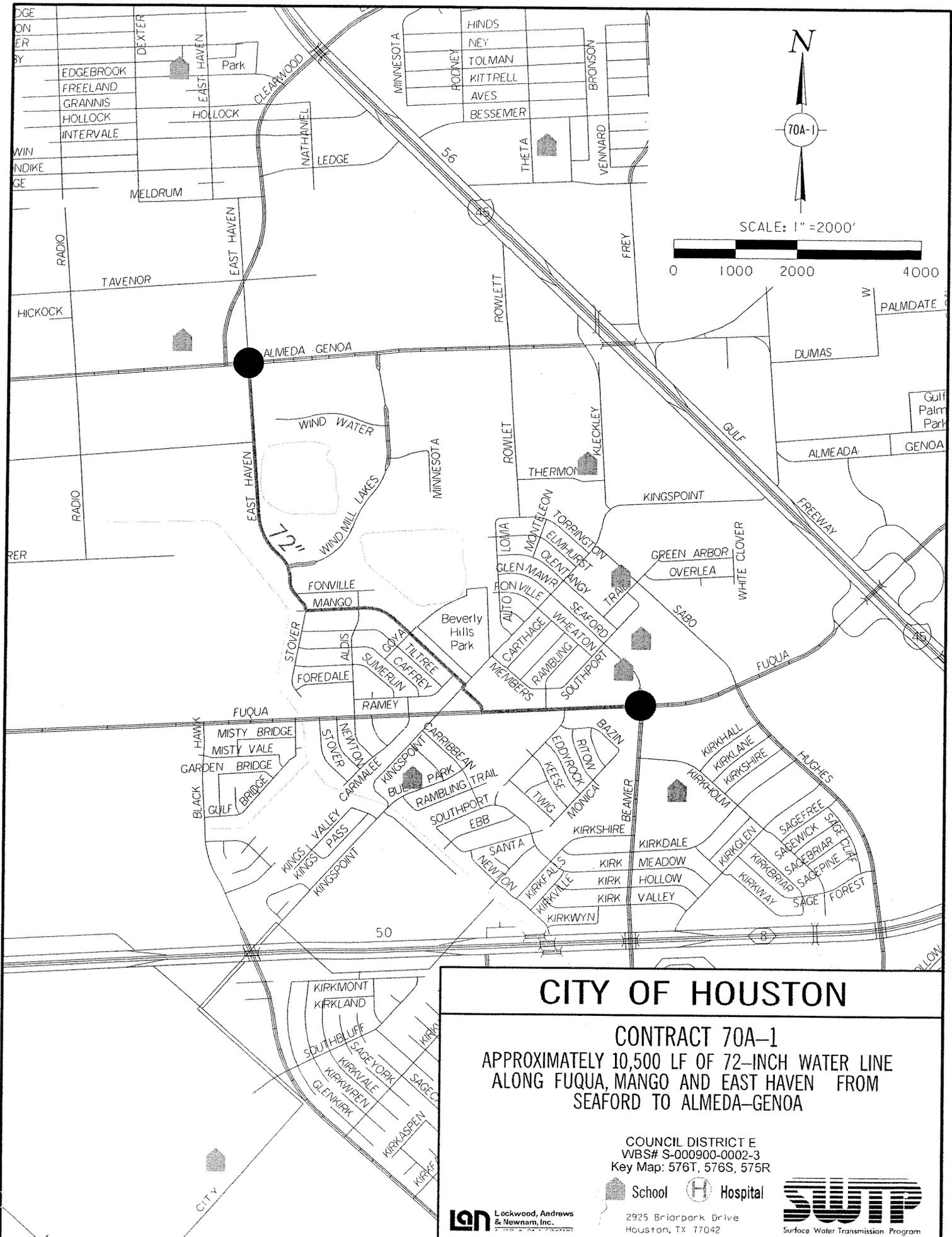
**M/WBE INFORMATION:** The M/WBE goal established for this project is 24.0%. The original Contract as approved by Ordinance No. 2006-0277 totals \$3,000,000.00. The engineer has been paid \$1,573,239.99, 52.44%, to date. Of this amount, \$429,785.88, 27.32%, has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$5,750,000. The engineer proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
Prior work		\$429,785.88	7.47 %
1. Associated Testing Laboratories, Inc.	Environmental Support	\$25,000.00	0.43%
2. Aviles Engineering Corporation	Geotechnical Investigations	\$73,755.00	1.28%
3. B&E Reprographics	Reproduction	\$15,897.79	0.28%
4. Geotest Engineering	Geotechnical Investigations	\$20,000.00	0.35%
5. Gunda Corp.	Traffic Control	\$35,000.00	0.61%
6. Kuo & Associates, Inc.	Engineering Support & Surveying	\$116,048.00	2.02%
7. Martinez, Guy & Maybik, Inc.	Surveying	\$150,000.00	2.61%
8. Nathelyne A. Kennedy & Associates	Engineering Support	\$206,609.46	3.59%
9. Omega Engineers, Inc.	Engineering Support	\$200,000.00	3.48%
10. Teran Group, LLC	Surveying	\$72,318.00	1.26%
11. Texas American Engineering	Engineering Support	\$222,769.48	3.87%
12. TTL Corp	Engineering Support	\$17,068.00	0.30%
13. Other MWBE Firms	Various Services	\$7,748.39	0.13%
	<b>TOTAL</b>	<b>\$1,592,000.00</b>	<b>27.68%</b>

MSM:DWK:JTL:HH:SD:blf

S:\design\A-WS-DIV\Projects\S-0900-02-2\WA10875\Design\_RCA-ContractAmendment-1\RCA Rev3.DOC

C: Marty Stein; Velma Laws; Susan Bandy; Michael Ho, P.E.; Craig Foster;  
File S-000900-0002-3 (1.2)



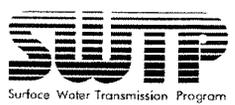
# CITY OF HOUSTON

**CONTRACT 70A-1**  
 APPROXIMATELY 10,500 LF OF 72-INCH WATER LINE  
 ALONG FUQUA, MANGO AND EAST HAVEN FROM  
 SEAFORD TO ALMEDA-GENOA

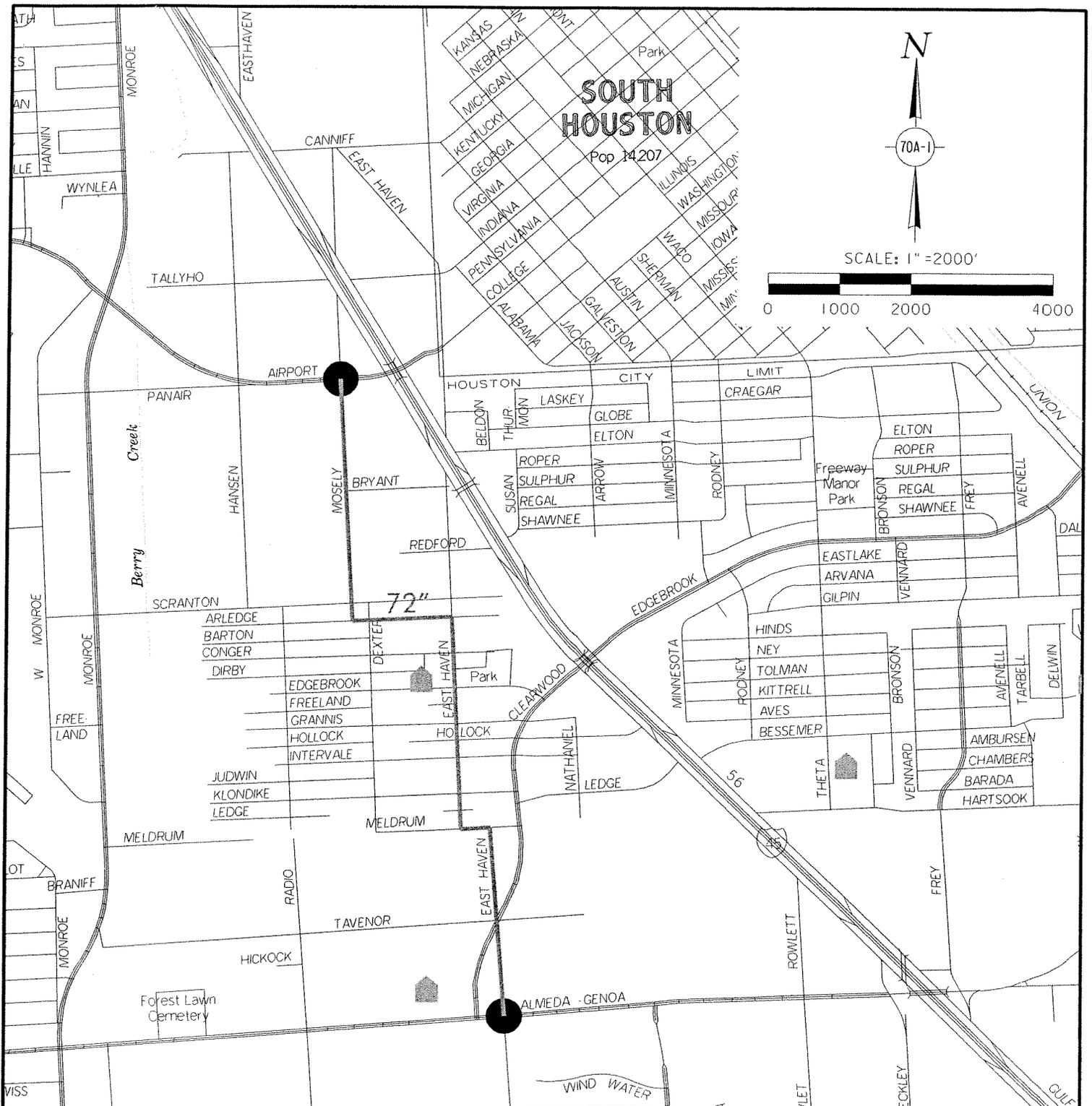
COUNCIL DISTRICT E  
 WBS# S-000900-0002-3  
 Key Map: 576T, 576S, 575R

 School  Hospital

2925 Briarpark Drive  
 Houston, TX 77042



**LAN** Lockwood, Andrews & Newnam, Inc.



# CITY OF HOUSTON

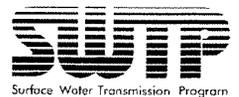
## CONTRACT 70A-2

APPROXIMATELY 10,200 LF OF 72-INCH WATER LINE ALONG  
 EAST HAVEN, MELDRUM, EAST HAVEN, ARLEDGE, SCRANTON  
 AND MOSELY FROM ALMEDA-GENOA TO AIRPORT

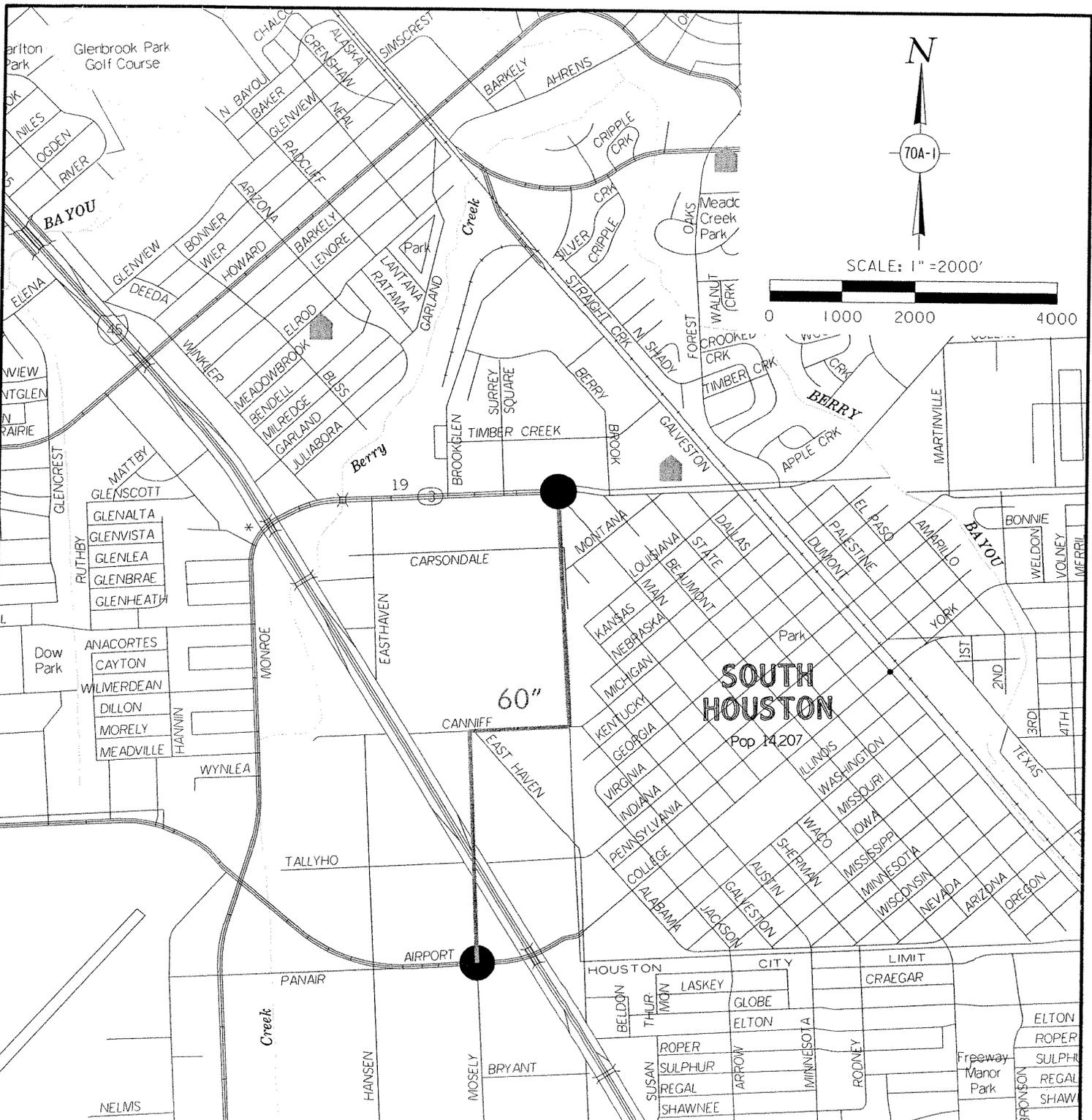
COUNCIL DISTRICT E  
 WBS# S-000900-0002-3  
 Key Map: 575R, 575M, 575H, 575D

