

**AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 2, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - OCTOBER 3, 2007 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 1 through 59**

**AGENDA - OCTOBER 3, 2007 - PAGE 2**

**MISCELLANEOUS** - NUMBERS 1 through 8

1. **NOTE: Item 1 is a MATTER HELD but must be considered prior to 1a.**  
MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Finance & Administration Department that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 3 on Agenda of September 19, 2007
- a. RECOMMENDATION from the Director of the Department of Finance and Administration (1) to place the proposed 2007 tax rate of \$.64375/\$100 of value on the November 7, 2007 Council Agenda, (2) to set dates for three public hearings and (3) to publish an analysis of anticipated increased revenues  
**SUGGESTED HEARING DATES - 6:00 P.M. - TUESDAY - OCTOBER 9, 2007; 6:00 P.M. - TUESDAY - OCTOBER 16, 2007 and 9:00 A.M. - WEDNESDAY - OCTOBER 24, 2007**
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE BRAYS OAKS MANAGEMENT DISTRICT (HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5)**, for terms to expire June 1, 2011:  
Position Seven - **MR. ALLEN C. GOODLOW, SR.**, reappointment  
Position Eight - **MS. ELAINE GASKAMP**, reappointment  
Position Nine - **MR. CARY P. YATES**, appointment  
Position Ten - **MR. MICHAEL MUCASEY**, reappointment  
Position Eleven - **DR. DAWN J. BRADFORD**, reappointment
3. RECOMMENDATION from Director Human Resources to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency
4. ORDINANCE appropriating \$287,916.14 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4 under construction contract with **BOYER, INC** (approved by Ordinance No. 2005-682)
  - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$399,456.00 on contract with **BOYER, INC** for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4
5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2008 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$224,543.08 - Enterprise Fund
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** - 1 Year \$91,884.00 - Enterprise Fund
7. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.398 per square foot for properties connecting to the 8-inch water line located along Dreyfus Street constructed by **LLGK ENTERPRISES, LLC**  
**DISTRICT D - EDWARDS**

**MISCELLANEOUS** - continued

8. RECOMMENDATION from Director Department of Public Works & Engineering for allocation and payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** \$196,076.40 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO**

**ACCEPT WORK** - NUMBERS 9 through 13

9. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,541,002.00 and acceptance of work on contract with **CONSTRUCTION, LTD.** for Parks Master Plan - Bid Package 2 Melrose Park, Montie Beach Park and Garden Villas Park, WBS F-504A02-0001-4 / F-504A18-0001-4 / F-504A20-0001-4 - 14.60% over the original contract amount - **DISTRICTS B - JOHNSON; H - GARCIA and I - ALVARADO**
10. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$791,411.41 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Crestmont Park, WBS F-504A10-0010-4 - 4.58% over the original contract amount **DISTRICT D - EDWARDS**
11. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$511,957.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Willow Park, WBS F-0504C9-0009-4 - 4.96% over the original contract amount **DISTRICT C - CLUTTERBUCK**
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$723,412.65 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of Well Collection Line and Flow Meters, WBS S-000936-0011-4 15.46% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK and F - KHAN**
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,473,172.36 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D3-4 - 3.92% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO**

**PROPERTY** - NUMBER 14

14. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Harvey & Sonjia Preston, et al., Cause No. 875,669, for acquisition of Parcel CY4-005; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-2 - **DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 15 through 20

15. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/ Re-certification of Firefighters for Fire Department - \$140,000.00 - General Fund
16. **FLOTEC, INC** for Medical Oxygen Regulators and Flowmeters for Fire Department - \$187,125.00 General Fund

**PURCHASING AND TABULATION OF BIDS** - continued

17. **FIRE PUMP SPECIALTY** for Equipment, Hale Pump Replacement Parts for Fire Department \$330,000.00 - General Fund
18. **BABY JACK II AUTOMOTIVE, LTD. d/b/a CALDWELL COUNTRY CHEVROLET** - \$115,444.00 and **DALLAS DODGE CHRYSLER JEEP** - \$93,529.00 for Special Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department - Asset Forfeiture-Justice Fund
19. ORDINANCE appropriating \$128,962.60 out of Water & Sewer Consolidated Construction Fund for Emergency Replacement of the 24" Gravity Sewer Pipeline at 200 Hirsch Road at Clinton Drive for the Public Works & Engineering Department, WBS R-000119-0043-4-01-01 - **DISTRICT B - JOHNSON**
  - a. **TROY CONSTRUCTION, L.L.P.** for Emergency Replacement of 24" Gravity Sewer Line for the Department of Public Works & Engineering - \$128,962.60 - **DISTRICT B - JOHNSON**
20. **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts for Various Departments - \$2,119,355.20 - General and Enterprise Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 21 through 59

21. RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board
22. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks - **DISTRICT I - ALVARADO**  
J. Vance Lewis House - 1218 Wilson Street (aka 1408 Andrews)  
Reverend Ned P. Pullum House - 1319 Andrews Street
23. RESOLUTION designating certain property at 1314 Andrews Street within the City of Houston as a landmark and protected landmark - (Rutherford B. H. Yates, Sr. House) - **DISTRICT I - ALVARADO**
24. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
25. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the provision of Parks and Open Spaces; adding a new Division 7 to Article III; establishing the Park and Recreation Dedication Fund; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date
26. ORDINANCE finding and determining that public convenience and necessity no longer requires the continued use of a portion of Tavern Street right-of-way (Parcel SY6-089) located in the Dow Acres Addition, Houston, Harris County, Texas, containing 16,293 square feet of land, more or less; vacating and abandoning said tract of land to the Welkey 1996 Descendants' Trusts, abutting owner, in consideration of owner's payment to the City of \$40,733.00 - **DISTRICT A - LAWRENCE**

**RESOLUTIONS AND ORDINANCES** - continued

27. ORDINANCE establishing the north and south sides of the 1600 block of Harold 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**
28. ORDINANCE establishing the north side of the 1700 block of Harold 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 D - EDWARDS**
29. ORDINANCE establishing the north side of the 1700 block of Harold 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**
30. ORDINANCE establishing the north side of the 1900 block of Harold 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 D - EDWARDS**
31. ORDINANCE establishing the north and south sides of the 1900 block of Harold 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**
32. ORDINANCE establishing the north and south sides of the 1500 block of Hawthorne 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**
33. ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne 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 D - EDWARDS**
34. ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne 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**
35. ORDINANCE establishing the north and south sides of the 1000 block of Nadine 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**
36. ORDINANCE establishing the north side of the 2300 block of Prospect Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**
37. ORDINANCE establishing the north side of the 2300 block of Prospect Avenue 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**
38. ORDINANCE establishing the north and south sides of the 2400-2500 block of Prospect Avenue 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 1700 block of Sul Ross 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**
40. ORDINANCE establishing the north and south sides of the 2300 block of Wordsworth Boulevard 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 C - CLUTTERBUCK**

**RESOLUTIONS AND ORDINANCES** - continued

41. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston General Election to be held on November 6, 2007, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct; containing findings and other provisions related to the subject; providing for severability
42. ORDINANCE approving and authorizing lease agreement between the City of Houston and **JACK IN THE BOX EASTERN DIVISION, LP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO**
43. ORDINANCE amending Ordinance No. 2007-1001, which amended certain provisions in Chapter 10 of the Code of Ordinances relating to junked motor vehicles, to correct a typographical error
44. ORDINANCE approving and authorizing loan agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide \$9,264,198.00 in Home Investment Partnerships Funds for the acquisition and rehabilitation of a single room occupancy housing facility located at 6311 Gulf Freeway - **DISTRICT I - ALVARADO**
45. ORDINANCE approving and authorizing Joint Funding Agreement between the City of Houston and the **UNITED STATES GEOLOGICAL SOCIETY** for Water Resources Investigations \$1,172,420.00 - Enterprise Fund
46. ORDINANCE approving and authorizing contract between the City of Houston and **APPLIED BIOSYSTEMS NORTH AMERICAN SALES AND SERVICE** for Repair and Preventative Maintenance Services on Crime Lab Analytical Instruments for the Houston Police Department; providing a maximum contract amount - \$169,759.26 - General Fund
47. ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, seller, and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, a Texas Nonprofit Corporation**, purchaser, to sell the former Fire Station No. 6, located at 901 Henderson Street (Parcel SY6-115), Houston, Texas, to purchaser for the purpose of preserving the historic building and converting the property to affordable rental housing for low-income households, in consideration of such preservation and use for low-income housing, and the payment of \$111,000.00 to the City by Purchaser - **DISTRICT H - GARCIA**
48. ORDINANCE awarding contract to **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System; providing a maximum contract amount - 3 Years with 2 one-year options - \$4,446,891.63 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
49. ORDINANCE awarding contract to **HEIGHTS TRANSPORTATION, INC** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$825,750.00 - Parks Special Revenue Fund
50. ORDINANCE awarding contract to **GBJ, INC dba AFC TRANSIT** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$415,605.00 - Parks Special Revenue Fund
51. ORDINANCE awarding contract to **DUPS INC** for Fuel Dispenser Repair & Automated Network Systems and Maintenance Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$1,542,180.00 - General, Enterprise and Fleet Management Funds