School Hospital

2925 Briarpark Drive  
 Houston, TX 77042



**LAN** Lockwood, Andrews  
 & Newnam, Inc.

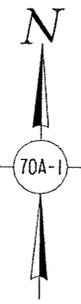
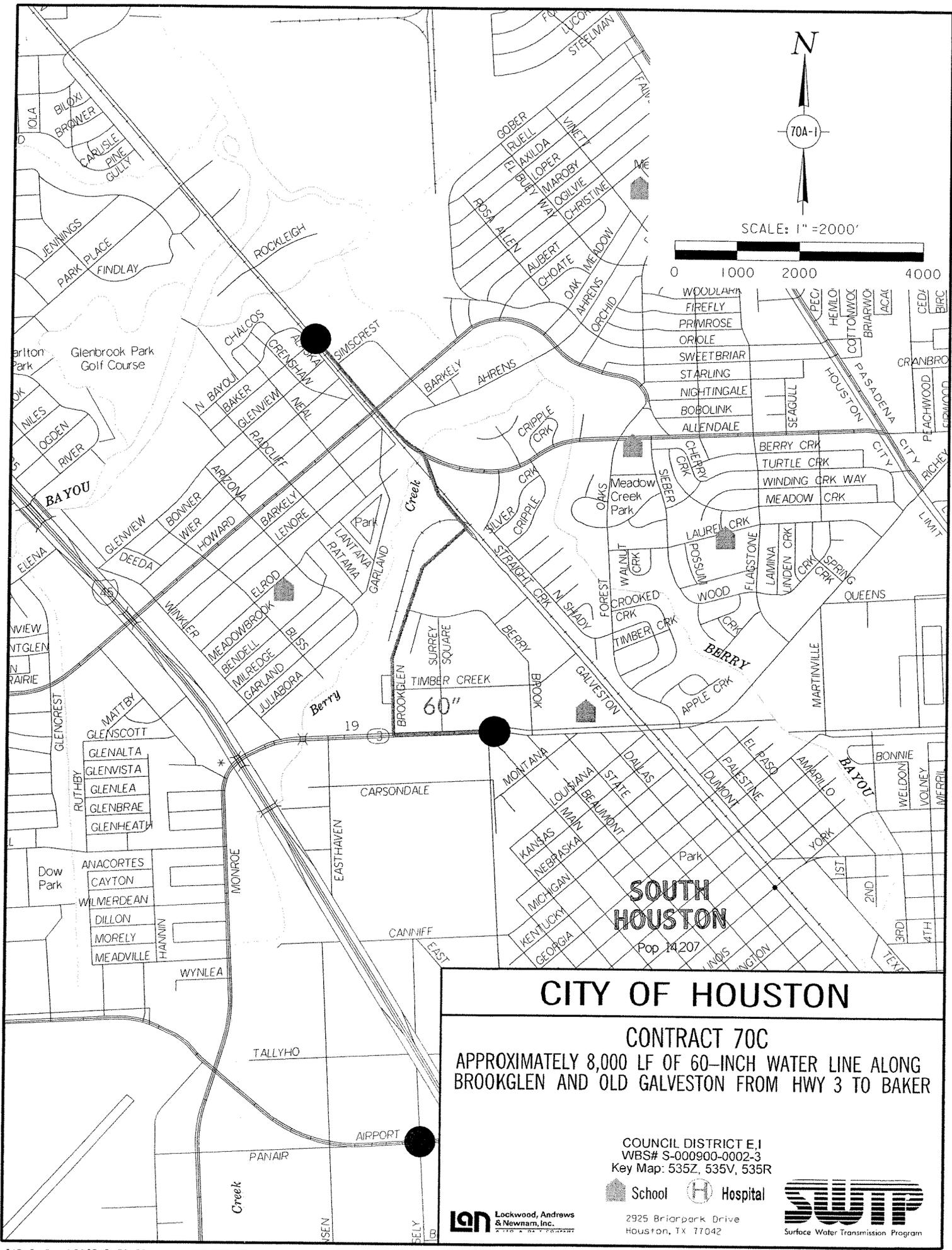


# CITY OF HOUSTON

**CONTRACT 70B**  
 APPROXIMATELY 7,000 LF OF 60-INCH WATER LINE ALONG  
 MOSELY, CANNIFF, AND EASEMENTS FROM AIRPORT TO HWY 3

COUNCIL DISTRICT E  
 WBS# S-000900-0002-3  
 Key Map: 575D, 535Z

School	Hospital	
2925 Briarpark Drive Houston, TX 77042		
Surface Water Transmission Program		



SCALE: 1" = 2000'



**SOUTH HOUSTON**

Pop 14,207

**CITY OF HOUSTON**

**CONTRACT 70C**

APPROXIMATELY 8,000 LF OF 60-INCH WATER LINE ALONG BROOKGLEN AND OLD GALVESTON FROM HWY 3 TO BAKER

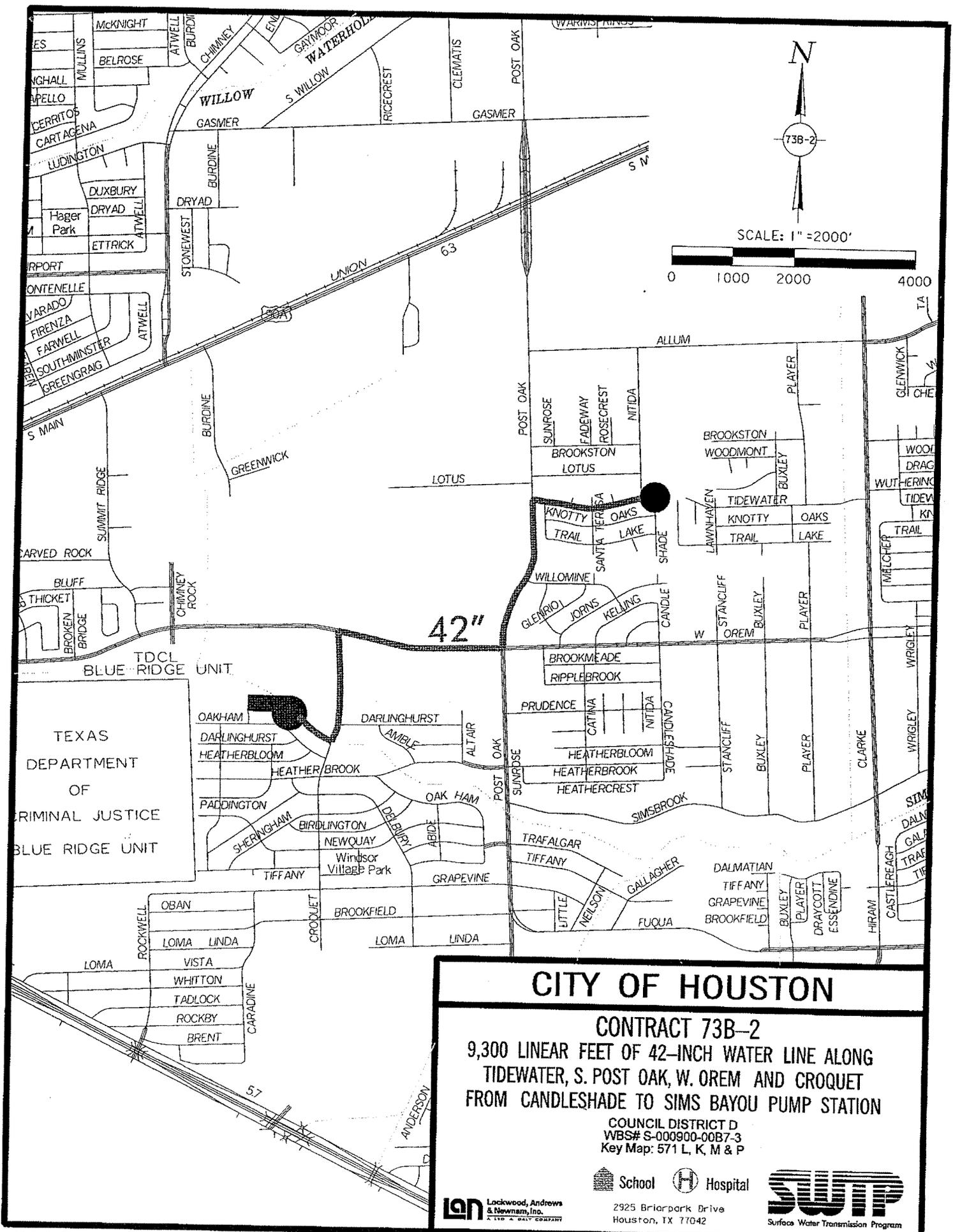
COUNCIL DISTRICT E.1  
 WBS# S-000900-0002-3  
 Key Map: 535Z, 535V, 535R

School Hospital

**LAN** Lockwood, Andrews & Newnam, Inc.

2925 Briarpark Drive  
 Houston, TX 77042





**CITY OF HOUSTON**

**CONTRACT 73B-2**

**9,300 LINEAR FEET OF 42-INCH WATER LINE ALONG  
TIDEWATER, S. POST OAK, W. OREM AND CROQUET  
FROM CANDLESHADE TO SIMS BAYOU PUMP STATION**

COUNCIL DISTRICT D  
WBS# S-000900-00B7-3  
Key Map: 571 L, K, M & P

 School

 Hospital



Surface Water Transmission Program

2925 Briarpark Drive  
Houston, TX 77042

 Lockwood, Andrews & Newnam, Inc.  
A 110-A BALT COMPANY



KERRY R. WILBERT & ASSOCIATES, INC.

EAST LITTLE YORK ROAD

FUTURE  
KIPP  
SCHOOL  
SITE

ACREAGE

LANGLEY ROAD

SCENIC WOODS

NAVASOTA STREET

PARKER ROAD

SCENIC WOODS

CADDO ROAD

WADSWORTH DRIVE

WOODMERE DEVELOPMENT

A schematic development plan for

# WAYSIDE VILLAGE

± 305.2 ACRES OF LAND

prepared for

**WOODMERE DEVELOPMENT**

**KERRY R. WILBERT & ASSOCIATES, INC.**

16810 Park Ten Place  
Suite 100  
Houston, Texas 77084  
(281) 576-0340

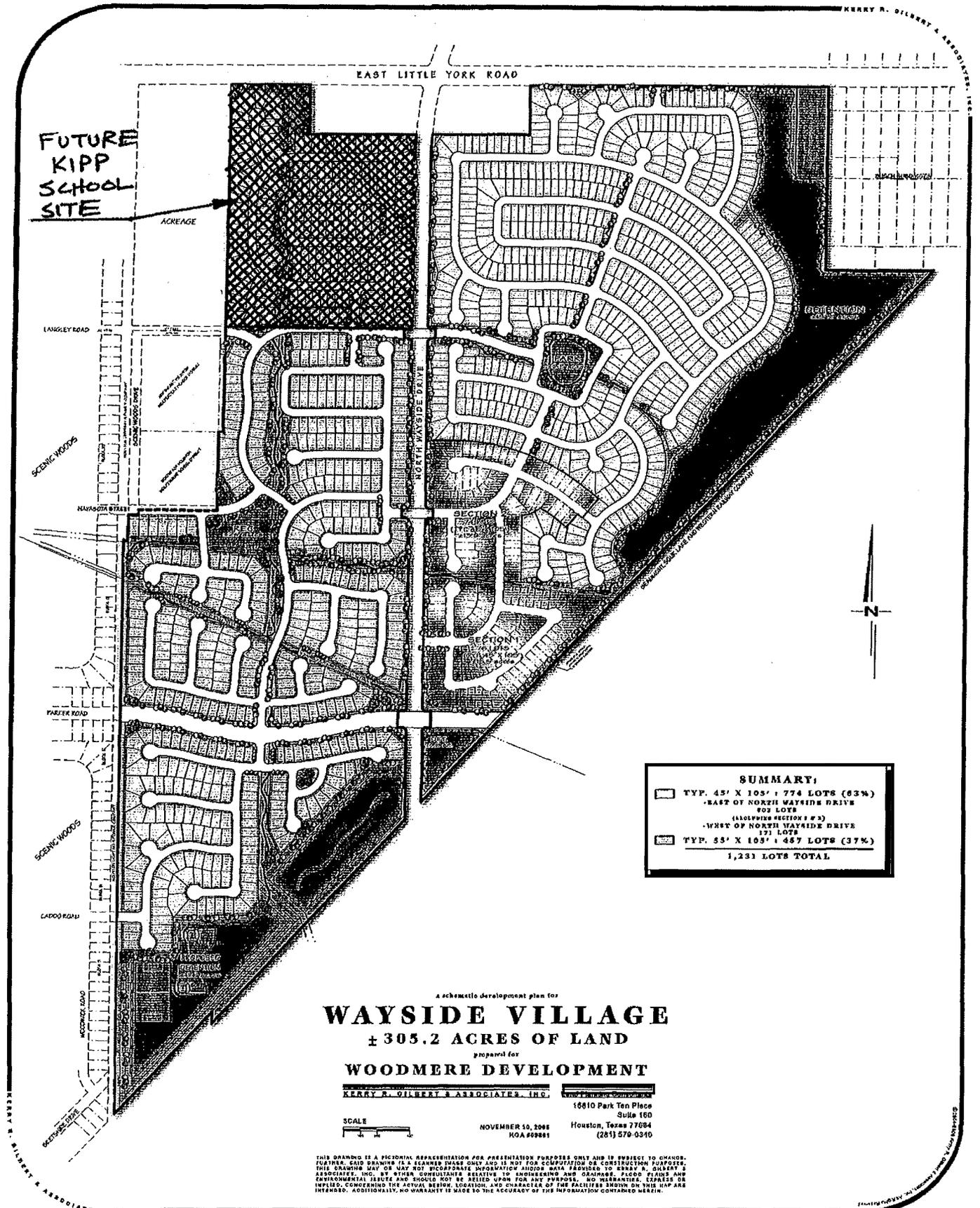
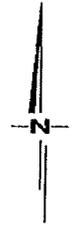
SCALE  
1" = 100'