**RESOLUTIONS AND ORDINANCES** - continued

52. ORDINANCE appropriating \$46,807.68 out of General Improvement Consolidated Construction Fund for Emergency Purchase of Mold Remediation Services and Professional Air Quality Assessment and Air Monitoring at the Fifth Ward Multi-Service Center Library for the General Services Department, WBS D-000073-0083-4-01, D-000073-3-01 - **DISTRICT B - JOHNSON**
53. ORDINANCE appropriating \$242,108.00 out of Water & Sewer System Consolidated Construction Fund and \$243,714.00 out of Homeless and Housing Consolidated Fund; approving and authorizing developer participation contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD.** for construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of El Tesoro Subdivision, WBS S-000800-0101-4, R-000800-0101-4, & M-000800-0101-4 - **DISTRICT E - WISEMAN**
54. ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **PROJECT SURVEILLANCE, INC** for Street and Bridge Projects, WBS N-000780-0001-4 - **DISTRICT G - HOLM**
55. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for Sustainable Development Program Design for Homes and Buildings in Houston, Texas; providing a maximum contract amount - \$2,000,000.00
56. ORDINANCE appropriating \$8,171,386.83 out of Metro Project Commercial Paper Series E Fund, \$511,130.17 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Monroe Road Paving Improvements from Almeda Genoa Road to Fuqua, WBS N-000574-0001-4; S-000500-0060-4; 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, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN**
57. ORDINANCE appropriating \$3,484,684.00 out of Metro Project Commercial Paper Series E Fund, \$243,035.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ISI CONTRACTING, INC** for the Paving Improvements of Long Point Road at Wirt Road Intersection and approaches, WBS N-000674-0001-4; S-000500-0059-4; 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, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE**
58. ORDINANCE appropriating \$840,400.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **BOYER, INC** for Repair of Elevated Parking Garage located at 4200 Leeland Street, WBS S-000955-0002-4; 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 I - ALVARADO**

**RESOLUTIONS AND ORDINANCES** - continued

59. ORDINANCE appropriating \$5,660,358.36 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Gulfgate), Reinvestment Zone Number Eight, City of Houston (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), and Reinvestment Zone Number Eleven, City of Houston, Texas City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, and certain redevelopment authorities as provided herein; containing provisions relating to the subject **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 60 through 65

60. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability  
**POSTPONED BY MOTION #2007-805, 8/1/07**  
This was Item 56 on Agenda of August 1, 2007
61. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 4 on Agenda of September 19, 2007
62. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Valet Parking in the City; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing an effective date; providing for severability  
**TAGGED BY COUNCIL MEMBERS EDWARDS and KHAN**  
This was Item 13 on Agenda of September 19, 2007
63. ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees; providing a maximum contract amount - 3 Years with 3 one-year options - \$192,755.00 - General Fund - **TAGGED BY COUNCIL MEMBER KHAN**  
This was Item 31 on Agenda of September 19, 2007

**MATTERS HELD** – continued

64. ORDINANCE appropriating \$380,731.00 out of Water & Sewer System Consolidated Construction Fund and \$321,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southridge Crossing Subdivision, WBS S-000800-0106-4/R-000800-0106-4/M-000800-0106-4 - **DISTRICT E - WISEMAN**  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 37 on Agenda of September 19, 2007
65. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability - **POSTPONED BY MOTION #2007-947, 9/19/07**  
This was Item 40 on Agenda of September 19, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Alvarado 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, OCTOBER 2, 2007 at 1:30 p.m. and WEDNESDAY, OCTOBER 3, 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 28th day of SEPTEMBER, 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 SEPTEMBER 28, 2007 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
OCTOBER 2, 2007 - 2:00 P.M.**

**NON-AGENDA**

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2MIN. 2MIN. 2MIN.

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MS. F. T. FARENTHOLD – 2929 Buffalo Speedway, No. 1813 – 77098 – 713-621-5608 – Crime Lab

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3MIN. 3MIN. 3MIN.

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MR. RAFEL COYLE – Post Office Box 84621 – Bellaire – TX - 77584 – 281-485-0320 – Housing and  
Community Development

PASTOR FRANKLIN D. SAMPSON – 4812 Bennington – 77016 – 713-631-0329 –Burglary and theft

PASTOR JOHN BOWIE – 7102 N. Main St. - 77022 – 713-861-5273 – Burglary and theft

MS. JOY SPENCER – 1600 Louisiana, No. 802 – 77002 – 713-373-9860 - Upgrading Child Centers

MR. SAMMIE JONES 1415 W. Gulfbank Rd., 1912 – 77088 – no phone – HPD

MR. STEVEN WILLIAMS – No address – No phone – Secretaries of Don DeGabriel and Tim Johnson/Murders  
of innocence

MR. RICKY FLORY – 6015 Winsted – Humble – TX – 77396 – Weeded lots, dogs trees in power lines, etc.

MR. LOYAL AYERS – 7122 Langdon Lane – 77074 – 713-777-7006 – No one is venturing his calls from the  
Disability Office

MR. STANLEY H. ROSENTHAL – 5855 S. Braeswood – 77096 – 713-245-9891 – Water bill questions

MS. ALICE GANDY – 13370 Knoll Crest – 77015 – 281-864-9206 – Trash pick-up in neighborhood (north)

MR. NING HAW CHANG – 13006 Hollowbrook Dr. – 77082 – 281-497-3673 – Complaint on violation in  
Public Works – Appeal indefinite suspension

MS. LINDA GAMBLE – 1306 Homer – 77091 - 713-849-2419 - Murders in Acres Homes – Lack of assistance  
from CM. Johnson

MR/COACH R. J. BOBBY TAYLOR - 3107 Sumpter – 77026 – 202-FA3-4511 – Behavior, Coward,  
Conspiracy Campo Sheet Metal, Workers using People Children

MR. MICHAEL HAGER – 9109 Lou Gary Dr. – 77074 – 713-779-7833 – Construction Project abandon on my  
street

MR. SEAN BURNS – 19323 Hollowlog – Katy – TX – 77449 – 832-274-6669 – Work eligibility

MR. ARTHUR VILLANUEVA – 8227 Thefford – 77070 – 281-970-5583 – I have a suggestion on how to make  
city safe

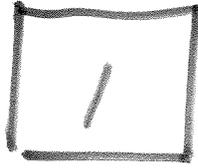
**PREVIOUS**

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1MIN. 1MIN. 1 MIN.

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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 – C/Houston –  
H/County Population – 911 – Calls Mandatory vs. – G/Mafia Terrorist/Headquarters



OCT 03 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Director of the Department of Finance and Administration, that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and Appoint Representatives to Calculate the Effective and Rollback Tax Rates, be adopted, and the 2007 Appraisal Roll Information and the certification of the anticipated collection rate for "Truth-in-Taxation" purposes are hereby received by the City Council and Sylvia Shaw, Jennifer Chen and James Bell are hereby appointed to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-in-Taxation" provisions of the State Tax Code.

Seconded by Council Member Alvarado

Council Members Lawrence and Brown absent

On 9/19/07 the above motion was tagged by Council Member Wiseman.

cr

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**SUBJECT:** Report of 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and Appoint Representatives to Calculate the Effective and Rollback Tax Rates

Category #

Page 1 of 1

RCA #

Agenda Item#

**3**

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

Judy Gray Johnson, Director  
Finance and Administration

Origination Date

September 13, 2007

Agenda Date

OCT 03 2007  
~~SEP 19 2007~~

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

Council Districts affected:

All

**For additional information contact:**

Michelle Mitchell, Assistant Director Phone: 713-221-0935  
Sylvia Shaw, Division Manager Phone: 713-221-0131

Date and identification of prior authorizing Council Action September 27, 2006 Motion NO. 2006 0846

**RECOMMENDATION: (Summary)** That City Council receive the 2007 Appraisal Roll information, Certification of the Anticipated Collection Rate for "Truth-In-Taxation" purposes and appoint Sylvia Shaw, Jennifer Chen, and James Bell to calculate and publish the City's Effective and Rollback Tax Rates.

**Amount of Funding:**

Not Applicable

**F & A Budget:**

*Michelle Mitchell*

**SOURCE OF FUNDING:**

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

The Truth-In-Taxation provisions of the State Tax Code require the City to take certain steps before adopting its ad valorem tax rate each year. The first of these steps are to, (1) submit the City's tax year 2007 appraisal roll information to City Council, (2) certify an anticipated collection rate to City Council, and (3) appoint representatives to calculate and publish the effective and rollback tax rates.

Attached is the required report of the tax year 2007 appraisal roll information and the certification of anticipated collection rate.

It is recommended that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's effective and rollback tax rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code.

cc: Arturo Michel, City Attorney  
Marty Stein, Agenda Director

**REQUIRED AUTHORIZATION**

**F&A Director:**

**Other Authorization:**

**Other Authorization:**

**CITY OF HOUSTON  
REPORT OF 2007 APPRAISAL ROLL INFORMATION  
AND ANTICIPATED AND EXCESS COLLECTIONS**

**CERTIFIED 2007 APPRAISAL ROLL**

**Total Appraised/Assessed Value:** **\$154,525,184,042**

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**Taxable Value of Certified Property:** **\$119,685,276,443**

**Taxable Value of Property Under Protest:** **\$ 6,216,595,765**

**Taxable Value of Property Still Not Certified:** **\$ 8,700,083,985**

**Taxable Value of All Properties:** **\$134,601,956,193**

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**Taxable Value of New Improvements Included Above \$ 3,338,893,556**

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**CERTIFIED ANTICIPATED COLLECTION RATE  
AND EXCESS COLLECTIONS**

I hereby certify that the estimate of the anticipated collection rate for the City of Houston ad valorem taxes for tax year 2007 is 100% and there were no excess debt collections for tax year 2006.

  
Sylvia Shaw  
Deputy Tax Assessor-Collector

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

<p><b>SUBJECT:</b> Place the proposed tax rate of \$.64375/\$100 of value, which is lower than last year's tax rate, on the November 7<sup>th</sup> Agenda. Set dates for three public hearings on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.</p>	<p><b>Category #</b></p>	<p><b>Page 1 of 2</b></p>	<p><b>Agenda Item#</b></p> <p align="center" style="font-size: 2em;"><b>1A</b></p>
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<p><b>FROM: (Department or other point of origin):</b>                  Judy Gray Johnson, Director                  Finance and Administration</p>	<p><b>Origination Date</b>                  September 27, 2007</p>	<p><b>Agenda Date</b>  <span style="font-size: 1.5em; font-weight: bold;">OCT 03 2007</span></p>
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<p><b>DIRECTOR'S SIGNATURE:</b>  </p>	<p><b>Council Districts affected:</b>                  All</p>
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<p><b>For additional information contact:</b>                  Michelle Mitchell, Assistant Director    <b>Phone:</b> 713-221-0935                  Sylvia Shaw, Division Manager            <b>Phone:</b> 713-221-0131</p>	<p><b>Date and identification of prior authorizing Council Action:</b>                  Oct. 4, 2006; MOTION NO. 2006 0875</p>
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**RECOMMENDATION: (Summary)** That the City Council approve a motion placing the proposed tax rate of .64375/\$100 of value on the Agenda of City Council for November 7, 2007. Set the public hearing dates on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.

<b>Amount of Funding:</b>	<b>F &amp; A Budget:</b>
Not Applicable	

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

**SPECIFIC EXPLANATION:**

State law sets forth detailed requirements for the process of setting ad valorem tax rates, including public hearings, newspaper publications, and actions of the governing body. A city ordinance sets additional requirements for this process. These requirements include minimum and maximum time periods for each step in the process.

Effective Tax Rate and Rollback Tax Rate  
 Section 26.04 (e) of the Tax Code requires that the Effective Tax Rate and the Rollback Tax Rate be reported to the governing body of each taxing unit. The Effective Tax Rate for Tax Year 2007 is \$.602555/\$100 of assessed value and the Rollback Tax Rate is \$.645145/\$100 of assessed value.

Public Hearings  
 Section 26.05(d) of the Tax Code requires the City of Houston to hold two public hearings before adopting a tax rate that exceeds the rollback rate or the effective tax rate, whichever rate is lower. In addition, the Houston Code of Ordinances, Sec. 44-27 requires the City of Houston to hold at least three public hearings before adopting a tax rate expected to increase the City of Houston's ad valorem property tax revenues for the current fiscal year in an amount greater than five percent more than the ad valorem property tax revenues collected during the immediately preceding fiscal year. The three hearings required under the Code of Ordinances may be combined with any hearings required by the Tax Code. The Code of Ordinances requires that two of the public hearings be held in the evening and one during the day. The Director of Finance and Administration must recommend dates and time for the required public hearings. It is recommended that City Council set the following dates and times for the hearings: October 9, 2007 at 6 PM.; October 16, 2007 at 6 PM; and October 24, 2007 at 9 AM.

Newspaper Publications  
 Section 26.05(d) of the Tax Code requires the City of Houston to publish newspaper ads before adopting a tax rate, including notices of the dates and times of the public hearings and the Council action to set the tax rate. In addition, Section 44-27 of the Houston Code of Ordinances requires that an analysis of anticipated increased revenues be published in the major Houston newspaper, when the ad valorem tax rate proposed is expected to produce ad valorem property tax revenue collections during the current fiscal year of more than five percent more than the ad valorem property tax revenues collected in the immediately preceding fiscal year.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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Date:	Subject: : Place the proposed tax rate of \$.64375/\$100 of value, which is lower than last year's tax rate, on the November 7 <sup>th</sup> Agenda. Set dates for three public hearings on the proposed tax rate and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.	Originator's Initials	Page 2 of 2
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Summary

City Council must pass a motion to place a specific proposed tax rate on a future City Council Agenda, set the dates and time for the public hearings and publish an analysis of anticipated increased revenues. The City Council meeting to vote on the proposed tax rate may not be earlier than the 10<sup>th</sup> day or later than the 14<sup>th</sup> day after the date of the last public hearing.

The proposed tax rate of \$.643750/\$100 of assessed value must be apportioned between Maintenance and Operations (M&O) and Interest and Sinking Fund (I&S). The M&O rate is \$.461975/\$100 of assessed value and the I&S rate is \$.181775/\$100 of assessed value which, when combined, equal the total tax rate of \$.64375/\$100 of assessed value.

It is therefore recommended that City Council pass a motion to place the proposed tax rate of \$.64375/\$100 of value for tax year 2007 on the Agenda of City Council for November 7, 2007, scheduling three public hearings on the proposed tax rate in City Council Chambers on October 9, 2007 at 6 PM.; October 16, 2007 at 6 PM; and October 24, 2007 at 9 AM and publish analysis of anticipated increased revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances.

Because of the newspaper publication requirements and the minimum time required between the public hearings, this Council Action may not be tagged.

cc: Arturo Michel, City Attorney  
Marty Stein, Agenda Director



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

OCT 03 2007

September 27, 2007

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 3834, Texas Special District Local Laws Code, I am nominating the following individuals for appointment or reappointment to the Board of Directors of the Brays Oaks Management District (Harris County Improvement District No. 5), as recommended by the District Board of Directors, subject to Council confirmation.

Mr. Allen C. Goodlow, Sr., reappointment to Position Seven, for a term to expire June 1, 2011;  
Ms. Elaine Gaskamp, reappointment to Position Eight, for a term to expire June 1, 2011;  
Mr. Cary P. Yates, appointment to Position Nine, for a term to expire June 1, 2011;  
Mr. Michael Mucasey, reappointment to Position Ten, for a term to expire June 1, 2011;  
and  
Dr. Dawn J. Bradford, reappointment to Position Eleven, for a term to expire June 1, 2011.

Résumés of the nominees are attached for your review.

Sincerely,

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Mr. David Hawes, executive director, Brays Oaks Management District  
Mr. Timothy Austin, attorney for the district, Brays Oaks Management District

FILED  
SEP 28 2007  
CITY SECRETARY

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: Motion to extend pay differential for 365 days for employees called to active duty status during a time of war or state of emergency

Category #

Page 1 of 2

Agenda Item

3

FROM (Department or other point of origin):

Origination Date

Agenda Date

Human Resources

September 18, 2007

OCT 03 2007

DIRECTOR'S SIGNATURE

*CC Aldridge*

Council District(s) affected

For additional information contact: Candy Clarke Aldridge Phone: (713) 837-9333

Date and Identification of prior authorizing Council Action: Motion 2006 - 0873 dated 10/03/06

RECOMMENDATION: (Summary)

Human Resources Department recommends City Council adopt a motion to approve a 365 day period for Military Leave pay differential as authorized in Article IV - Section 14 - 254.

Amount of Funding: Not Applicable

F & A Budget

SOURCE OF FUNDING:  General Fund  Grant Fund  Enterprise Fund

[ Other (Specify)

SPECIFIC EXPLANATION:

Section 14 - 254 (a) of Chapter 14, Article IV Military Leaves in the City Code of Ordinances authorizes pay differential for employees called to active duty status as full time members of military forces during time of war or state of emergency. Section 14 - 256 limits the initial authorization to a period of 90 calendar days from the date the employee is called to active duty.

The events of September 11, 2001 began the first 90-day period. Council has approved subsequent extensions. Several employees were activated shortly thereafter, and many have since been activated. Currently, 45 City of Houston employees have received military orders and are on active duty. The current 365-day period expires October 26, 2007.

It is not foreseeable that the national state of emergency will be resolved within the current 365-day period. To avoid undue disruption to the economic circumstances of these City employees who continue on military leave, the Human Resources Department recommends that City Council authorize a 365-day or one year period during which City employees on authorized military leave may be compensated at the same rate and on the same terms as specified in Chapter 14, Article IV - Section 14 - 254, et seq. In the event that the state of emergency or war ends prior to the expiration of these extensions then this order will be rescinded.

REQUIRED AUTHORIZATION

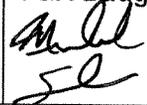
F&A Director:

Other Authorization:

Other Authorization:

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

<b>SUBJECT:</b> Approval of Change Order No. 6, and appropriation of additional funds for Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities. WBS No. S-000522-0008-4.	Page <u>1</u> of 2	Agenda Item # <div style="font-size: 2em; font-weight: bold; text-align: center;">4+4A</div>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 9/14/07	<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> Boyer All	
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director	 <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2005-682 dated 06/01/2005 Boyer
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve Change Order No. 6 in the amount of \$399,456.00, approve an ordinance appropriating additional funds.		

<b>Amount and Source of Funding:</b> Additional appropriation of \$287,916.14 from the Water and Sewer System Consolidated Construction Fund, Fund No. 8500. Original appropriation of \$6,255,500.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.	<b>F&amp;A Budget:</b> 
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**SPECIFIC EXPLANATION:**

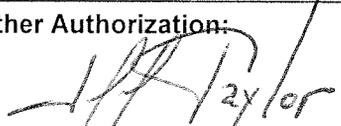
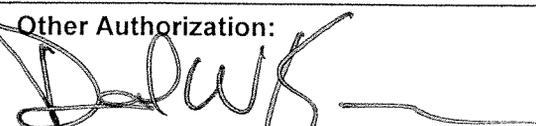
**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Rehabilitation and Upgrade of various groundwater production facilities and is required to expand, enhance, and establish communication network between groundwater production facilities and the East Water Purification Plant for SCADA and Security. It will extend and enhance the monitoring and control capabilities of the plant, including the implementation of security and energy management systems.

**DESCRIPTION/SCOPE:** The project improves the SCADA and Security System at East Water Purification Plant (EWPP), and various groundwater production facilities. The network system installed will establish a communication link between EWPP and various groundwater production facilities. It will include a digital microwave radio system to provide broadband transmission capabilities between 12 backbone facilities and 38 remote water production facilities. The system installed will also establish SCADA and Security transmission network. Camp, Dresser, & McKee, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Boyer, Inc. with an original Contract Amount of \$5,676,363.00.

**LOCATION:** The project is located at East Water Purification Plant and at various groundwater production facilities.

**PREVIOUS CHANGE ORDER(S):** Previously approved Change Orders are as follows:

<u>No.</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
1.	\$0.00	There was no cost associated with this Change Order; only time extension was granted.
2.	\$208,703.29	This Change Order paid for Alvarion radio equipment; Contract included City purchased and provided WiLan equipment; WiLan went out of business.
3.	\$62,867.00	This Change included structural improvements to District 42-2 water, modifications resulting from adding Heights pump station and deleting Northgate plant work, and deletion of additional epoxy coating.
4.	(\$38,368.00)	Credit to the City for Work not required for 100-foot radio communication tower
5.	(\$60,924.00)	South End Plant Remote Site Communications and Northgate-2 Remote Site Communications were deleted. These sites are being decommissioned.