NOVEMBER 10, 2008  
HOA 808881

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNER IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA FURNISHED TO KERRY R. WILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND/OR GEASING, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSES. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**SUMMARY:**

- TYP. 45' X 103' : 774 LOTS (63%)
- EAST OF NORTH WAYSIDE DRIVE
- 402 LOTS
- (INCLUDING SECTION # 2)
- WEST OF NORTH WAYSIDE DRIVE
- 171 LOTS
- TYP. 55' X 103' : 457 LOTS (37%)
- 1,231 LOTS TOTAL



KERRY R. WILBERT & ASSOCIATES, INC.

KERRY R. WILBERT & ASSOCIATES, INC.

<b>SUBJECT:</b> Contract Award for Water Line Replacement in the Mary Bates South & Maplewood Area. WBS No. S-000035-00E7-4	<b>Page</b> 1 of <u>2</u>	<b>Agenda</b> Item # <u>62</u>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 2-22-07	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> F <i>AV</i>
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<b>For additional information contact:</b> Hamlet Hovsepian, P.E. <i>HH</i> Phone: (713) 837-7033 Interim Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Reject low bid, return bid bond, award construction contract to second low bidder and appropriate funds.

**Amount and Source of Funding:**  
\$2,412,900.00 Water and Sewer Consolidated Construction Fund No. 8500 *Revised 01/31/07*

**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 circulation and availability of water.

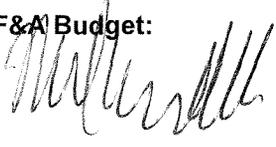
**DESCRIPTION/SCOPE:** This project consists of approximately 23,760 linear feet of 8-inch, and 2,207 linear feet of 12-inch diameter water lines, valves, and appurtenances. The contract duration for this project is 235 calendar days. This project was designed by Othon, Inc.

**LOCATION:** The project is located in the following Key Map grids:

<u>Bounded By</u>	<u>Key Map Grid</u>
1. Carvel on the north, Beechnut on the south, Barberton on the east and South Gessner on the west	530J,K
2. Maple on the north, Beechnut on the south, Chimney Rock on the east and Renwick on the west.	531P

**BIDS:** Bids were received on October 12, 2006. The five (5) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. R. K. Wheaton, Inc. (Rejected)	\$2,043,283.00
2. C. E. Barker, Ltd.	\$2,124,153.91
3. Reliance Construction Services, L.P.	\$2,139,862.52
4. RWL Construction, Inc.	\$2,177,192.00
5. D.L. Elliott Enterprises, Inc.	\$2,199,989.50

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20AV22</b>	<i>NOT</i>
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>Subject:</b> Contract Award for Water Line Replacement in the Mary Bates South & Maplewood Area. WBS No. S-000035-00E7-4	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** The apparent low bidder, R.K. Wheaton, Inc. failed to provide a bid bond in the proper amount, which is considered as major irregularity as per Legal Department guidance documents, as required by the provisions of the bid document. Therefore it is recommended that this construction contract be awarded to C.E. Barker, Ltd. with a second low bid of \$2,124,153.91.

**PROJECT COST:** The total cost of this project is \$2,412,900.00 to be appropriated as follows:

- Bid Amount \$2,124,153.91
- Contingencies \$106,207.70
- Engineering and Testing Services \$55,000.00
- Project Management \$127,538.39

Engineering and Testing Services will be provided by Professional Service Industries, Inc. under a previously approved contract.

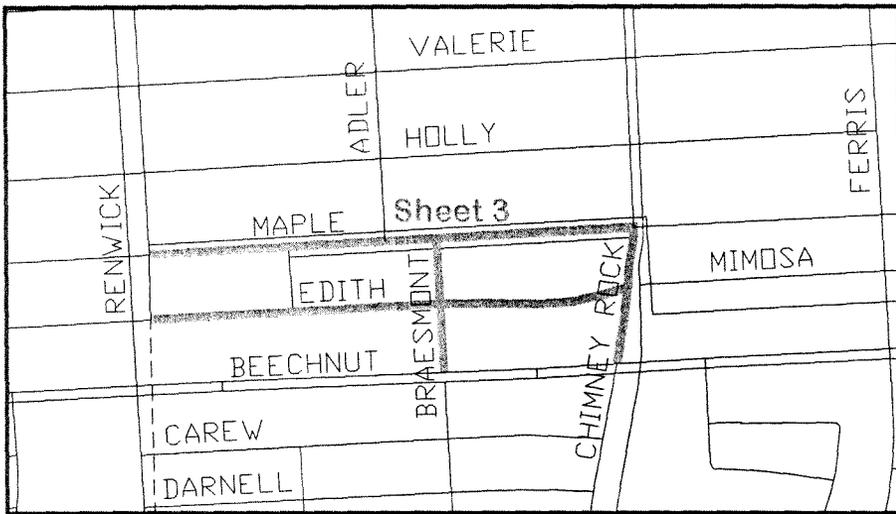
**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy goal for this project.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Paradigm Outdoor Supply, LLC	Pipe & supplies	\$160,000.00	7.53%
2. B & D Maintenance	Trucking & Hauling	\$110,000.00	5.18%
3. Paradigm Outsourcing Services	Flagmen	\$50,000.00	2.35%
	<b>MWBE Subtotal</b>	<b>\$320,000.00</b>	<b>15.06%</b>
1. Environmental Allies, L.P.	SWPP Plan	\$28,000.00	1.32%
2. Statewide Tree Service	Landscaping	\$30,000.00	1.41%
3. Contractors Paving Supply, LLP	Construction Materials	\$50,000.00	2.35%
	<b>SBE Subtotal</b>	<b>\$108,000.00</b>	<b>5.08%</b>
	<b>TOTAL</b>	<b>\$428,000.00</b>	<b>20.14%</b>

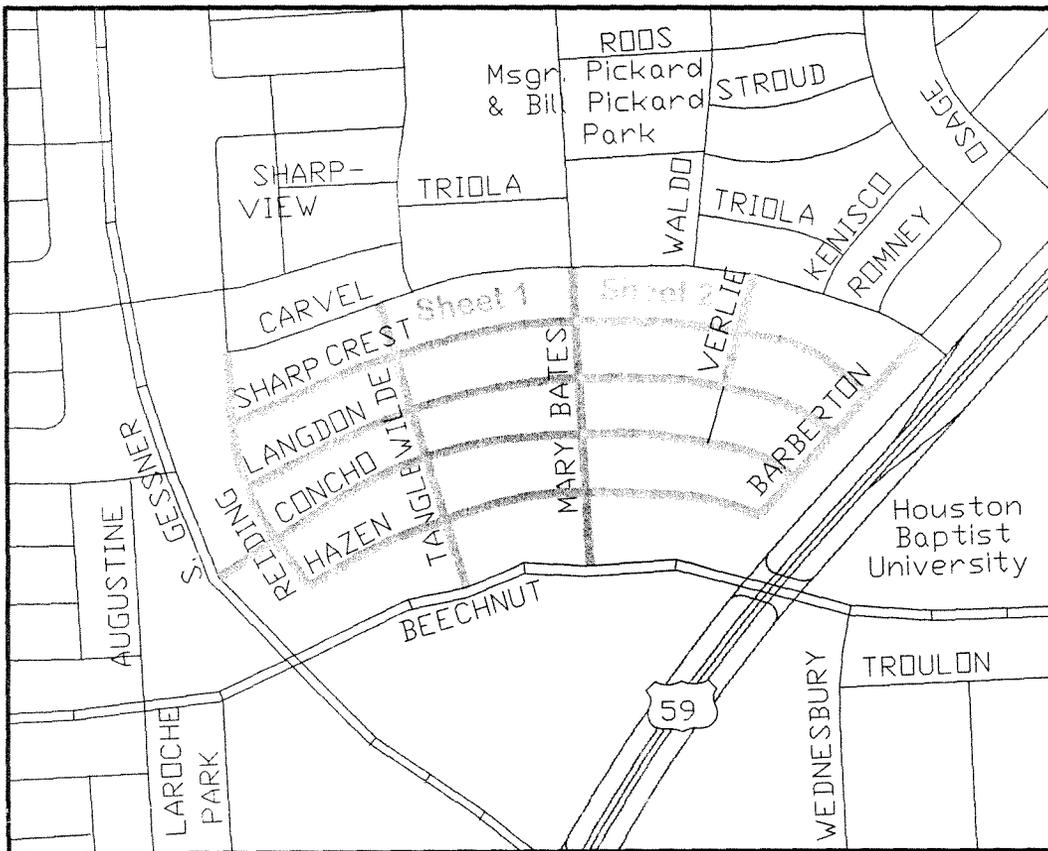
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DWK:RKM:HH:AV:itj  
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- c:** Marty Stein  
Velma Laws  
Susan Bandy  
Michael Ho, P.E.  
Craig Foster  
File - S-000035-00E7-4 (3.7)



MAPLEWOOD AREA KEY MAP 531P, GIMS GRID No. 5154A



MARY BATES SOUTH AREA KEY MAP 530J,K, GIMS GRID Nos. 4954B, 5054A

MARY BATES SOUTH & MAPLEWOOD AREA				
WATER LINE REPLACEMENT				
STREET NAME	FROM	TO	SIZE (INCH)	LENGTH (FEET)
Sharpcrest	Barberton	Redding	8	3616
Langdon	Barberton	Redding	8	3396
Concho	Barberton	Redding	8	2996
Concho	Redding	S Gessner	12	366
Hazen	Barberton	Redding	8	2596
Redding	Carvel	Hazen	8	1416
Tanglewilde	Carvel	Hazen	8	1216
Tanglewilde	Hazen	Beechnut	12	416
Mary Bates	Carvel	Beechnut	12	1616
Verlie	Carvel	Langdon	8	616
Barberton	Carvel	Hazen	8	1296
Maple	Renwick	Chimney Rock	8	2616
Edith	Renwick	Chimney Rock	8	2616
Braesmont	Beechnut	Maple	8	696
Chimney Rock	Beechnut	Maple	8	696
<b>TOTAL =</b>			<b>26,170</b>	



SCALE: N.T.S.



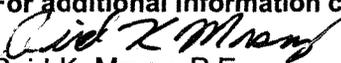
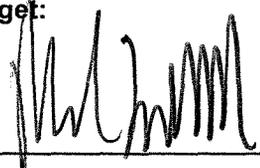
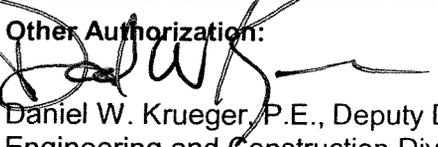
SCALE: N.T.S.