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20MZQ002</b>
<b>F&amp;A Director:</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

Date	SUBJECT: Approval of Change Order No. 6, and appropriation of additional funds for Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities. WBS No. S-000522-0008-4.	Originator's Initials	Page 2 of 2
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**CHANGE ORDER NO. 6:** Due to the critical nature of this system and the fact that the 5.8 GHz spectrum is unlicensed and subject to potential interference, the Department has determined that reconfiguring the system at this time is prudent in consideration of future usage of the unlicensed frequency.

Change Order No. 6 in the amount of \$399,456.00 exceeds the remaining contingency by \$287,916.14 is to change out the existing Alvarion 5.8 GHz Radios and Antennas to Alvarion 4.9 GHz Licensed Public Safety Band Radios and Antennas.

The requested additional appropriation will revise the contingency from 5% to 10.07% and will cover the entire cost of the Change Order No. 6.

MSM:JTL:CWS:NI:mq  
 S:\E&C Construction\Facilities\Projects\S-0522-06, 07, 08-3 SCADA\Change Order - S-000522-0008\RCA\_CO\_No. 6-rev2.DOC

c: Daniel W. Krueger, P.E.                      Velma Laws                      Michael Ho, P.E.                      File No. 10659-03 – 9.1

Document 00666

CHANGE ORDER No. 6

PROJECT: 10659-3: SCADA & Security Communications Network for Water Production Facilities

CONTRACT No.: 56992 PROJECT No.: S-0522-08-3 (WA10659-03)

TO: Boyer, Inc.  
8904 Fairbanks N. Houston  
Contractor and Houston, TX 77064  
Address for Written Notice

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

**ITEM 1 SCOPE:** Change Proposal No. 11A: Change out existing Alvarion 5.8 GHz Radios and Antennas to Alverion 4.9 GHz Licensed Public Safety band Radios and Antennas

Amount	Time
\$399,456.00	80 Days

**JUSTIFICATION:** During construction of the project the City became aware of the potential for other future uses of the 5.8 GHz unlicensed frequency spectrum that could interfere with SCADA transmissions on that frequency. With that potential and the availability of the licensed 4.9 GHz frequency to the City, switching the radio equipment to the licensed frequency at this time will enhance the project.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
491	Change out existing 5.8 GHz Radios and Antennas to 4.9 GHz Licensed Public Safety band Radios and Antennas	LS	1.00	\$399,456.00	\$399,456.00

**TOTALS:** \$399,456.00 80 Days

PROJECT No.: S-0522-08-3 (WA10659-03)

CHANGE ORDER No. 6

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.

Jack D. Levy - PROJECT MGR. July 18, 2007  
Contractor Signature and Title Date 8-18-2007

1.03 ACCEPTANCE BY THE CITY

Harvey Mitchell 7-19-07  
Project Manager Date

Dee W. G. 8/27/07  
Deputy Director Date

Boyer 8/21/07  
[Signature] 8-2-07  
Chief Engineer Date

John J. Bakedosky 8/28/07  
City Engineer Date

[Signature] 8/6/07  
Assistant Director Date

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

cc:  
File No. (WA10659-03)

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$5,676,363.00	100.00%
B. Previous Change Orders	\$172,278.29	3.04%
C. This Change Order	\$399,456.00	7.04%
D. Contract Price	\$6,248,097.29	110.07%

1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	365 Days	Friday, September 1, 2006
B. Previous Change Orders	333 Days	Tuesday, July 31, 2007
C. This Change Order	80 Days	Friday, October 19, 2007
D. Contract Time	778 Days	Friday, October 19, 2007

PROJECT No.: S-0522-08-3 (WA10659-03)

CHANGE ORDER No. 6

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</u> <u>No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL</u> <u>CONTRACT PRICE</u>
1	\$0.00	0.00%
2	\$208,703.29	3.68%
3	\$62,867.00	1.11%
4	\$(38,368.00)	-0.68%
5	\$(60,924.00)	-1.07%
6	\$399,456.00	7.04%
<hr/>		
TOTALS	\$571,734.29	10.07%

<b>SUBJECT:</b> Approval of payment of FY 2008 Annual Membership dues for the American Water Works Research Foundation.		Apr	Page 1 of 2	Agenda Item #  <b>5</b>
<b>FROM (Department or other point of origin)</b>  Department of Public Works and Engineering:		<b>Origination Date</b>  9-27-07	<b>Agenda Date</b>  OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> Michael S. Marcotte, P.E., DEE <i>(Signature)</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Senior Assistant Director Phone: (713) 837-0847		<b>Date and identification of prior authorizing Council action:</b> 01/03/07 – Motion No. 2007-0019 11/22/05 – Motion No. 2005-1124		
<b>RECOMMENDATION: (Summary)</b> That City Council approve payment of FY 2008 Annual Membership dues in the American Water Works Association Research Foundation Subscription Program.				
<b>Amount of Funding:</b> \$ 224,543.08 FY 2008			<b>F&amp;A Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Water & Sewer System Operating Fund No. 8300				
<b>SPECIFIC EXPLANATION:</b>				
<p><b>BACKGROUND:</b> The American Water Works Association Research Foundation (AWWARF) is an organization founded in 1986 comprised of over 1000 members, both public and private. The foundation is supported by its members' annual subscriptions. The foundation is recognized as the most effective organization for safe drinking water research in North America. The foundation is governed by a board of trustees comprised predominantly of utility managers who help ensure that proposed research is practical and timely.</p> <p><b>PURPOSES:</b> The City of Houston, along with other member utilities, asks AWWARF to solicit research proposals on identifying the best available technology, such as granular activated carbon, membrane technology, ion exchange and alternate disinfectants for the removal of contaminants which have been identified as candidates for regulation or which are being proposed for regulation. The foundation also adopts research projects that deal with the study of new technologies which could help treatment plants operate more efficiently and economically or for research which could evaluate the risks and/or cost benefits associated with regulating certain contaminants.</p> <p>AWWARF's research program is international in scope and the results will benefit all water utilities, including the City of Houston and its customers. The primary benefit that AWWARF offers to the City of Houston, and to all utility subscribers, is participation in a centralized research program that is directed by and conducted on behalf of the drinking water community.</p> <p>As a result of AWWARF's research program, the drinking water community has realized savings of millions of dollars annually; The Foundation has demonstrated the value of an industry-sponsored research program that benefits the drinking water community and the customer.</p>				
<b>REQUIRED AUTHORIZATION</b>			20DHB58	
<b>F &amp; A Director:</b>	<b>Other Authorization:</b> <i>(Signature)</i> Jeff Taylor, Deputy Director Public Utilities Division		<b>Other Authorization:</b> <i>(Signature)</i> Dannelle H. Belhateche, P.E. Senior Assistant Director	

MS

mgf

**BENEFITS:** As a member of AWWARF, the City of Houston receives the benefits from all research conducted, approximately \$ 280 million to date. With the long list of proposed regulations now facing the water industry in the short term, this membership will continue to play a vital role in ensuring that the City of Houston is ready to meet these regulations in an efficient and timely manner.

**DUES:** Annual subscription cost is determined by the volume of water treated by the City of Houston multiplied by our subscription rate of \$2.15 per million gallons minus water sold to other utilities and minus any unmetered water. This calculation has yielded a subscription amount of \$224,543.08

Houston has been a charter member since 1986 with membership dues over the last seven years as follows:

FY 98	\$ 166,887
FY 99	\$ 169,864
FY 00	\$ 179,955
FY 01	\$ 196,151
FY 02	\$ 213,839
FY 03	\$ 203,970
FY 04	\$ 228,493
FY 05	\$ 215,559
FY 06	\$ 228,493
FY 07	\$ 236,154.62

How does Houston's amount compare to other cities?

American Water - Voorhees, NJ	\$ 466,375
Metro Water District of So. CA – Los Angeles, CA	\$ 466,375
NYC Dept. Environ Protection - Flushing, NY	\$ 466,375
Chicago Department of Water Management - Chicago, IL	\$ 400,905
Detroit Water & Sewerage Dept. - Detroit, MI	\$ 399,556
Los Angeles Dept. of Water & Power - Los Angeles, CA	\$ 282,805
City of Phoenix Water Services Dept. - Phoenix, AZ	\$ 236,950
Dallas Water Utilities – Dallas, TX	\$ 214,445
Las Vegas Valley Water District - Las Vegas, NV	\$ 214,312

It is recommended that City Council approve and authorize the payment of \$ 224,543.08 for FY 2008 annual membership dues in the American Water Works Association Research Foundation.

Attachment

xc: Michael S. Marcotte, P.E., DEE  
 Jeff Taylor  
 Marty Stein  
 Dannelle H. Belhateche, P.E.  
 Waynette Chan  
 Gary Norman



**Awwa  
Research  
Foundation**

# **AwwaRF Involvement Activity Report**

## **City of Houston, Dept of Public Works & Engrg**

### **Main Contact:**

Jeff Taylor  
City of Houston, Dept of Public Works & Engrg  
611 Walker St, 25th FL  
Houston, TX 77002

Phone: (713) 837-0448 FAX: (713) 837-0435  
Email: jeff.taylor@cityofhouston.net

### **Liaison:**

Dannelle H Belhateche P.E.  
City of Houston, DPW&E  
611 Walker, 21st Fl  
Houston, TX 77002

Phone: (713) 837-0847 FAX: (713) 837-0548  
Email: dannelle.belhateche@cityofhouston.net

### **RF PUBLICATIONS**

City of Houston, Dept of Public Works & Engrg has ordered 91 printed reports and downloaded 23 PDF reports from our website for a total of 114 reports in the past twelve months representing 70 projects with a total research value of \$35,290,233.

### **PROJECT/COMMITTEE PARTICIPATION**

Year	Project/Committee Title	Project Value
<b>2006</b>	<i>Guidelines for Developing, Calibrating, and Using Hydraulic Models [#4018]</i> - Participating Utility	\$209,000
	<i>Impact of UV Location and Sequence on By-Product Formation [#4019]</i> - Participating Utility	\$400,000
	<i>Tailored Collaboration Review Committee</i> - Member (Belhateche)	
<b>2004</b>	<i>Occurrence, Treatment, and Evaluation of Analytical Methods for Waterborne Adenoviruses [#3029]</i> - Participating Utility	\$16,526

	<i>Condition Assessment Strategies and Protocols for Water and Wastewater Utility Assets [#3048]</i>	\$500,000
	- PAC Mbr (Karlins)	
<b>2003</b>		
	<i>Water Efficiency Programs for Integrated Water Management [#2935]</i>	\$446,035
	- Participating Utility	
<b>2002</b>		
	<i>Characterization of Particles in Filter Effluents [#2858]</i>	\$672,162
	- Participating Utility	
	<i>Criteria for Valve Location and System Reliability [#2869]</i>	\$340,342
	- Participating Utility	
	<i>Methods for Real-Time Measurement of THMs and HAAs in Distribution Systems [#2873]</i>	\$530,211
	- Participating Utility	
	<i>Long-Term Performance Prediction for PVC Pipes [#2879]</i>	\$610,342
	- Participating Utility	
	<i>Risk Management of Large-Diameter Water Transmission Mains [#2883]</i>	\$243,889
	- PAC Mbr (Nandagiri)	
<b>2001</b>		
	<i>Vulnerability Assessment Workshops [#2835]</i>	
	- Participant (Hulbert)	
	- Participant (Fredieu)	
<b>1999</b>		
	<i>Cost and Benefit Analysis of Flushing [#2605]</i>	\$251,075
	- Participating Utility	
	<i>Innovative Biofilm Prevention Strategies [#2609]</i>	\$519,616
	- Participating Utility	
<b>1998</b>		
	<i>Decision Support System for Distribution System Piping Renewal [#2519]</i>	\$312,150
	- Participating Utility	
	<i>The Role of Organic Matter in Structuring Microbial Communities [#2562]</i>	\$205,653
	- PAC Mbr (Wei)	
	<i>Board of Trustees</i>	
	- Trustee (Perrenot)	

## 1997

<b>Assessment of TOC Analytical Accuracy [#452]</b>	\$174,896
- Participating Utility	
<b>Guidance for Management of Distribution System Operation and Maintenance [#457]</b>	\$227,220
- Participating Utility	
<b>A Total Energy and Water Quality Management System [#458]</b>	\$300,000
- CoFunding Organization	
<b>Prioritizing Water Main Replacement and Rehabilitation [#459]</b>	\$552,177
- Participating Utility	
<b>Water Treatment Plant Infrastructure Assessment Manager [#460]</b>	\$391,221
- PAC Mbr (Nandagiri)	
<b>Main Break Prediction, Prevention, and Control [#461]</b>	\$436,247
- Participating Utility	
<b>Pipe Materials Selection Manual [#463]</b>	\$219,000
- PAC Mbr (Nandagiri)	
<b>Application of Well Condition Assessment and Rehabilitation Techniques [#464]</b>	\$660,734
- Participating Utility	
<b>Guidance to Utilities on Building Alliances With Watershed Stakeholders [#468]</b>	\$335,353
- Participating Utility	
<b>Bromate Formation and Control During Ozonation of Low Bromide Waters [#493]</b>	\$551,231
- Participating Utility	

## 1996

<b>Relative Dominance of HAAs and THMs in Treated Drinking Water [#339]</b>	\$334,541
- Participating Utility	

## 1995

<b>Evaluation of Sources of Pathogens and NOM in Watersheds [#251]</b>	\$908,990
- Participating Utility	
<b>Demonstration of Innovative Water Main Renewal Techniques [#255]</b>	\$591,286
- CoFunding Organization	
<b>Investigation of Grey Cast Iron Water Mains to Develop a Methodology for Estimating Service Life [#280]</b>	\$392,000
- PAC Mbr (Nandagiri)	

	<i>Speciation of Arsenic in Water and Biological Matrices</i> [#287]	\$251,842
	- PAC Mbr (Greenlee)	
	<i>Advanced Oxidation and Biodegradation Processes for the Destruction of TOC and DBP Precursors</i> [#289]	\$293,172
	- Participating Utility	
	<i>Random Demands, Travel Times, and Water Quality in Deadends</i> [#294]	\$304,206
	- PAC Mbr (Speight)	
<b>1994</b>		
	<i>Distribution System Water Quality Changes Following Corrosion Control Strategies</i> [#157]	\$533,000
	- PAC Mbr (Nandagiri)	
<b>1992</b>		
	<i>Critical Assessment of Radon Removal Systems for Drinking Water Supplies</i> [#805]	\$157,405
	- PAC Mbr (Hulbert)	
	<i>Balancing Multiple Water Quality Objectives</i> [#834]	\$4,775,908
	- PAC Mbr (Nandagiri)	
	<i>Impacts of Demand Reduction on Water Utilities</i> [#838]	\$240,000
	- Participating Utility	
<b>1991</b>		
	<i>An Assessment of Water Distribution Systems and Associated Research Needs</i> [#706]	\$200,085
	- PAC Mbr (Speight)	
	<i>Assessing Utility Communication Architecture</i> [#711]	\$75,000
	- Participating Utility	
<b>1988</b>		
	<i>Research Advisory Council</i>	
	- Member (Lafargue)	
<b>1987</b>		
	<i>Economics of Internal Corrosion Control</i> [#311]	\$132,203
	- Participating Utility	
<b>Total Project Value</b>		<b>\$18,294,719</b>

<b>SUBJECT: Water Environment Research Foundation (WERF) Annual Fees for Subscription Year 2007</b>		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>6</b>
<b>FROM (Department or other point of origin)</b> Department of Public Works and Engineering		<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>MSD Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b> ALL		
<b>For additional information contact: Yogesh Mehta</b> Phone: 713/837-9152		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Authorize payment of the WERF invoice for <b>\$91,884.00</b> for Subscription Year 2007 (10/01/2007 to 09/30/2008).				
<b>Amount of Funding: \$91,884.00</b>		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)      Water/Sewer System Operating Fund #8300 <i>Y/UNZ 9/12/07</i>				
<b>SPECIFIC EXPLANATION:</b> This is a Request for Council Action to authorize payment of an invoice received from the Water Environment Research Foundation (WERF) for their annual subscriber fee. The amount assessed is a function of the average annual wastewater flow for the City of Houston, which is 247 MGD. WERF supports leading edge research projects on matters related to water quality, wastewater treatment, residuals handling, and asset management. WERF also receives substantial funding from EPA. WERF funds research in the following areas: wastewater collection and treatment, watersheds and ecosystems, and human health. Of particular interest to the Wastewater Operations Branch are projects that focus on inspection and maintenance of gravity sewers and force mains, wet weather issues, biosolids, and asset management. As a subscriber to WERF, the City of Houston is entitled to access proprietary information such as: research publications, interim research findings from ongoing projects, online tools, and conference proceedings. WERF is currently in various stages of valuable research in the following subject areas: <ul style="list-style-type: none"> <li>• The design, evaluation, rehabilitation and optimization of centralized and decentralized water, wastewater and storm water systems.</li> <li>• Facility and asset management at plants and collection systems including security strategies and tactics, early warning systems and energy management.</li> <li>• Technologies for the removal of nutrients, pathogens, micro-pollutants, air pollutants and odors from centralized and decentralized treatment technologies.</li> <li>• Solids treatment and reuse including land application, odor and pathogens control.</li> <li>• Storm water system monitoring, compliance, optimization and sustainability.</li> <li>• Watershed management and water quality including human and ecological risks from contaminants.</li> </ul> Recommend that City Council approve the Department of Public Works and Engineering's request to pay WERF the invoiced amount of <b>\$91,884.00</b> .				
MSM:JT:YM:ag cc: Susan Bandy, CPA Craig Foster Yogesh Mehta Marty Stein				
<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID# 20RBW198</b>				
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor Deputy Director		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