**OTHON**  
 OTHON, INC., CONSULTING ENGINEERS  
 Civil, Transportation, Environmental, CM  
 11111 Wilcrest Green Drive, Suite 128  
 Houston, Texas 77042

CITY OF HOUSTON

WATER LINE REPLACEMENT IN THE MARY BATES SOUTH AND MAPLEWOOD AREA Exhibit  
 WBS NO. S-000035-00E7-4

VICINITY MAP

<b>SUBJECT:</b> An Ordinance appropriating funds to cover advertising costs for CIP Projects. WBS Nos. M-000126-00AD-4, N-000668-00AD-4, R-000019-00AD-4, and S-000019-00AD-4		Page 1 of 1	Agenda Item # 63
<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 2-28-07	<b>Agenda Date:</b> MAR 21 2007	
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> ALL 		
<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Acting Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> No. 2004-0557 (06/02/04)		
<b>RECOMMENDATION: (Summary)</b> Appropriate funds for advertising costs for projects in Capital Improvement Plan			
<b>Amount and Source of Funding: \$200,000.00</b> \$24,000.00 Drainage Improvements Commercial Paper Series F, Fund No. 4030 \$44,000.00 Street & Bridge Consolidated Fund No. 4506 \$132,000.00 Water & Sewer Consolidated Construction Fund No. 8500 <b>\$200,000.00 Total Cost</b>			
<b>SPECIFIC EXPLANATION</b> The Department of Public Works and Engineering is requesting that an ordinance be approved appropriating \$200,000.00 to cover advertising costs for construction projects that are included in the following Programs within the Capital Improvement Plan (CIP): <ul style="list-style-type: none"> <li>• Storm Drainage System Improvements</li> <li>• Street &amp; Traffic Control Facilities Improvements</li> <li>• Wastewater System Improvements</li> <li>• Water System Improvements</li> </ul> Construction projects are advertised in a local publication for two consecutive weeks under the Legal Notices section.			
MSM:DWK:RM:JNB c: Marty Stein Daniel W. Krueger, P.E. Susan Bandy Craig Foster Velma Laws			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC# 20JNB01</b>	
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

TG: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 64 to 93A
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<b>FROM (Department or other point of origin):</b> Planning and Development Department	<b>Origination Date</b> March 8, 2007	<b>Agenda Date</b> MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Margaret Wallace</i>	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Margaret Wallace Phone: 713-837-7826	<b>Date and identification of prior authorizing Council action:</b> Public Hearings: Feb 21 and 28, 2007
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**RECOMMENDATION: (Summary)**  
That City Council approve Strategic Partnership Agreements with the Utility Districts listed below, for the annexation for limited purpose of territory within and in the vicinity of those districts, and for the assignment of such territory to City Council Districts.

<b>Amount and Source of Funding:</b> NA	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

The Planning and Development Department has negotiated Strategic Partnership Agreements between the City of Houston and the following utility districts.

In each of these Districts, the city is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes. In addition, the city will levy a 1 percent sales tax and all taxes collected in the areas will be divided evenly between the City and the District.

For the following Districts, the City will enforce the fireworks ban in the area to be annexed. In the case of the amendments, the City also will enforce the ban in the area covered by the original agreement.

Chelford City MUD, Amendment 1	Harris County MUD No. 264
Horsepen Bayou MUD, Amendment 1	Harris County MUD No. 286
North Forest MUD	Harris County MUD No. 358
Bridgestone MUD	Harris County MUD No. 322
FB County MUD No. 119	Harris County MUD No. 365
Harris County MUD No. 33	Harris County MUD No. 368
Harris County MUD No. 53	Harris County MUD No. 397
Harris County MUD No. 55	Harris County MUD No. 468
Harris County MUD No. 154	Morton Road Municipal Utility District
Harris County MUD No. 179	NW Harris County MUD No. 9
Harris County MUD No. 185	Sagemeadow Utility District
Harris County MUD No. 188	Timber Lane Utility District
Harris County MUD No. 189	West Harris County MUD No. 6
Harris County MUD No. 222	White Oak Bend MUD

REQUIRED AUTHORIZATION		
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> March 3, 2007	<b>Subject:</b> Ordinances Approving Strategic Partnership Agreements with Various Utility Districts and Annexing Territory for Limited Purposes	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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For the following Districts, the City will not enforce the fireworks ban in the District property that is to be annexed, but will enforce it in surrounding non-district territory that is being annexed for contiguity.

Northwest Park MUD

Harris County WCID No. 119

Council District assignments of the newly annexed areas are detailed on the accompanying memorandum.

Copy: Marty Stein, Agenda Director  
Arturo G. Michel, City Attorney  
Phil Boriskie, Fire Chief  
Anna Russell, City Secretary  
Semeera Mahendru, Legal Department  
Dan Doherty, Legal Department



# CITY OF HOUSTON

Planning & Development  
Department

## Interoffice

Correspondence

To: Arturo G. Michel, City Attorney

From: Marlene L. Gafrick, Director

Date: March 5, 2007

Subject: **Assignment of Newly Annexed Areas**

The City is currently annexing parts of 30 utility districts for limited purposes. I am proposing the following assignment to Council Districts for the newly annexed areas. In each case, I am referring to only the portion of the election precinct that has been newly annexed. Each of these assignments are assigned to their adjacent Districts. Please let me know if you need additional information.

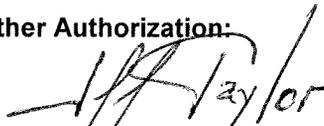
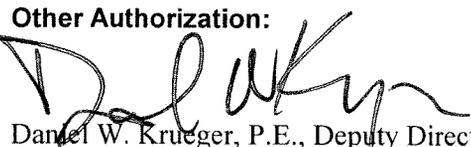
<i>Mud Name</i>	<i>Council District</i>	<i>Voting Precincts</i>	<i>County</i>
HC MUD # 179	A	512;642;50;800;667	Harris
HC MUD # 185	A	771	Harris
HC MUD # 188	A	50;512	Harris
HC MUD # 222	A	713	Harris
HC MUD # 264	A	651;803;553	Harris
HC MUD # 286	A	484	Harris
HC MUD # 322	A	124;111	Harris
HC MUD # 358	A	124	Harris
HC MUD # 365	A	481	Harris
HC MUD # 368	A	245	Harris
HC MUD # 397	A	124	Harris
HC MUD # 468	A	484	Harris
HC WCID # 119	A	82;551;668;245	Harris
Horsepen Bayou MUD	A	155;622;260;512	Harris
Morton Road MUD	A	521;618;589	Harris
North West Park MUD	A	467;697;613;873;875	Harris
Northwest HC MUD # 009	A	519;125;641;484;602	Harris
White Oak Bend MUD	A	548;671;518	Harris
Bridgestone MUD	B	672;263	Harris
HC MUD # 033	B	613;698;358	Harris
HC MUD # 154	B	657	Harris
HC MUD # 189	B	520;757	Harris
North Forest MUD	B	520;757	Harris
Timber Lane UD	B	596;6;587;399	Harris
HC MUD # 053	E	460;368;605;413;719;375	Harris
HC MUD # 055	E	475;655;349;782;474	Harris
Sagemeadow UD	E	76;476;654	Harris
FBC MUD # 119	F	3086	Fort Bend
Chelford City MUD	G		Fort Bend
West HC MUD # 006	G	558,711	Harris

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

<b>SUBJECT:</b> Accept Work for Construction of 36-Inch Water Line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard. WBS No. S-000900-0078-4.	<b>Category # 7</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">                 94 <del>9</del> </div>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 3-1-07	<b>Agenda Date</b> MAR 21 2007 <del>MAR 07 2007</del>	
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> E		
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b>  Ord. #02-674 dated 07/17/02		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final Contract Amount of \$6,106,627.93 or 0.04% under the original Contract Amount, accept the Work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$7,225,900.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.	<b>F&amp;A Budget:</b>		
<b>SPECIFIC EXPLANATION:</b>  <b>PROJECT NOTICE/JUSTIFICATION:</b> This project was part of the City's Surface Water Transmission Program and was required to meet Harris-Galveston Coastal Subsidence District's legislative mandate to regulate the withdrawal of groundwater.  <b>DESCRIPTION/SCOPE:</b> The project consisted of 19,652 linear feet of 36-inch water line, valves, and appurtenances. Othon, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Contractor Technology, Inc. with an original Contract Amount of \$6,109,184.80.  <b>LOCATION:</b> The project is located along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard. The project is located in Key Map grids 616-M and 617-J, N, P, T, U, & Y.  <b>CONTRACT COMPLETION AND COST:</b> The Contractor, Contractor Technology, Inc. has completed the work under subject contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of \$54,000.00 have been assessed and are reflected in the final payment amount. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 5 will be \$6,106,627.93, a decrease of \$2,556.87 or 0.04% under the original Contract Amount.  The decreased cost is primarily a result of previously approved Change Order No. 1.  On June 23, 2005, the Contractor's voluntary Chapter 11 bankruptcy proceeding (reorganization) was converted to Chapter 7 (liquidation). The Legal Department has advised the Department of Public Works and Engineering to close-out this contract and pay the remaining contract balance to St. Paul Fire and Marine Insurance Company, the Surety which bonded this project. St. Paul Fire and Marine Insurance Company will use the proceeds to pay valid claims and otherwise in accordance with the requirements of law. St. Paul Fire and Marine Insurance Company will further account to the Chapter 7 trustee in the Contractor Technology, Inc. bankruptcy as to the disposition of such funds.			

**REQUIRED AUTHORIZATION**

**CUIC ID # 20DO082**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utility Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering, and Construction Division
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<b>Date:</b>	<b>SUBJECT:</b> Accept Work for Construction of 36-Inch Water Line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard. WBS No. S-000900-0078-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 13.72%. The Contractor achieved an "Unsatisfactory" rating for MWDBE compliance.

MSM:JTL:AR:DO:mq

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c: Daniel W. Krueger, P.E.                      Velma Laws                      Michael Ho, P.E.                      File No. 10575 - 23.0

*[Faint handwritten initials]*

**CITY OF HOUSTON  
Contract Compliance Section  
Verification of MWDBE Participation**

Clearance Request Date: March 31, 2005

CCO Assigned: Siria Harbour

Project Description/#: Water #10575 - Water line along Beamer Road: Dixie Farm Road to W. Bay Area. S-0900-78-3. #54082

Prime Contractor: Contractor Technology, Ltd.

MWDBE Goal: 17% Contract Amount: \$6,160,627.93

MWDBE	Phone Number	Type of Services	Amount Paid Per Prime	Amount Paid Per MWDBE	Retainage Held	Verified By:
J. A. Gamez Trucking Services	281-359-6857	trucking	\$27,975.00	\$25,920.00	\$0.00	B2GNOW & Final M. Letter
The Houston Flaglady, Inc.	713-699-2761	flagging	\$130,930.00	\$135,555.00	\$0.00	B2GNOW & Final M. Letter
Deanie Hayes, Inc.	281-392-2183	sand supplier	\$2,050,489.25	⊗ \$523,653.37	\$0.00	B2GNOW & Final M. Letter
Global Welding Services	281-787-0950	welding	\$160,118.51	\$160,118.51	\$0.00	No response
<b>Total:</b>			<b>\$2,369,512.76</b>	<b>\$845,246.88</b>	<b>\$0.00</b>	

**COMMENTS:**

⊗ Only 50% of the goal can be used for supplies. So we can only take \$523,653.37 of the \$2,050,489.25 paid to Deanie Hayes for supplies.

Total contract \$6,160,627.93 x 17% = (\$1,047,306.48 :2 = \$523,653.37)

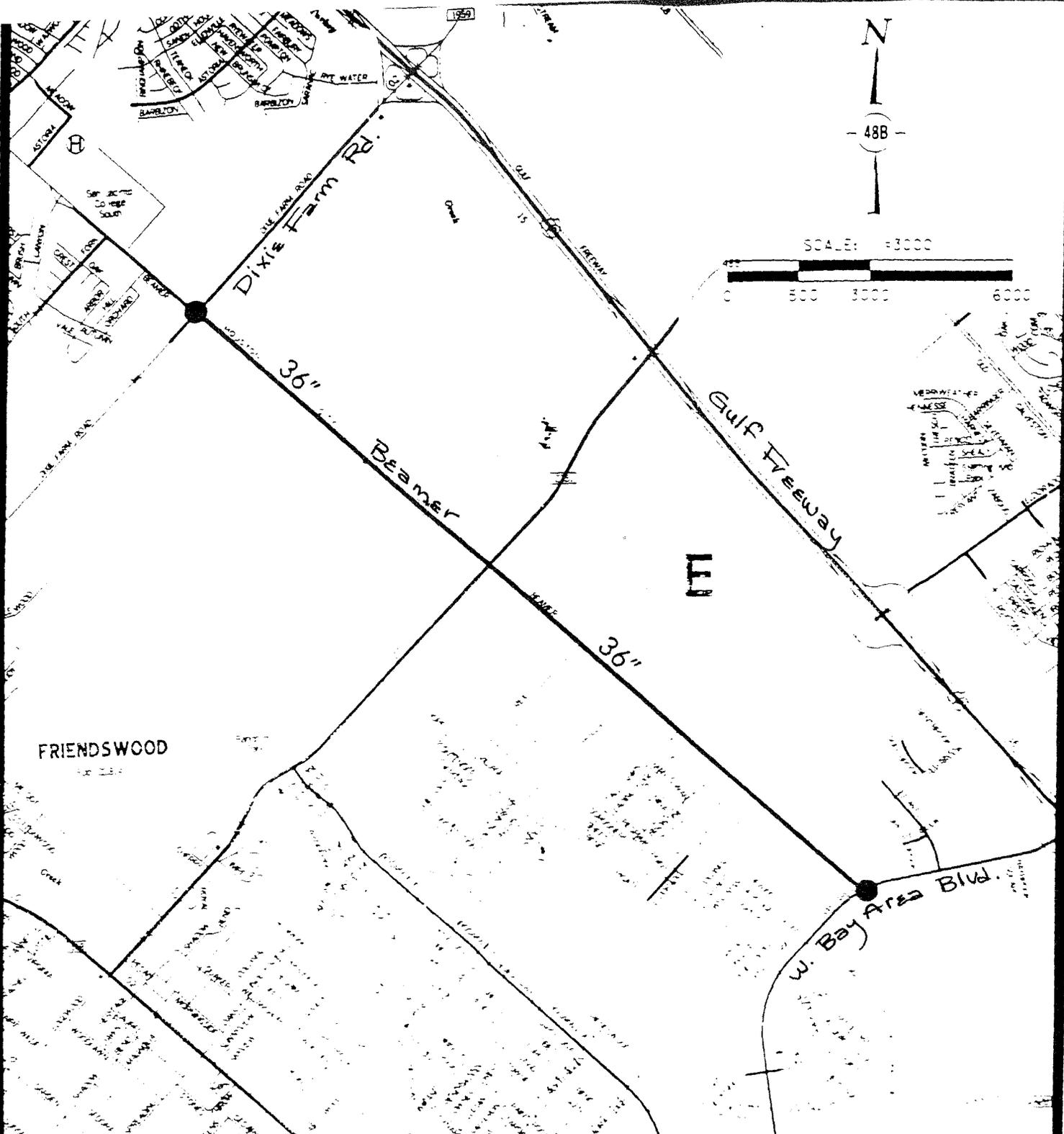
Actual Participation: 13.72%  
Prepared By: Siria Harbour