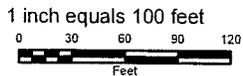
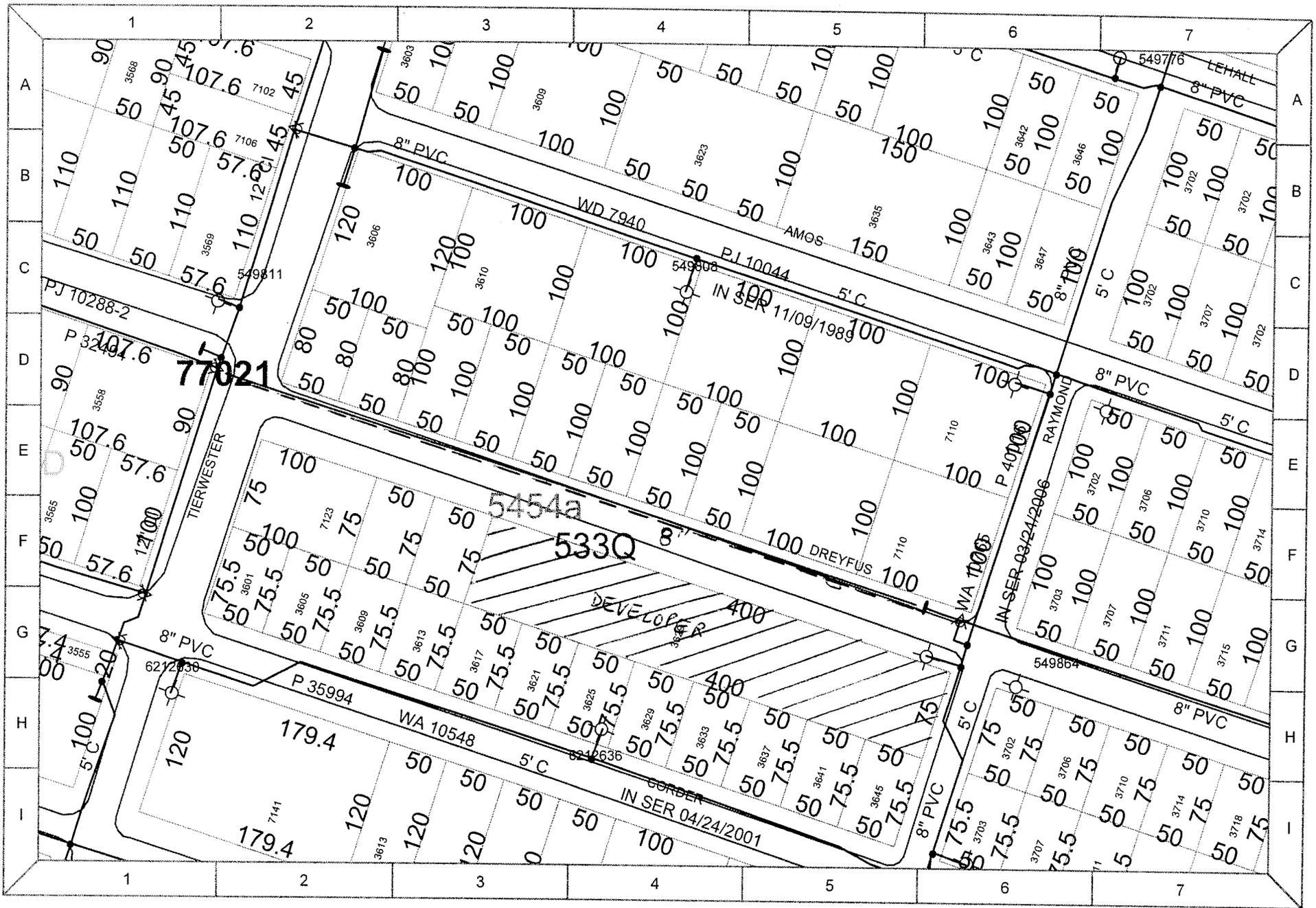
<b>SUBJECT:</b> Establishment of connection charge for a privately constructed 8-inch water line located along Dreyfus Street.		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>7</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007	
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> D		
<b>For additional information contact:</b> Jun Chang, P.E. <sup>de</sup> Phone: (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Recommend that a connection charge in the amount of \$0.398 per square foot be established for properties connecting to the 8-inch water line constructed by LLGK Enterprises, LLC				
<b>Amount of Funding:</b> None Required			<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 checked="" type="checkbox"/> Other (Specify) -				
<b>SPECIFIC EXPLANATION:</b> <p>Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for the reimbursement of developers who have constructed a water or sanitary sewer extension. Establishment of a connection charge provides that the owner of each successive property that connects to the line built by the developer will pay a pro-rata share of the cost to construct the line.</p> <p>Under Section 47-168 of the Houston Code, a developer may, with the proper permit provided for in Section 47-165, construct off-site water and/or sanitary sewer lines at their expense (or with City participation) and then apply for reimbursement for their share when other property owners connect to those water and/or sanitary sewer lines.</p> <p>LLGK Enterprises, LLC. has constructed 680 linear feet of 8-inch water line along Dreyfus Street at a cost of \$39,000. This water line can potentially serve an area of 98,000 square feet, thereby making a unit connection cost of \$0.398 per square foot.</p> <p>These monies will be collected at the time that a building permit is issued and will be placed in a pro-rata fee account. The City will make reimbursement to the person constructing such mains two times per year.</p>				
JC:AMS:tp				
<b>CUIC# 20JZC338</b>				
<b>F &amp; A Director</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services	

9/11/2007

**Total Square Footage Served by 680 feet, 8-inch Water Line on Dreyfus Rd**

	<b>Non-Developer - SF</b>	<b>Developer - Square Footage</b>
Lot Count		
1	5,000	3,750
2	5,000	3,750
3	5,000	3,750
4	5,000	3,750
5	5,000	3,750
6	5,000	3,750
7	5,000	3,750
8	5,000	<u>3,750</u>
9	5,000	30,000
10	4,000	
11	4,000	
12	3,750	
13	3,750	
14	3,750	
15	<u>3,750</u>	
	68,000	

Total Square Footage:	98,000
Developer Percent	30.61%
Developer Cost	\$39,000.00
Cost per Square Foot	\$0.398



**CITY OF HOUSTON**

**Department of Public Works & Engineering**

Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



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

<b>SUBJECT:</b> Authorization to expend funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and Metropolitan Transit Authority of Harris County, Texas	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>8</b>
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<b>FROM (Department or other point of origin):</b> Public Works and Engineering Department	<b>Origination Date</b> August 7, 2006	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> C, D, and I
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<b>For additional information contact:</b>  Raymond D. Chong, P.E., PTOE <b>Phone:</b> (713) 837-0845 Deputy Director, Traffic and Transportation	<b>Date and Identification of prior authorizing Council Action:</b> Ordinance #03-1320; Date 12/23/03
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**RECOMMENDATION: (Summary)** Pass a Motion authorizing the allocation and payment of funds in accordance with the subject agreement for Fiscal Year 2007

<b>Amount and Source of Funding:</b> \$196,076.40 - FY2007 - General Fund (1000) <i>PLA</i>	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

This item was originally considered by City Council in September 2006. At that time, Council communicated their concerns related to maintenance issues and traffic signal timing along the Red Line light railway system as it was impacted by interruptions from the train. Based on the concerns expressed by Council the Traffic and Transportation Division conducted a review to provide answers and recommend a course of action.

The attached letter from Metro outlines and addresses these concerns and provides its commitment to deliver a satisfactory level of performance in its operation and maintenance of the 70 traffic signals on the Red Line rail system.

In addition, the Traffic and Transportation Division has enacted several monitoring measures to ensure this service level is achieved:

1. A monthly meeting has been established between Metro and the Traffic and Transportation Division to discuss any concerns with Metro's performance and collaboratively develop necessary remedies.
2. A representative from Metro now participates in the monthly Central City Mobility Issues Task Force meeting.
3. Metro and the Traffic and Transportation Division are working jointly to implement the ongoing traffic signal timing project in Downtown.

As a result, the Director of Public Works and Engineering has recommended proceeding with the scheduled payments to Metro for services rendered in Fiscal Year 2007. The quarterly invoiced amounts are as follows:

(Quarter 1) July 1, 2006 – September 30, 2006:	\$47,849.20
(Quarter 2) October 1, 2006 – December 31, 2006:	\$47,849.20
(Quarter 3) January 1, 2007 – March 31, 2007:	\$49,189.00
(Quarter 4) April 1, 2007 – June 30, 2007:	\$49,189.00
	\$194,076.40 FY07 Annual Total

**REQUIRED AUTHORIZATION** **CUIC ID #20MCM01A**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Raymond D. Chong</i> Raymond D. Chong, P.E., PTOE Deputy Director, Traffic and Transportation Division
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**Metropolitan Transit Authority**

1900 Main  
P.O. Box 61429  
Houston, Texas 77208-1429

713-739-4000

www.ridemetro.org

**METRO Board of Directors**

David S. Wolff, Chairman  
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February 21, 2007

President & Chief Executive Officer  
Frank J. Wilson

Mr. Raymond Chong, P.E., PTOE  
Deputy Director  
City of Houston  
Traffic and Transportation Division  
P. O. Box 1562  
Houston, Texas 77251-1562

Subject: Operations and Maintenance Agreement for Light Rail System

Dear Mr. <sup>RAYMOND</sup>Chong:

This responds to your request for additional information regarding METRO's operation and maintenance activities for 70 traffic signals along the METRORail Red Line.

Included in this response is a background description of the tasks defined in our interagency agreement, information on METRO's operation and maintenance (O&M) practices and a section describing our commitment to work with the City of Houston during an upcoming signal timing optimization project in downtown.

**Background—The Interagency Agreement**

Immediately prior to the start of METRORail operations in January 2004, METRO and the City of Houston executed an interagency agreement establishing conditions, responsibilities and working relationships for the operation and maintenance of the Red Line light rail system.

Attachment B to the agreement, also provided as an attachment here, provided a listing of 28 categories of infrastructure in the corridor and indicated in a matrix format the party responsible for maintenance of that category or item. The body of the agreement includes requirements for interagency notifications, approvals and safety of the parties as they carry out their respective O&M functions.

In general, the party assigned the O&M function for a particular element is solely responsible for the expenses of the O&M. Operations and Maintenance of traffic signals was nominally included in the matrix, but the allocation of responsibilities and expenses was handled more thoroughly in the body of the agreement. (See Item 16 in Attachment B, which refers to Article 4 of the agreement). There were other attachments to the agreement; one that lists the traffic signal locations (Attachments C, also provided with this letter) and another described the signal system's operation at a summary level.

### **Traffic Signal Operations and Maintenance in the Agreement**

Article 4 provides for future changes to the traffic signal system, allocates O&M responsibilities and specifies a method for O&M cost sharing. Some of the more relevant provisions are listed below.

- METRO shall operate the signals in accordance with the Main Street Corridor ATMS Operations Plan attached to the agreement.
- Either party may propose traffic signal operations changes. Implementation of agreed-upon changes will be made at the requesting party's expense.
- If the parties cannot agree upon changes, a proposal is to be referred to the Mayor for a final determination.
- METRO shall maintain and repair the signal system; the City shall have no responsibility for the actual operation of the system.
- METRO shall defend the City against any claim arising out of the operation or maintenance of the traffic signal system.
- The City may step in at METRO's cost if METRO fails to take timely action in the event of signal damage or malfunctions.
- The cost of operation, maintenance and repair of the signal system will be shared. The City pays the cost of (1) power, (2) \$2550 per year per signal and (3) an inflationary adjustment factor calculated by applying Consumer Price Index changes to the \$2550 per signal base payment. METRO pays any and all additional traffic signal O&M expenses that exceed the City's adjusted payments.

Although it is not described this way in the agreement, I recall that the City payment amount was negotiated by the parties after a review of the City's then-current city-wide budgets and expenditures for signal operation and maintenance. The net effect is that the City pays to METRO an O&M subsidy that approximates the current cost for an "average" City traffic signal. METRO assumes operational risk and liability for that signal and is responsible for any expenses over and above the amount paid by the City.

### **Operating History**

The agreement has not been amended since its execution three years ago. In METRO's opinion, the agreement terms remain fair and sufficient. It is our understanding that both parties have found the procedures and conditions for allocation of responsibility to be satisfactory.

### **METRO Traffic Signal O&M Practices**

METRO has assigned the responsibility and a METRO budget for traffic signal O&M to the Transportation Systems Division of the Planning Engineering and Construction department. Working under the direction of professional engineers, project management staff members are responsible for maintaining compliance with the terms of the agreement, legal requirements and industry practice.

Procedures are in place that provide 24-hour-a-day, 7-day-a-week METRO staff availability for responding to trouble calls. Outside technician and electrician services are also available 24x7. Response-time measurement is a standard procedure, with most reported traffic signal problems being responded to by a METRO technician arriving on-site within 60 minutes. Repairs and maintenance are also handled on a timely basis—there have been no incidents of the City of Houston needing to make a repair due to METRO delay.

Coordination in day-to-day traffic signal operations between the City and METRO is maintained on several levels. For trouble calls, the City's traffic signal maintenance staff has been provided a single-point-of-contact METRO phone number for reporting signal issues to METRO. Calls forwarded to METRO in this fashion typically have been received via 311 citizen reports. Management-level coordination also occurs through monthly coordination meetings, which address both day-to-day questions as well as projects or initiatives that require advance planning.

### **Coordination of Signal Timing Initiatives**

Traffic patterns change over time. Signal timings, therefore, must be adjusted over time to maintain a balance in safety and efficiency among all modes of travel using a signalized intersection: pedestrians, automobiles, trucks, emergency vehicles and transit vehicles. METRO has been—and remains—committed to working with the City of Houston as we both work to maintain that balance for the traffic signals for which METRO is responsible.

Mr. Raymond Chong  
February 21, 2007  
Page 4

A noteworthy example of a signal timing change made during the past three years is a METRO-initiated change to traffic signal phases in the midtown and museum districts (from Pierce Street to Hermann Park). That change provided for light rail passage through the intersection only when all potentially conflicting movements are held on a red light. Conflicts between the light rail vehicle and automobiles were reduced, resulting in enhanced safety.

Another example was a City-initiated change to pedestrian signal phases in the downtown areas. After a review of pedestrian behavior, citizen comments and options for the signal timings to be adjusted, a change was made to allow more frequent and longer-duration WALK phases in the east-west direction. Longer minimum green times in the east-west direction were also established.

There are other examples, as well. In all such cases, the METRO and City staffs were able to develop a solution that was mutually agreeable and provided a benefit to all parties.

Presently, METRO and the City are working together on additional changes to the signal system. METRO staff has met with the City staff and your proposed consultant for a downtown traffic signal optimization project.

METRO endorses the proposed concept of the City's downtown project. A change to a speed-limiting, progressive signal phasing strategy, while maintaining LRT priority on Main Street, is acceptable to METRO. METRO will assist in the implementation of the resulting timing phases as they pertain to the LRT corridor.

It is proposed that the City will develop at their expense a new timing strategy for all of downtown that considers the current characteristics of light rail priority phasing on Main Street, then seek METRO's concurrence. Once the overall strategy is agreed upon, METRO would then perform the detailed calculations of revised signal timings on the METRO-operated signals.

Following City approval of the revised Main Street timings (and completion of the City's timing calculations for the other downtown signals) METRO and the City would then install and adjust their respective revised signal timings.

The scheduling of the City's 2007 downtown timing optimization works to mutual advantage. METRO has budgeted funds for a 2007 project to optimize signals along the Main Street corridor. We look forward to working closely with your staff as both efforts move forward in the weeks ahead.

Mr. Raymond Chong  
February 21, 2007  
Page 5

In conclusion, METRO is pleased to have a close and successful alliance with the City of Houston for operation and maintenance of traffic signals in the METRORail corridor. We are committed to a high standard in carrying out our responsibilities under the Interagency Agreement. Our partnership with the City is a valued asset that we remain committed to actively nurturing and developing.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sedlak", with a long horizontal flourish extending to the right.

John Sedlak  
Executive Vice President

JS:mcg  
Attachments

c – w/attachments: Michael Marcotte  
Jeff Weatherford  
David Worley  
Keti Hristova  
Loyd Smith

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An Agreement with the Metropolitan Transit Authority of Harris County, Texas for the Operations and Maintenance of a Light Rail Transit System.		<b>Category</b> # 1, 2	<b>Page</b> 1 of 1	<b>Agenda</b> # 8
<b>Origin:</b> Department of Public Works and Engineering		<b>Origination Date</b> 12/16/03	<b>Agenda Date</b> DEC 17 2003	
<b>DIRECTOR'S SIGNATURE:</b> Jon C. Vandén Bosch, P.E., Director		<b>Council Districts affected:</b> C, D, I		
<b>For additional information contact:</b> Rick H. Grochoske, P.E. Sr. Assistant Director		<b>Date and Identification of prior authorizing Council Action:</b> Ord. 00-1028, 11/21/00		

**RECOMMENDATION:** (Summary) Approve and authorize an Agreement with the Metropolitan Transit Authority of Harris County, Texas for the Operations and Maintenance of a Light Rail System.

<b>Amount and Source of Funding:</b> FY04 \$89,250.00	3000-3895 RSE	<b>F&amp;A Budget:</b>
<b>Right-of-Way and Fleet Maintenance Fund No.</b> 100-20-01553-2000-2205	120 (2460)	

**SPECIFIC EXPLANATION:**  
On November 21, 2000 the City of Houston agreed to allow construction of a Light Rail Transit (LRT) System by The Metropolitan Transit Authority of Harris County, Texas (METRO) within the City right-of-way and property through Ordinance 00-1028 and the associated Consent Agreement. The LRT System referred to as the Downtown-to-Astrodome LRT System extends approximately 7.5 miles from University of Houston-Downtown to an area just south of IH-610 at Fannin. The LRT System includes facilities, tracks, stations and power systems in City street right-of-ways through the length of the alignment. The City of Houston and METRO anticipated in the original Consent Agreement that a separate Agreement would be negotiated for additional provisions regarding METRO's access to City of Houston properties in connection with the operation, maintenance, repair and construction of METRO's LRT System.

METRO and City of Houston negotiated the proposed Operations and Maintenance (O&M) Agreement to establish the conditions, responsibilities, general guidelines and working relationships for the City of Houston and METRO as they relate to the operation and maintenance of the LRT System. Elements of this LRT System include stations, streets, drainage, trackway, streetlights, traffic control devices, electrification facilities, traffic signals, communications and other items associated with the LRT system.

**DESCRIPTION/SCOPE:**  
The Agreement between METRO and the City of Houston establishes the provisions for: 1) General terms for administration of the Agreement including but not limited to insurance, indemnification, and term; 2) Terms for METRO's O&M of the LRT System related to METRO's maintenance responsibilities of adjacent facilities, and City's maintenance responsibilities; and 3) Terms for Traffic Signal System O&M related to City responsibilities and METRO Signal System responsibilities, METRO Permit Review, Special Events, METRO Designated Parking, Emergency use of LRT System Property and Public Streets, Law Enforcement, Trackway Maintenance Zone and METRO Rail Safety Zone.

Per the agreement, the City shall pay to METRO \$2,550.00 per intersection annually for maintenance of the Traffic Signal System (TSS). METRO shall be responsible for all TSS maintenance at the 70 signalized-intersections along the LRT System.

This Agreement between the City of Houston and METRO does not include any work initiated or performed by METRO or its contractor prior to METRO's acceptance of the Certificates of Final Completion or any work initiated by METRO's contractors during any warrant period following METRO's acceptance of the Certificates of Final Completion for work covered under the original Consent Agreement.

- Marty Stein
- Gary N. Oradat, P.E.
- Eric K. Dargan
- Gilbert Garcia
- George Bravenec

REQUIRED AUTHORIZATION CUIC ID #20RHG15

<b>Director:</b>	<b>Other Authorization:</b> <i>Eric K. Dargan</i> Eric K. Dargan, Deputy Director ROWFM Division	<b>Other Authorization:</b> <i>Gary N. Oradat</i> Gary N. Oradat, P.E., Deputy Director Engineering, Construction and Real Estate Division
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**Attachment C**  
(continued)

**B. List of the traffic signals that are presently part of the Main Street ATMS:**

**Main Street ATMS Traffic Signals**

S. NO.	Intersection Name	ICON #	S. NO.	Intersection Name	ICON #
1	Fannin/Belfort	2011	36	Fannin/Rosedale	4135
2	Fannin/I-610	2009	37	San Jacinto/Rosedale	4130
3	Fannin/Naomi	4114	38	Main/Wentworth	4133
4	Fannin/Holly Hall	2008	39	Fannin/Wentworth	4132
5	Fannin/Reliant Park Drive	4112	40	San Jacinto/Wentworth	4131
6	Fannin/Greenbriar	2007	41	Main/Blodgett	3103
7	Greenbriar/OST	1115	42	Fannin/Blodgett	3105
8	Greenbriar/Colonnade	4116	43	San Jacinto/Blodgett	3110
9	Greenbriar/S. Braeswood	2012	44	Main/Wheeler/Richmond	3107
10	Fannin/S. Braeswood	2006	45	Main/Alabama	3132
11	Fannin/Galen	2404	46	Main/Holman	3146
12	Fannin/TCH-SLMT Driveways	4115	47	Main/Elgin	3160
13	Main/Dryden	2016	48	Main/McGowan	3183
14	Fannin/Dryden	2405	49	Main/Webster	3207
15	Main/University	2015	50	Main/Gray	3215
16	Fannin/University	2406	51	Main/Pierce	3223
17	Fannin/John Freeman	2407	52	Main/St. Joseph	3236
18	Fannin/Ross Sterling	2005	53	Main/Jefferson	3245
19	Fannin/Hermann Ped Crossing	4113	54	Main/Pease	3255
20	Main/N. MacGregor	2408	55	Main/Leeland	3265
21	Fannin/N. MacGregor	2409	56	Main/Bell	3276
22	Main/Fannin/Sunset	2014/3081	57	Main/Clay	3289
23	Fannin/San Jacinto/Montrose	2019	58	Main/Polk	3300
24	Fannin/Hermann	2004	59	Main/Dallas	3314
25	San Jacinto/Hermann	2022	60	Main/Lamar	3329
26	Fannin/Ewing	4134	61	Main/McKinney	3338
27	San Jacinto/Ewing	4129	62	Main/Walker	3349
28	Main/Binz/Bissonnet	2013	63	Main/Rusk	3357
29	Fannin/Binz	2003	64	Main/Capitol	3366
30	San Jacinto/Binz	2021	65	Main/Texas	3378
31	Main/Southmore	3093	66	Main/Prairie	3389
32	Fannin/Southmore	3095	67	Main/Preston	3398
33	San Jacinto/Southmore	3099	68	Main/Congress	3405
34	Fannin/Wichita	4136	69	Main/Franklin	3412
35	San Jacinto/Wichita	4137	70	Main/Commerce	3421

<b>SUBJECT:</b> Accept Work Construction, LTD Parks Master Plan – Bid Package 2 Melrose Park, Montie Beach Park, Garden Villas Park WBS Nos. F-504A02-0001-4 / F-504A18-0001-4 / F-504A20-0001-4	Page 1 of 2	Agenda Item <b>9</b>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 9.25.07	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 9/22/07	<b>Council District affected:</b> B, H, I
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<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 04-0227 Dated 03/31/04 Ordinance No. 05-1109 Dated 09/28/05
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$4,541,002.00, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required <b>Previous Funding:</b> \$4,761,843.75 Parks Consolidated Construction Fund 421	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$4,541,002.00 or 14.60% over the original contract amount, accept the work and authorize final payment to Construction, LTD.