Date Submitted: April 12, 2005  
Date Completed: April 12, 2005

## Contractor Technology, Inc. Project Closed in Five Years to Date

As of February 20, 2007

Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
Binz Street paving from Alameda Road to South Main. N-0611A-35-2	\$3,161,144.22	17%	17.26%	06/25/02	Satisfactory
Fairbanks North Houston Road from Hempstead to Northwest Freeway. N-0585-01-3	\$3,923,442.24	17%	17.58%	11/27/01	Satisfactory
Frostwood East Drainage improvements. M-1001-02-3	\$6,172,457.99	17%	30.98%	01/21/04	Outstanding
Guhn Road Street widening & drainage improv.; U.S. 290 to West Little York. N-06411-15-3	\$2,007,991.70	17%	16.06%	11/29/01	Satisfactory
Kirkwood Road pavement improv.; Bissonnet Street to Bellaire Blvd. N-0575-01-3	\$8,559,577.89	17%	14.71%	07/28/05	Unsatisfactory
Lyons Avenue paving from Waco to Railroad East of Sakowitz. N-0719-01-3	\$2,881,135.92	17%	14.91%	09/16/03	Unsatisfactory
Mesa Drive Reconstruction, contract "A" - Northeast Houston. N-0680-01-3	\$5,947,737.39	17%	19.52%	02/24/05	Outstanding
North Braeswood from Stella Link to South Main. N-0644-11-3	\$4,771,031.92	17%	17.23%	04/03/01	Satisfactory
NSR #429A & #430 - Phase II at various streets in Spring Wood Subdivision. N-0362-43-3	\$8,018,837.55	17%	20.19%	03/15/04	Outstanding
NSR #432A - Phase I: Alta Vista, Floral, Hemlock, etc. N-0364-02-3	\$3,780,495.33	17%	15.05%	12/19/02	Satisfactory
NSR #433 - Westwood, Hillendahl Boulevard, Waterbury. N-0365-03-3	\$4,187,095.31	17%	18.97%	04/04/01	Outstanding
NSR #433 - Monarch Oaks Subdivision, phase I, N-0365-01-3	\$4,384,491.52	10%	12.42%	03/02/00	Outstanding
NSR #437 - Afton Oaks Subdivision, neighborhood street reconstruction. N-0369-01-3	\$4,979,228.04	17%	19.50%	09/13/02	Outstanding
NSR #437A - Reconstruction of various streets in Afton Oaks Subd. N-0369-02-3	\$8,499,829.01	17%	15.96%	03/18/05	Unsatisfactory
NSR #440 - Stella Link at Loop 610. N-0373-01-3	\$3,870,741.53	17%	19.19%	08/28/03	Outstanding
NSR #441A - Broadmoor, Oaklawn, Southcrest & S. Park Subdiv. N-0374-02-3	\$5,996,768.83	17%	22.53%	07/29/05	Outstanding
NSR #443 - Midtown, phase I: Helena, Oak Place, Hadley, etc. N-0376-01-3	\$1,337,358.01	10%	12.93%	07/27/99	Outstanding
NSR #443 - Midtown, phase II: Bagby Street, Baldwin Street, etc. N-0376-02-3	\$1,197,301.12	17%	31.70%	08/14/00	Outstanding
San Felipe widening from Buffalo Bayou to Briargrove. N-0565-02-3	\$4,475,685.03	17%	16.97%	08/29/05	Satisfactory
Water #10575 - WM along Beamer Rd: Dixie Farm Rd to W. Bay Area Blvd. S-0900-78-3	\$6,106,627.93	17%	13.84%	04/12/05	Unsatisfactory
Water #10601 - WM along Westview from Moritz to Campbell. S-0900-45-3	\$4,104,188.77	17%	21.28%	09/18/03	Outstanding
Water #10602 - Westview Drive and Blalock Road water line. S-0900-46-3	\$8,226,766.31	17%	14.29%	09/17/03	Unsatisfactory
Water #10633 - Victory: Ashmole Lane to Antoine Drive, contract 54A-2. S-0900-60-3	\$3,012,946.10	17%	16.42%	01/08/03	Satisfactory
Water #10634 - Victory, W. Little York, Langfield waterline, contract 54B-1. S-0900-61-3	\$7,004,889.51	17%	14.24%	03/27/03	Satisfactory
Water #10722 - WL along Elgin Boulevard, Calhoun Road. S-0035-88-3	\$2,521,238.21	17%	17.57%	06/09/05	Satisfactory
Westview Drive paving: Shadowdale to Gessner Road. N-0549-03-3	\$2,523,067.11	17%	24.09%	03/04/04	Outstanding



## CITY OF HOUSTON

19,000 L.F. OF 36" WATER LINE  
 ALONG BEAMER RD. FROM DIXIE FARM RD. TO  
 W. BAY AREA BLVD.

GFS NO. S-0900-78-2 (FILE NO. 10575)

PG. 02

Design Consultant: Other Infrastructure and Controls

Key Map: 616 M & 617 N, P. 1, 2, 3, 4, 5

**lan**  
 Lockwood, Andrews  
 & Newnam, Inc.

Shoepf & Hosoda

**SUTP**  
 Surface Water Transmission Program

95

MAR 21 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Finance and Administration Department, for sole source purchase of State Inspection Stickers for the Police Department, be adopted, and authority is hereby given to issue purchase order to Texas Department of Public Safety, in the total amount of \$46,900.00.

Seconded by Council Member Alvarado

Council Member Berry absent

On 3/7/07 the above motion was tagged by Council Member Holm.

mla



# TEXAS DEPARTMENT OF PUBLIC SAFETY

108B Denson • BOX 14900 • AUSTIN, TEXAS 78761-4900

512/424-2550

VEHICLE INSPECTION BUREAU

<http://www.txdps.state.tx.us/>



THOMAS A. DAVIS, JR.  
DIRECTOR

DAVID McBATYRON  
ASST. DIRECTOR

January 23, 2007



COMMISSIONER  
ERNEST ANGELO, JR.  
CHAIRMAN

LOUIS E. STURNS  
COMMISSIONER

The following is the current prices for inspection certificates in the Houston area. The prices are only good until TAVIS is implemented sometime this summer and then the cost per certificate/book will go up.

Type of Inspection	Beginning Alpha Character	Cost per Certificate	Cost per Book	Certificates per book
One Year Safety Only	K	\$5.50	\$275.00	50
Two Year Safety Only	W	\$14.75	\$737.50	50
Commercial/Windshield	T,U	\$20.00	\$200.00	10
Commercial/Decal	R,S	\$20.00	\$200.00	10
Trailer/Motorcycle	X	\$5.50	\$55.00	10
ASM Safety Emission	F,M	\$8.00	\$400.00	50
OBD Safety Emission	E,P	\$14.00	\$700.00	50
EM/Test only	V	\$2.50	\$25.00	10

*Sharon Ging*

Sharon Ging  
Administrative Assistant IV  
Vehicle Inspection Bureau



MOTION NO. 2007

Written MOTION by Council Member Lawrence to amend the proposed Ordinance amending Chapter 42 of the Code of Ordinances, Houston, Texas, relating to minimum building line and minimum lot size areas, as follows:

Amend Section 3 of the Ordinance so that the introductory paragraph of Subsection 42-163(e) shall read as follows:

(e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 70 percent of the structures in the area is the same as or farther from the street than. If the proposed special building line requirement area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:

On 3/7/07 the above motion was tagged by Council Members Lawrence, Wiseman, Lovell and Holm.

cr

# TONI LAWRENCE

HOUSTON CITY COUNCIL MEMBER DISTRICT A

## MOTION TO AMEND ITEM NO. 19 MARCH 7, 2007 CITY COUNCIL AGENDA

Amend Section 3 of the Ordinance so that the introductory paragraph of Subsection 42-163(e) shall read as follows:

(e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 70 percent of the structures in the area is the same as or farther from the street than. If the proposed special building line requirement area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:

<b>SUBJECT:</b> Ordinance approving amendments to Chapter 42 relating to minimum lot size and minimum building line.		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 96A #9
<b>FROM (Department or other point of origin):</b> Planning and Development Department		<b>Origination Date</b> February 21, 2007		<b>Agenda Date</b> MAR 07 2007 MAR 21 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Ms Marlene A. Gafnick</i>		<b>Council District affected:</b> All		
<b>For additional information contact: Marlene Gafnick</b> Phone: 713-837-7760		<b>Date and identification of prior authorizing Council action:</b> 3/24/99, Ord. No. 99-262 12/12/01, Ord. No. 2001-1100		
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance to amend Chapter 42 relating to Section 42-183 minimum lot size and Section 42-163 minimum building line				
<b>Amount and Source of Funding:</b> NA			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> The Houston Planning Commission's Neighborhood Preservation Subcommittee made recommendations to the Houston Planning Commission regarding establishing minimum lot size and building line areas. Houston Planning Commission held a public hearing on these amendments and approved them on December 14, 2006. They were considered by the Council Committee for Regulation, Development and Neighborhood Protection on December 18, 2006 and again on February 19, 2007. A public hearing was held by City Council on January 10, 2007. The following changes are proposed:				
<ol style="list-style-type: none"> <li>1. Limit the proposed boundaries of a lot size/building line area to no more than two opposing blockfaces.</li> <li>2. Change the protest period from 15 to 30 days.</li> <li>3. Make the building line residential percentage consistent with the minimum lot size residential percentage and eliminate public, educational or institutional land uses from the calculation.</li> <li>4. Change the criteria for determining the minimum building line based upon the actual building line at which at least 60% of the structures are constructed.</li> <li>5. Determine the minimum lot size by calculating the proposed minimum standard met by 70% of the area except in Historic Districts which would be calculated at 60%.</li> </ol>				
cc: Marty Stein Arturo Michel, City Attorney Deborah McAbee, City Legal Dr. Carol Lewis, Houston Planning Commission				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>



# CITY OF HOUSTON

Planning & Development  
Department

## Interoffice

Correspondence

To: Mayor and Council

From: *MLG*  
Marlene L. Gafrick, Director

Date: March 13, 2007

Subject: **AMENDMENTS TO CHAPTER 42**

There was discussion at Council this last week regarding amendments to the minimum lot size and building line. An amendment was offered that would bring the percentage used to determine the building line equal to the percentage used to determine the lot size (70% and 60% in historic districts). The Planning Department does not object to this amendment. The Department reviewed the last 10 building line applications submitted which contained a total of 18 blockfaces. In reviewing what difference it would make to change from 60% to 70%, the Department found that in 10 blocks there was no difference; in seven blocks it would only change by one foot and in one block it would change by two feet. We believe that keeping the percentages the same between applications is acceptable.

We established the lower threshold (60%) in historic districts after discussion at public hearing before Council. It was suggested that this lower percentage would actually serve as an incentive and encourage areas to consider designation as a historic district.

The new requirements would limit each application to one blockface. For each blockface that applies and is approved, there is no opt-out. However, this does not affect land use or anyone's mortgage. It simply sets minimum standards below which lots cannot be subdivided or structures built closer to the right-of-way.

Within six-months we will report to City Council on extending the rules outside Loop 610 and criteria. We will also report our experience processing applications under the new guidelines and advise whether we need to make any amendments. There are more than 30 applicants lining up to apply once the new guidelines are adopted of which 20 are within one neighborhood. Waiting to implement the area outside Loop 610 will help us balance our workload with the anticipated demand.

If you have any questions or would like to meet with me further on these amendments, please call me at x7-7760.

MLG:sdh

*W*

79  
~~MAR 07 2007~~

**<PROPOSED AMENDMENTS TO CHAPTER 42  
SPECIAL BUILDING LINES AND MINIMUM LOT SIZES>**

**Sec. 42-1. Definitions.**

*Blockface* shall mean that portion of a block that abuts a street between two intersecting streets <, or between an intersecting street and the termination of the street>.

*Lot* shall mean: (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; ~~{or}~~ (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development <, or (3) in the context of an application for special building line requirement area under section 42-163 of this Code or for minimum lot size area under section 42-194 of this Code, contiguous land under common ownership, as shown on the most recently approved ad valorem tax rolls of the city, that is used or developed as a unit for residential or nonresidential uses, regardless of whether the land consists of a platted lot or a portion of a platted lot or a combination thereof. Two or more platted lots that have been combined in their entireties as a single building site shall not constitute a single lot under item (3) of this definition for purpose of applying a minimum lot size requirement.>

**Sec. 42-163. Preservation of ~~{prevailing}~~ building lines.**

(a) To preserve the <building line> character of existing blockfaces in residential neighborhoods in urban areas that do not have building lines established by deed restrictions, the building line requirement may be established pursuant to this section through the creation of a special building line requirement area, and a special building line requirement so created will prevail over any more lenient building line requirement established by this article. ~~{A building line requirement established pursuant to this section shall not be established that is greater than the prevailing building line of the blockface.}~~ A blockface qualifies for establishment of a special building line requirement pursuant to this section unless all lots on the blockface are subject to a deed restriction establishing a uniform front building line for the blockface.

(b) The establishment of a special building line requirement area shall be initiated by application to the director in the form prescribed by the department. The application shall include the following:

- (1) The proposed boundaries of the special building line requirement area, which shall be no less than one blockface <, nor more than two opposing blockfaces>;

- (2) A map or sketch showing the address and land use for all lots within the proposed special building line requirement area;
- (3) Data for each lot within the proposed special building line requirement area showing the distance from the front property line to each building on the lot;
- (4) A petition signed by at least one owner of property proposed to be included within the special building line requirement area; and
- (5) Evidence of support from the owners of property within the proposed special building line requirement area.

(c) ~~{Within ten days after receipt of a complete}~~ <The director shall initially review each> application for the creation of a special building line requirement area <to determine whether it is complete and shall indicate the date on which the application was determined to be complete. The director shall return an incomplete application with an explanation of the deficiencies. Within ten days after determining that an application for the creation of a special building line requirement area is complete>, the director shall give notice of the application for the creation of a special building line requirement to the owners of property within the proposed special building line requirement area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed special ~~{prevailing}~~ building line requirement area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special building line requirement area may protest the application for special building line requirement area by filing a protest with the department within ~~{15}~~ <30> days of the date of the notice letter.

(e) <The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line.> The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:

- (1) The application satisfies each of the criteria of subsection (g);
- (2) The petition was signed by the owners of 51 percent or more of the ~~{lots or tracts within the}~~ area proposed ~~{for}~~ <to be included within the> special building line requirement area; and

- (3) A timely protest of the establishment of the special building line requirement area was not filed by any property owner within the proposed special building line requirement area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special building line requirement area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special building line requirement area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special building line requirement area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special building line requirement area. The commission shall recommend the establishment of a proposed special building line requirement area if it finds that the application satisfies each of the following criteria:

- (1) The boundaries of the proposed special building line requirement area will include all properties within at least one blockface <and no more than two opposing blockfaces>;
- (2) More than ~~{50}~~ <60> percent of the ~~{lots}~~ <area> to be included within the proposed special building line requirement area ~~{are}~~ <, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is> developed with single-family residential units;
- (3) That the applicant has demonstrated sufficient support for the establishment of the proposed special building line requirement area to warrant the establishment of the area;
- (4) That the establishment of the proposed special building line requirement area will further the goal of preserving the ~~{prevailing}~~ building line character of the area; and
- (5) That the proposed special building line requirement area has a ~~{prevailing constructed building line. If department analysis demonstrates that less than 25 percent of the single-family residential properties within the proposed special building line area have a constructed building line measured from the~~

~~property line to the closest point of any building on the property, including garages and carports, that varies by more than five feet from the most frequent constructed building line, the proposed special building line requirement area shall be deemed to have a prevailing building line, which shall be the most frequently occurring constructed building line.}~~ <building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.>

The commission shall not recommend the establishment of a proposed special building line requirement area <if it finds that the application does not satisfy each of the above criteria.> The director shall forward to the city council each commission recommendation for the establishment of a special building line requirement area. If the commission does not recommend the establishment of a special building line requirement area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special building line requirement area, the city council shall consider the recommendations of <the director or> the commission <, as applicable.> and the criteria in subsection (g). The city council shall establish each proposed special building line requirement area by ordinance, which shall specify ~~{that the prevailing constructed building line shall be}~~ the building line requirement for the ~~{special building line requirement}~~ area. The director shall file for recordation in the real property records of the county or counties in which the special building line requirement area is located the ordinance designating the special building line requirement area.

(i) The special building line requirement area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier terminated by an ordinance adopted by the city council.

(j) The following rules shall govern the issuance of building permits and the approval of subdivision plats and development plats before and after an application for establishment of a special building line requirement area is filed with the department.

- (1) If a complete, valid building permit, subdivision plat or development plat application is filed before the time an application for the establishment of a special building line requirement area is filed with the department, the application shall not be subject to the special building line requirement;
- (2) If a complete, valid building permit, subdivision plat or development plat application is filed after the time an application for the establishment of a

special building line requirement area is filed with the department, the application will be subject to the special building line requirement unless:

- a. The director determines that the application for the establishment of a special building line requirement area is not complete; or
  - b. The ~~{department analysis pursuant to item (5) of subsection 42-163(g) of this Code demonstrates}~~ <director determines> that the proposed special building line requirement area does not have a ~~{prevailing}~~ constructed building line <that meets the requirements of section 42-163(e) of this Code or the application does not meet the requirements of section 42-163(g) of this Code>.
- (3) If a complete, valid building permit, subdivision plat or development plat application is filed after the time a complete application for the establishment of a special building line requirement area is filed with the department, the building permit, subdivision plat or development plat shall not be approved pending completion of action on the application unless it meets the ~~{prevailing}~~ building line determined by the ~~{department}~~ <director> pursuant to ~~{paragraph (5) of subsection 42-163(g)}~~ <section 42-163(e)> of this Code.

Notwithstanding the provisions of items (2) and (3) of this subsection, if the city council has not completed action on the special building line requirement area application 180 days after the filing of a complete, valid building permit, subdivision plat or development plat application, the building permit, subdivision plat or development plat application shall not be subject to the special building line requirement.

**Sec. 42-183. Lot sizes--Single-family residential--Urban area.**

- (a) The minimum lot size for a single-family residential lot in an urban area shall be:
- (1) 3,500 square feet for lots with wastewater collection service;
  - (2) Less than 3,500 square feet for lots with wastewater collection service, but in no event less than 1,400 square feet, if the subdivision plat meets the standards of:
    - a. Subsection (b); or
    - b. Sections 42-184 and 42-185 of this Code;~~{or~~
- }
- (3) The minimum requirement of section 42-181 of this Code for lots without wastewater collection service< or

(4) The minimum lot size established pursuant to section 42-194 of this Code, which shall control over all other provisions of this section.>{.}

(b) A subdivision in an urban area may provide for a single-family lot size of less than 3,500 square feet, but not less than 1,400 square feet, if the subdivision plat meets the following development standards:

(1) For a subdivision that is not the replat of a lot on a corner at the intersection of two public streets:

- a. Buildings do not cover more than 60% of the area of each lot that is less than 3,500 square feet in size;
- b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;
- c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat; and
- d. All lots have adequate wastewater collection service; or

(2) For a subdivision that is solely a replat of a lot on a corner at the intersection of two public streets:

- a. Buildings do not cover more than 75% of the area of each lot that is less than 3,500 square feet in size, on average of the lots in the subdivision;
- b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;
- c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat;
- d. All lots in the subdivision have adequate wastewater collection service.

**Sec. 42-~~213. Preservation of prevailing lot sizes.~~ <194. Lot sizes -- urban area -- special minimum lot size area.>**

(a) To preserve the <lot size> character of existing residential neighborhoods in urban areas that do not have minimum lot size established by deed restrictions, the minimum lot size may be established pursuant to this section through the creation of a special minimum lot size area, and a minimum lot size so created will prevail over any lesser minimum lot size established by this article. ~~{ A minimum lot size established pursuant to this section shall not be established that is greater than the prevailing lot size of the area to be designated.}~~ An area qualifies for establishment of a special minimum lot size pursuant to this section unless all lots in the area to be designated are subject to a deed restriction establishing a uniform minimum lot size for the area.

(b) The establishment of a special minimum lot size area shall be initiated by application to the department in the form prescribed by the director. The application shall include the following:

- (1) The proposed boundaries of the special minimum lot size area, which shall be no less than one blockface <and no more than two opposing blockfaces>;
- (2) A map or sketch showing the address and land use for all lots within the proposed special minimum lot size area;
- (3) Data for each lot within the proposed special minimum lot size area showing the actual size of each lot;
- (4) A petition signed by at least one owner of property proposed to be included within the special minimum lot size area; and
- (5) Evidence of support from the owners of property within the proposed special minimum lot size area.

(c) ~~{Within ten days after receipt of a complete}~~ <The director shall initially review each> application for the creation of a special minimum lot size area <to determine whether it is complete and shall indicate the date on which the application was determined to be complete. The director shall return an incomplete application with an explanation of the deficiencies. Within ten days after determining that an application for the creation of a special minimum lot size area is complete>, the director shall give notice of the application for the creation of a special minimum lot size area to the owners of property within the proposed special minimum lot size area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed minimum lot size area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special minimum lot size area may protest the application for special minimum lot size area by filing a protest with the department within ~~{15}~~ <30> days of the date of the notice letter.

(e) <The director shall determine the minimum lot size for each proposed special minimum lot size area, which shall be the largest existing lot size that lots in 70 percent of the area proposed to be included in the special minimum lot size area are equal to or greater than. If the proposed special minimum lot size area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the minimum lot size shall be the largest existing lot size that lots in 60 percent of the area proposed to be included in the special minimum lot size area are equal to or greater than.> The director shall approve the application for establishment of a special minimum lot size area upon determining that each of the following conditions exist:

- (1) The application satisfies each of the criteria of subsection (g);
- (2) The petition was signed by the owners of 51 percent or more of the ~~{lots or tracts within the}~~ area proposed ~~{for}~~ <to be included within the> special minimum lot size area; and
- (3) A timely protest of the establishment of the special minimum lot size area was not filed by any property owner within the proposed minimum lot size area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special minimum lot size area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special minimum lot size area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special minimum lot size area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special minimum lot size area. The commission shall recommend the establishment of a proposed special minimum lot size area if it finds that the application satisfies each of the following criteria:

- (1) The boundaries of the proposed special minimum lot size area will include all properties within at least one blockface <and no more than two opposing blockfaces>;
- (2) At least 60 percent of the ~~{lots}~~ <area> to be included within the proposed special minimum lot size area ~~{are}~~ <, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is> developed with or are restricted to not more than two single-family residential units per lot;
- (3) That the applicant has demonstrated sufficient support for the establishment of the proposed special minimum lot size area to warrant the establishment of the area;
- (4) That the establishment of the proposed special minimum lot size area will further the goal of preserving the ~~{prevailing}~~ lot size character of the area; and
- (5) That the proposed special minimum lot size area has a ~~{prevailing lot size. A prevailing lot size shall exist when 75 percent of the lots exclusive of corner lots in the area have a size that does not vary by more than ten percent from the average size of the lots within the proposed special minimum lot size area}~~ <lot size character that can be preserved by the establishment of a minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

The commission shall not recommend the establishment of a proposed special minimum lot size requirement area if it finds that the application does not satisfy each of the above criteria. The director shall forward to the city council each commission recommendation for the establishment of a special minimum lot size area. If the commission does not recommend the establishment of a special minimum lot size area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special minimum lot size area, the city council shall consider the recommendations of the director ~~{of}~~ <or> the commission, as applicable, and the criteria in subsection (g). The city council shall establish each proposed special minimum lot size area by ordinance, which shall specify ~~{that the prevailing lot size shall be}~~ the minimum lot size for the ~~{special minimum lot size}~~ area. The director shall file for recordation in the real property records of the county or counties in which the special minimum lot size area is located the ordinance designating the special minimum lot size area.

(i) The special minimum lot size area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier terminated by an ordinance adopted by the city council.

(j) The following rules shall govern approval of subdivision plats before and after an application for establishment of a minimum lot size area is filed with the department.

- (1) If a complete, valid subdivision plat application is filed before the time an application for the establishment of a minimum lot size area is filed with the department, the subdivision plat application shall not be subject to the special minimum lot size.
- (2) If a complete, valid subdivision plat application is filed after the time an application for the establishment of a minimum lot size area is filed with the department, the subdivision plat application will be subject to the special minimum lot size unless:
  - a. The director determines that the application for the establishment of a special minimum lot size area is not complete; or
  - b. ~~The {department analysis pursuant to item (5) of subsection 42-213(g) of this Code demonstrates}~~ <director determines> that the proposed special minimum lot size area does not have a ~~{prevailing lot size;}~~ <lot size that meets the requirements of section 42-194(e) of this Code or the application does not meet the requirements of section 42-194(g) of this Code.>
- (3) If a complete, valid subdivision plat application is filed after the time a complete application for the establishment of a special minimum lot size area is filed with the department, the subdivision plat shall not be approved pending completion of action on the ~~{prevailing}~~ lot size application unless it meets the ~~{prevailing}~~ <minimum> lot size determined by the ~~{department}~~ <director> pursuant to ~~{paragraph (5) of subsection 42-213(g)}~~ <section 42-194(e)> of this Code.

Notwithstanding the provisions of items (2) and (3) of this subsection, if the city council has not completed action on the special minimum lot size area application 180 days after the filing of the subdivision plat application, the subdivision plat application shall not be subject to the special minimum lot size.

City of Houston, Texas, Ordinance No. 2007-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO MINIMUM BUILDING LINE AND MINIMUM LOT SIZE AREAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

**WHEREAS**, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

**WHEREAS**, the City may, under the provisions of Chapter 212 of the Texas Local Government Code ("Chapter 212"), establish by ordinance general rules and regulations governing plats and subdivisions of land within its corporate limits and area of extraterritorial jurisdiction in order to promote the health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful development of the City; and

**WHEREAS**, the City may, under the provisions of Chapter 212, establish by ordinance general rules and regulations governing development plats of land within its corporate limits and area of extraterritorial jurisdiction in order to promote the health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful

development of the City; and

**WHEREAS**, the City heretofore established rules and regulations governing (1) plats and subdivisions of land and (2) development plats within its corporate limits and area of extraterritorial jurisdiction that are codified in Chapter 42 of the Code of Ordinances, Houston, Texas ("Chapter 42"); and

**WHEREAS**, the City Council finds that it is appropriate and desirable to adopt certain amendments to Chapter 42 in order to promote the public health, safety, morals and general welfare of the City; and

**WHEREAS**, on December 14, 2006, the Planning Commission held a public hearing on the proposed amendments to Chapter 42; and

**WHEREAS**, on January 10, 2007, the City Council held a public hearing on the proposed amendments to Chapter 42; and

**WHEREAS**, the City Council finds that all procedural requirements necessary for the adoption of amendments to Chapter 42 have been complied with and satisfied; **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 Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of "blockface," and "lot," respectively, to read as follows:

"*Blockface* shall mean that portion of a block that abuts a street between two intersecting streets, or between an intersecting street and the termination of the street."

"*Lot* shall mean: (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development; or (3) in the context of an application for special building line requirement area under section 42-163 of this Code or for minimum lot size area under section 42-194 of this Code, contiguous land under common ownership, as shown on the most recently approved ad valorem tax rolls of the city, that is used or developed as a unit for residential or nonresidential uses, regardless of whether the land consists of a platted lot or a portion of a platted lot or a combination thereof. Two or more platted lots that have been combined in their entireties as a single building site shall not constitute a single lot under item (3) of this definition for the purpose of applying a minimum lot size requirement."

**Section 3.** That Section 42-163 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 42-163. Preservation of building lines.**

(a) To preserve the building line character of existing blockfaces in residential neighborhoods in urban areas that do not have building lines established by deed restrictions, the building line requirement may be established pursuant to this section through the creation of a special building line requirement area, and a special building line requirement so created will prevail over any more lenient building line requirement established by this article. A blockface qualifies for establishment of a special building line requirement pursuant to this section unless all lots on the blockface are subject to a deed restriction establishing a uniform front building line for the blockface.

(b) The establishment of a special building line requirement area shall be initiated by application to the director in the form prescribed by the department. The application shall include the following:

- (1) The proposed boundaries of the special building line requirement area, which shall be no less than one blockface,

nor more than two opposing blockfaces;

- (2) A map or sketch showing the address and land use for all lots within the proposed special building line requirement area;
- (3) Data for each lot within the proposed special building line requirement area showing the distance from the front property line to each building on the lot;
- (4) A petition signed by at least one owner of property proposed to be included within the special building line requirement area; and
- (5) Evidence of support from the owners of property within the proposed special building line requirement area.

(c) The director shall initially review each application for the creation of a special building line requirement area to determine whether it is complete and shall indicate the date on which the application was determined to be complete. The director shall return an incomplete application with an explanation of the deficiencies. Within ten days after determining that an application for the creation of a special building line requirement area is complete, the director shall give notice of the application for the creation of a special building line requirement to the owners of property within the proposed special building line requirement area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed special building line requirement area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special building line requirement area may protest the application for special building line requirement area by filing a protest with the department within 30 days of the date of the notice letter.

(e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The

constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:

- (1) The application satisfies each of the criteria of subsection (g);
- (2) The petition was signed by the owners of 51 percent or more of the area proposed to be included within the special building line requirement area; and
- (3) A timely protest of the establishment of the special building line requirement area was not filed by any property owner within the proposed special building line requirement area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special building line requirement area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special building line requirement area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special building line requirement area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special building line requirement area. The commission shall recommend the establishment of a proposed special building line requirement area if it finds that the application satisfies each of the following criteria:

- (1) The boundaries of the proposed special building line requirement area will include all properties within at least one blockface and no more than two opposing blockfaces;

- (2) More than 60 percent of the area to be included within the proposed special building line requirement area, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is developed with single-family residential units;
- (3) That the applicant has demonstrated sufficient support for the establishment of the proposed special building line requirement area to warrant the establishment of the area;
- (4) That the establishment of the proposed special building line requirement area will further the goal of preserving the building line character of the area; and
- (5) That the proposed special building line requirement area has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

The commission shall not recommend the establishment of a proposed special building line requirement area if it finds that the application does not satisfy each of the above criteria. The director shall forward to the city council each commission recommendation for the establishment of a special building line requirement area. If the commission does not recommend the establishment of a special building line requirement area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special building line requirement area, the city council shall consider the recommendations of the director or the commission, as applicable and the criteria in subsection (g). The city council shall establish each proposed special building line requirement area by ordinance, which shall specify the building line requirement for the area. The director shall file for recordation in the real property records of the county or counties in which the special building line requirement area is located the ordinance designating the special building line requirement area.

(i) The special building line requirement area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier terminated by an ordinance adopted by the city council.

(j) The following rules shall govern the issuance of building permits and the approval of subdivision plats and development plats before and after an application for establishment of a special building line requirement area is filed with the department.

- (1) If a complete, valid building permit, subdivision plat or development plat application is filed before the time an application for the establishment of a special building line requirement area is filed with the department, the application shall not be subject to the special building line requirement;
- (2) If a complete, valid building permit, subdivision plat or development plat application is filed after the time an application for the establishment of a special building line requirement area is filed with the department, the application will be subject to the special building line requirement unless:
  - a. The director determines that the application for the establishment of a special building line requirement area is not complete; or
  - b. The director determines that the proposed special building line requirement area does not have a constructed building line that meets the requirements of section 42-163(e) of this Code or the application does not meet the requirements of section 42-163(g) of this Code.
- (3) If a complete, valid building permit, subdivision plat or development plat application is filed after the time a complete application for the establishment of a special building line requirement area is filed with the department, the building permit, subdivision plat or development plat shall not be approved pending completion of action on the application unless it meets the building line determined by the director pursuant to section 42-163(e) of this Code.

Notwithstanding the provisions of items (2) and (3) of this subsection, if the

city council has not completed action on the special building line requirement area application 180 days after the filing of a complete, valid building permit, subdivision plat or development plat application, the building permit, subdivision plat or development plat application shall not be subject to the special building line requirement.”

**Section 4.** That Subsection (a) of Section 42-183 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) The minimum lot size for a single-family residential lot in an urban area shall be:

- (1) 3,500 square feet for lots with wastewater collection service;
- (2) Less than 3,500 square feet for lots with wastewater collection service, but in no event less than 1,400 square feet, if the subdivision plat meets the standards of:
  - a. Subsection (b); or
  - b. Sections 42-184 and 42-185 of this Code;
- (3) The minimum requirement of section 42-181 of this Code for lots without wastewater collection service; or
- (4) The minimum lot size established pursuant to section 42-194 of this Code, which shall control over all other provisions of this section.”

**Section 5.** That Chapter 42 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new section 42-194, which shall read as follows:

**“Sec. 42-194. Lot sizes -- urban area -- special minimum lot size area.**

(a) To preserve the lot size character of existing residential neighborhoods in urban areas that do not have minimum lot size established by deed restrictions, the minimum lot size may be established pursuant to this section through the creation of a special minimum lot size area, and a minimum lot size so created will prevail over any lesser minimum lot size established by this article. An area qualifies for establishment of a special minimum lot size pursuant to this section unless all lots in the area to be

designated are subject to a deed restriction establishing a uniform minimum lot size for the area.

(b) The establishment of a special minimum lot size area shall be initiated by application to the department in the form prescribed by the director. The application shall include the following:

- (1) The proposed boundaries of the special minimum lot size area, which shall be no less than one blockface and no more than two opposing blockfaces;
- (2) A map or sketch showing the address and land use for all lots within the proposed special minimum lot size area;
- (3) Data for each lot within the proposed special minimum lot size area showing the actual size of each lot;
- (4) A petition signed by at least one owner of property proposed to be included within the special minimum lot size area; and
- (5) Evidence of support from the owners of property within the proposed special minimum lot size area.

(c) The director shall initially review each application for the creation of a special minimum lot size area to determine whether it is complete and shall indicate the date on which the application was determined to be complete. The director shall return an incomplete application with an explanation of the deficiencies. Within ten days after determining that an application for the creation of a special minimum lot size area is complete, the director shall give notice of the application for the creation of a special minimum lot size area to the owners of property within the proposed special minimum lot size area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed minimum lot size area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special minimum lot size area may protest the application for special minimum lot size area by filing a protest with the department within 30 days of the date of the notice letter.

(e) The director shall determine the minimum lot size for each proposed special minimum lot size area, which shall be the largest existing lot size that lots in 70 percent of the area proposed to be included in the special minimum lot size area are equal to or greater than. If the proposed special minimum lot size area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the minimum lot size shall be the largest existing lot size that lots in 60 percent of the area proposed to be included in the special minimum lot size area are equal to or greater than. The director shall approve the application for establishment of a special minimum lot size area upon determining that each of the following conditions exist:

- (1) The application satisfies each of the criteria of subsection (g);
- (2) The petition was signed by the owners of 51 percent or more of the area proposed to be included within the special minimum lot size area; and
- (3) A timely protest of the establishment of the special minimum lot size area was not filed by any property owner within the proposed minimum lot size area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special minimum lot size area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special minimum lot size area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special minimum lot size area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special minimum lot size area. The commission shall recommend the establishment of a proposed special minimum lot size area if it finds that the application satisfies each of the following criteria:

- (1) The boundaries of the proposed special minimum lot size area will include all properties within at least one blockface and no

more than two opposing blockfaces;

- (2) At least 60 percent of the area to be included within the proposed special minimum lot size area, exclusive of land used for a park, library, place of religious assembly or a public or private elementary, middle, junior high or high school, is developed with or are restricted to not more than two single-family residential units per lot;
- (3) That the applicant has demonstrated sufficient support for the establishment of the proposed special minimum lot size area to warrant the establishment of the area;
- (4) That the establishment of the proposed special minimum lot size area will further the goal of preserving the lot size character of the area; and
- (5) That the proposed special minimum lot size area has a lot size character that can be preserved by the establishment of a minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.

The commission shall not recommend the establishment of a proposed special minimum lot size requirement area if it finds that the application does not satisfy each of the above criteria. The director shall forward to the city council each commission recommendation for the establishment of a special minimum lot size area. If the commission does not recommend the establishment of a special minimum lot size area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special minimum lot size area, the city council shall consider the recommendations of the director or the commission, as applicable, and the criteria in subsection (g). The city council shall establish each proposed special minimum lot size area by ordinance, which shall specify the minimum lot size for the area. The director shall file for recordation in the real property records of the county or counties in which the special minimum lot size area is located the ordinance designating the special minimum lot size area.

(i) The special minimum lot size area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier

terminated by an ordinance adopted by the city council.

(j) The following rules shall govern approval of subdivision plats before and after an application for establishment of a minimum lot size area is filed with the department.

- (1) If a complete, valid subdivision plat application is filed before the time an application for the establishment of a minimum lot size area is filed with the department, the subdivision plat application shall not be subject to the special minimum lot size.
- (2) If a complete, valid subdivision plat application is filed after the time an application for the establishment of a minimum lot size area is filed with the department, the subdivision plat application will be subject to the special minimum lot size unless:
  - a. The director determines that the application for the establishment of a special minimum lot size area is not complete; or
  - b. The director determines that the proposed special minimum lot size area does not have a lot size that meets the requirements of section 42-194(e) of this Code or the application does not meet the requirements of section 42-194(g) of this Code.
- (3) If a complete, valid subdivision plat application is filed after the time a complete application for the establishment of a special minimum lot size area is filed with the department, the subdivision plat shall not be approved pending completion of action on the lot size application unless it meets the minimum lot size determined by the director pursuant to Section 42-194(e) of this Code.

Notwithstanding the provisions of items (2) and (3) of this subsection, if the city council has not completed action on the special minimum lot size area application 180 days after the filing of the subdivision plat application, the subdivision plat application shall not be subject to the special minimum lot size.”

**Section 6.** That Section 42-213 of the Code of Ordinances, Houston, Texas, is hereby repealed.

**Section 7.** That any application for special building line requirement area or special minimum lot size area pending on the effective date of this Ordinance may be amended by the applicant to have the amendments effected by this Ordinance apply to such application; provided, however, that an application that includes more than two opposing blockfaces, as that term is defined in Section 42-1 of the Code of Ordinances, Houston, Texas, as amended by this Ordinance, shall be processed based on the number of blockfaces included in the original application, unless otherwise requested by the applicant, without regard to the limitations on the number of blockfaces that can be included in an application effected by this Ordinance.

**Section 8.** That the Director of the Planning and Development Department is hereby authorized to promulgate rules and guidelines for the implementation of the amendments effected by this Ordinance.

**Section 9.** That the Director of the Department of Planning and Development is hereby required to evaluate the amendments effected by this Ordinance and to report the results of the evaluation to the Mayor and the City Council as soon as practicable after the 180<sup>th</sup> day following the effective date of this Ordinance.

**Section 10.** 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 applicability 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 11.** 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; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

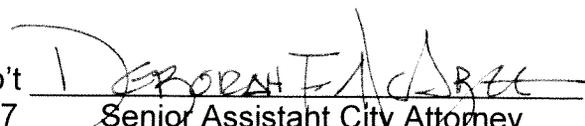
**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Mayor of the City of Houston

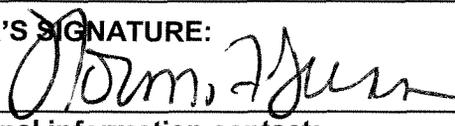
Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by the Legal Dep't  
DFM:dfm March 6, 2007

  
Senior Assistaht City Attorney  
Requested by Marlene L. Gafrick, Director, Planning & Development Department  
L.D. File No. 0619600037005

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<b>SUBJECT:</b> Revisions to the Master Classification Ordinance for City Employees		<b>Category</b> # 3	<b>Page</b> 1 of 2	<b>Agenda Item</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">                     # 97 <del>21</del> </div>								
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> February 28, 2007	<b>Agenda Date</b> MAR 21 2007 <del>MAR 07 2007</del>									
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> ALL										
<b>For additional information contact:</b> Candy Clarke Aldridge <i>cc</i> Phone: (713) 837-9333		<b>Date and identification of prior authorizing Council action:</b> Rev. to Ord. 90-1292 as amended by Ord. 2006-747										
<b>RECOMMENDATION: (Summary)</b> Approve the proposed revisions to the Master Classification Ordinance and Pay Structure to increase the maximums of the pay grades by 8% and to revise certain job classifications.												
<b>Amount of Funding</b> None			<b>F &amp; A Budget:</b> 									
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)												
<b>SPECIFIC EXPLANATION:</b> The Human Resources Department recommends the following changes to the Master Classification Ordinance.  <b>I. AMEND THE MASTER PAY STRUCTURE</b> The civilian pay grade structure, which is an important tool for city departments to recruit and retain qualified employees, needs to be amended to allow the City to pay more competitively with the market. It is recommended to increase the maximums of the pay structure by 8.0%. The last pay structure change was approved December 7, 2005. Master Pay Structure changes are on Exhibit B of the ordinance.  <b>II. AMEND THE MASTER CLASSIFICATION LISTING</b> The Human Resources Department recommends the following additions and revisions to the civilian Master Classification Listing. These additions and revisions, which can be found on Exhibit A of the ordinance, are primarily in response to input from client departments regarding their workforce needs.  <b>A. New Job Classifications</b> <table style="width:100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"><u>Proposed Job Title</u></th> <th style="text-align: left;"><u>Proposed Pay Grade</u></th> </tr> </thead> <tbody> <tr> <td>ERP Business Systems Analyst</td> <td>24</td> </tr> <tr> <td>Senior ERP Business Systems Analyst</td> <td>26</td> </tr> <tr> <td>ERP Business Systems Consultant</td> <td>28</td> </tr> </tbody> </table> <p>These will provide functional support in the implementation, configuration and maintenance of the SAP software on the City of Houston's ERP Business Support Team in the Information Technology Department.</p>					<u>Proposed Job Title</u>	<u>Proposed Pay Grade</u>	ERP Business Systems Analyst	24	Senior ERP Business Systems Analyst	26	ERP Business Systems Consultant	28
<u>Proposed Job Title</u>	<u>Proposed Pay Grade</u>											
ERP Business Systems Analyst	24											
Senior ERP Business Systems Analyst	26											
ERP Business Systems Consultant	28											
<b>REQUIRED AUTHORIZATION</b>												
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>								

**A. New Job Classifications (continued)**

<b>Proposed Job Title</b>	<b>Proposed Pay Grade</b>
Mobility Service Officer	12

It is recommended to create this classification that will direct and expedite traffic at congested areas and identify and report any traffic impediments.

<b>Proposed Job Title</b>	<b>Proposed Pay Grade</b>
Deputy Chief Policy Officer (Executive Level)	36
Assistant Chief Policy Officer (Executive Level)	32

It is recommended to create these key officer positions that will create, revise and advocate substantial City policy. These classifications are among those subject to the Mayor's and/or Chief Administrative Officer's review and approval prior to implementation of a personnel action.

**B. Job Classification Revisions**

<b>Current Job Title</b>	<b>Current Pay Grade</b>	<b>Proposed Pay Grade</b>
Senior Breastfeeding Peer Counselor	12	13
Senior Police Telecommunicator	16	17

It is recommended to increase the pay grades based on the reevaluation of these jobs using the City's quantitative job evaluation system.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary  
**RCA #**

<b>SUBJECT:</b> Legal Services Contract with Jackson Lewis LLP in connection with contract negotiations with the Houston Organization of Public Employees (H.O.P.E.)	<b>Category #</b>	<b>Page 1 of</b> 1	<b>Agenda Item #</b> 198/25
	<b>Origination Date</b> 3-2-07		<b>Agenda Date</b> <del>MAR 07 2007</del>

<b>FROM: (Department or other point of origin):</b> Legal Department	<b>Origination Date</b> 3-2-07	<b>Agenda Date</b> <del>MAR 07 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> MAR 21 2007
	ALL

<b>For additional information contact:</b> Arturo Michel Phone: (713) 247-1155	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**

Adopt an ordinance approving a legal services contract with Jackson Lewis LLP, Attorneys at Law, in connection with meet and confer contract negotiations with H.O.P.E.

<b>Amount of Funding:</b> \$120,000 FY 07 \$150,000 Maximum Contract Amount	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**  General Fund     Grant Fund     Enterprise Fund   

**SPECIFIC EXPLANATION:**

This request seeks Council approval for a legal services contract with the firm of Jackson Lewis LLP to assist the administration in its negotiation with the Houston Organization of Public Employees (H.O.P.E.) regarding a potential meet and confer agreement with the City's municipal employees. The scope of services to be provided is pre-negotiation preparation, strategy planning, and training, as well as representation of the City during actual negotiation sessions, contract drafting and review. The City is required to make good faith efforts to negotiate an agreement following Council's approval on December 6, 2006 of H.O.P.E. as the sole and exclusive bargaining agent for the covered employees.

The City Attorney recommends that Jackson Lewis LLP, Attorneys at Law, represent the City in this matter for the following reasons:

- 1) the firm is nationally acclaimed in the field of labor negotiations;
- 2) the firm has a local office and has agreed to represent the City at significantly discounted rates;
- 3) this is the first time the City of Houston, or any city in this state, will negotiate an employee association agreement that involves the number and widely disparate categories of employees involved in this negotiation, making outside expertise particularly important;
- 4) H.O.P.E.'s negotiator is expected to be a national labor union's lead negotiator;
- 5) the City Attorney will manage the proposed outside legal resources in an efficient manner by directing the activity of the lawyers on specific discrete tasks as needed and using the firm in a supporting role.

It is therefore requested that City Council approve and authorize a legal services contract with Jackson Lewis LLP, Attorneys at Law.

**REQUIRED AUTHORIZATION**

F&A Director:

99  
MAR 21 2007

MOTION NO. 2007 0263

MOTION by Council Member Johnson that the following item be postponed until March 21, 2007:

Item 36 - Recommendation from Director Building Services Department for approval to delegate authority to the Director Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City

Seconded by Council Member Garcia and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Green voting aye  
Nays none  
Council Member Berry absent

PASSED AND ADOPTED this 7th day of March, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is March 13, 2007.

  
City Secretary

<b>SUBJECT:</b> Delegate authority to Director of Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City.	Page 99 of 36	Agenda Item 3
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 2-23-07	<b>Agenda Date</b> <del>FEB 23 2007</del> MAR 07 2007 MAR 21 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 2/21/07	<b>Council Districts affected:</b> All
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Delegate authority to the director of the Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** The Building Services Department constructs numerous facilities that are complex and/or require short durations for completion. The success of these projects often result from factors other than price. Under the traditional competitive bid process of awarding the contract to the lowest responsible bidder, the City often does not obtain the best value for the work due to inexperienced or poor performing contractors, costly change orders and delays.

Chapter 271, Subchapter H of the Texas Local Government Code, permits the City to determine the alternative project delivery method, prior to advertising, that will provide the best value. The alternative project delivery methods include competitive sealed proposal, design-build, construction management at risk, construction management agency, and job order contracting. These alternative delivery methods allow the City to select the contractor that offers the best value to the City based on selection criteria and weighted ranking system published in the proposal documents. Selection is generally based on a combination of price and/or other factors that the City deems in its best interest, such as the contractor's experience in constructing similar projects, expertise in the specialized type of work being requested, experience in scheduling and project coordination, and the ability to complete projects on schedule and within budget.

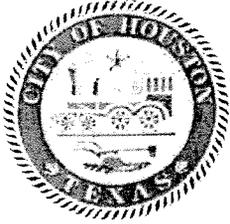
Therefore, it is recommended that City Council delegate authority to the director of the Building Services Department to determine which alternative project delivery method provides the best value for the City for the construction of Police, Fire, Parks, Public Works and Engineering, Solid Waste Management, Convention and Entertainment, Library, and Health facilities.

IZD:WTH:CC:JLN:cc

c: Marty Stein, Anna Russell, Jacquelyn L. Nisby, File

**REQUIRED AUTHORIZATION** CUIC ID # 25WTH30

<b>Building Services Department</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design & Construction Division	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# CITY OF HOUSTON

Building Services Department

## Interoffice

Correspondence

To: Marty Stein  
Agenda Director  
Mayor's Office

From: Issa Z. Dadoush, P.E., Director

Date: February 27, 2007

Subject: **Agenda Item 3 – Alternative Project  
Delivery Methods**

In 2001, the Texas Legislature passed Senate Bill 510, which authorized municipalities to use five alternative delivery methods, in addition to traditional competitive bid, for the construction of facilities. The five methods are: (1) Competitive Sealed Proposal (CSP); (2) Design/Build; (3) Construction Manager at Risk; (4) Job Order Contract (JOC); and (5) Construction Manager as Agent. These alternative delivery methods permit the City to select the construction method and contractor that will provide the *best value* to the City as opposed to selection based solely on the lowest bid.

The standard of *best value* authorizes the Building Services Department (BSD) to examine a contractor's experience and expertise and to establish a qualification-based selection process to help us select the best-qualified contractor for the project. While price is an important factor in construction projects, the traditional low bid method often does not produce the most qualified contractor or necessarily provide the *best value* for the work due to inexperienced or poor performing contractors, costly change orders and delays. In complex or time sensitive projects, the success or failure of the project largely depends on factors such as the contractor's expertise in the type of work being constructed, experience in scheduling, project coordination and the ability to complete a project on schedule and within budget, not just the lowest price. These alternative delivery methods allow the City to develop evaluation criteria, weigh the criteria by its relative importance and develop evaluation guidelines for interviewers. BSD must advertise the selection criteria, along with the relative weights assigned to each criterion, which affords each contractor the opportunity to tailor its submittal accordingly.

Currently, BSD is authorized to utilize CSP for facility construction projects estimated to be \$1 million or more and JOC. To utilize any of the other alternative delivery methods, BSD must obtain City Council approval. BSD has awarded three design/build projects - two libraries and one police station; several CSP projects; and three JOC contracts. The proposed Motion will grant BSD broader authority to determine which alternative project delivery method will provide the *best value*, without prior Council approval. Once a designer/contractor is selected, the contract will be presented to Council for approval.

BSD constructs numerous facilities that are complex and/or require short durations for completion. In analyzing which alternative delivery method will yield the *best value* to the City, BSD examines factors such as project size and scope, schedule duration, and cost. A decision is made based on the professional judgment of trained staff, with the approval of the Director.

**CSP** - is preferred for new projects and renovations that can proceed on a normal schedule and that have a defined project scope. CSP is similar to Competitive Bid except that proposals are used instead of bids, and the selection is made on qualifications, not just price. This method offers more flexibility in the selection of the contractor.

**Design/Build** – is preferred for new or renovation projects that are time-sensitive and would benefit from a single point of accountability. Under this method, the City contracts with a single entity to design and build the project. Design/Build provides a faster schedule for delivery because the contractor provides pre-construction assistance during the design phase, which leads to more cost effective designs and enhanced project coordination. Design/Build also allows for the possibility of phasing and early definition of and commitment to construction prices.

**Construction Manager at Risk** - is best suited for large new or renovation projects that are schedule sensitive and for which project scope may be difficult to define. It provides for an accelerated schedule for delivery because the City can select the contractor while the design is being completed. The Construction Manager provides pre-construction phase services during the design phase, which can control project cost, the need for change orders, and delays during the construction phase due to design misinterpretation. Like Design/Build, this method allows for the possibility of phasing and early definition of and commitment to construction prices. Under this method, the City enters into separate contracts with the contractor and the architect.

**JOC** - is used for minor construction, repairs, rehabilitation or alterations of facilities that require a quick response, such as replacement of building systems, exterior re-sealing, and interior renovation and refinishing.

**Construction Manager as Agent** – BSD does not anticipate using this method. Under this method, the City contracts with each trade directly and hires a Construction Manager to oversee and coordinate the work.

If you have any questions regarding this information, please call me directly at 713.247.2157.