<b>PROJECT LOCATIONS:</b> Melrose Park 1000 Canino Road (413T) District B	Montie Beach Park 915 Northwood (453X) District H	Garden Villas Park 6720 Haywood (535W) District I
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**PROJECT DESCRIPTION:** The scope of work consisted of the following:

- **Melrose Park** – Demolished the community center and constructed a new community center; installed concrete walks, picnic pavilions, fencing, and an irrigation system; planted trees, improved the parking lot, installed new lighting at the ball fields and improved site drainage.
- **Montie Beach Park** – Constructed an addition to the community center; installed concrete walks, a gazebo, security lighting, and an irrigation system; planted trees, improved the parking lot and site drainage; and provided sheet vinyl flooring.
- **Garden Villas Park** – Painted and replaced the roof; improved lighting and installed a new HVAC system in the community center; constructed an addition to the community center which provided for a new multi-purpose room and enlarged the restroom area; removed the basketball pavilion and slab; renovated the walkways and trails, installed security lighting, landscaping, and an irrigation system; planted trees, demolished old bridge abutments and concrete debris along the large drainage ditch, site grading and erosion control.

**PREVIOUS HISTORY AND PROJECT SCOPE:** On September 28, 2005, City Council approved a First Amendment to the contract to increase the maximum contract contingency amount from 5% to 15% to address unforeseen conditions and necessary upgrades at the three parks.

**REQUIRED AUTHORIZATION** CUIC ID # 25RJO011

<b>General Services Department:</b> <i>[Signature: Wendy Teas Heger]</i> Wendy Teas Heger, AIA Chief of the Design & Construction Division	<b>Other Authorization:</b>	<b>Parks and Recreation Department:</b> <i>[Signature: Joe Turner]</i> Joe Turner Director
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**SUBJECT:** Accept Work  
Construction, LTD  
Parks Master Plan – Bid Package 2  
Melrose Park, Montie Beach Park, Garden Villas Park  
WBS Nos. F-504A02-0001-4 / F-504A18-0001-4 / F-504A20-0001-4

**Originator's  
Initials**  
LJ

**Page**  
2 of 2

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus an additional 322 days allowed by Change Orders 3, 5 and 11. The final cost of the project, including Change Orders 1- 11 is \$4,541,002.00, an increase of \$578,502.00 over the original contract amount.

The project design consultant was Park Team Plus. The construction managers were Sunland Engineering Company and Park Team Plus.

**PREVIOUS CHANGE ORDERS:**

**Melrose Park:**

Change Order 1 removed and disposed of asbestos containing roofing material. Change Order 2 relocated picnic shelter and lowered the water line to connect to the existing water sprayground. Change Order 4 added transformers for the large ball field. Change Order 5 replaced inadequate water and fire line service with new larger line. Change Order 6 added electrical service for the water park; replaced chain link fencing with ornamental fencing around various electrical enclosures at the baseball fields; and replaced linoleum flooring with sheet vinyl flooring in the restrooms. Change Order 7 installed new underground conduit and conductors for electrical service to concession stand and new scoreboard provided by the Football Little League. Change Order 8 extended electrical service to the water park and replaced chain link fence with ornamental fence around the electrical enclosure for the water park; changed from single to double gates at the mechanical yards and modified layout of mechanical pads; installed main electrical disconnect on the outside of the building; installed one underground conduit for telephone service; installed exterior metal panels over the brick and replaced north wall. Change Order 9 replaced walls behind toilet fixtures.

**Montie Beach Park:**

Change Order 2 added vinyl flooring and replaced servery cabinets. Change Order 4 provided asbestos abatement of pipe fittings. Change Order 5 rerouted existing sanitary sewer around new building and revised drainage connections to storm sewer structure, due to gas line conflict. Change Order 7 removed 490 LF concrete walkway and provided relocated asphalt trail tie-in; repaired and repainted existing hollow metal doorframes, and provided new metal doors and hardware; added concrete vault and provided separate domestic water and fire line meters. Change Order 8 changed from single to double gates at mechanical yards and modified layout of mechanical concrete pads; installed main electrical disconnect at building; installed an underground conduit for telephone service; replaced north wall of building and provided exterior metal panels over deteriorated existing brick. Change Order 9 installed four-ply built up roof; installed additional steel supports to the tops of mechanical screens; and replaced walls behind toilet fixtures.

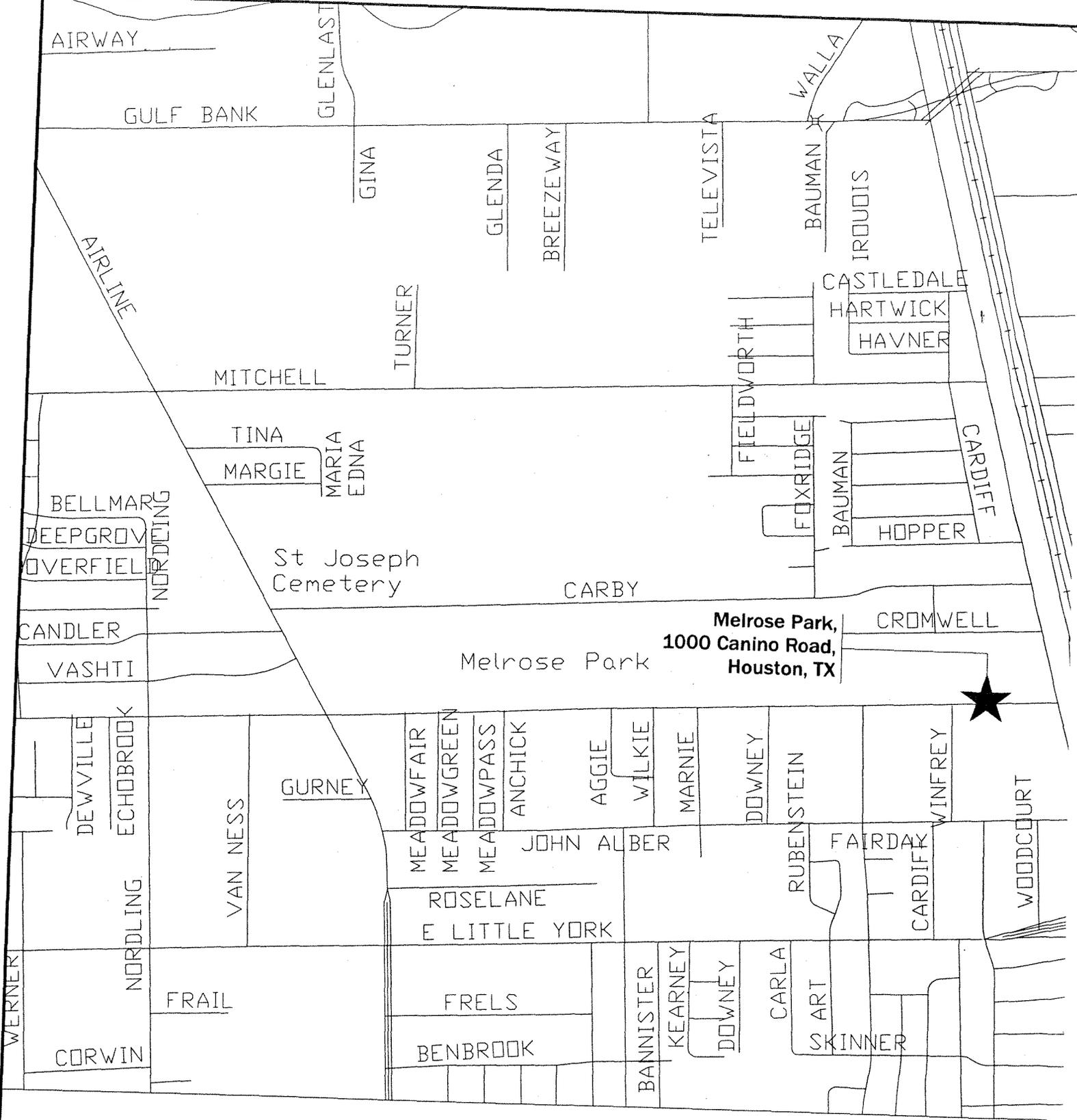
**Garden Villas Park:**

Change Order 3 added driven-piling foundation around perimeter of Community Center. Change Order 7 replaced condemned service pole with new pole and electrical service; replaced underground electrical service and panel to baseball field lighting and repaired security lighting; and replaced existing structure and roofing system at the Community Center. Change Order 8 replaced stained concrete with vinyl flooring with a moisture barrier throughout the Community Center; revised parking lot and handicap ramps for ADA compliance; and upgraded existing servery. Change Order 9 installed an interior accessible drinking fountain with necessary plumbing and several exterior light fixtures. Change Order 11 replaced base material and added concrete seal slab and asphalt topping at parking lot.

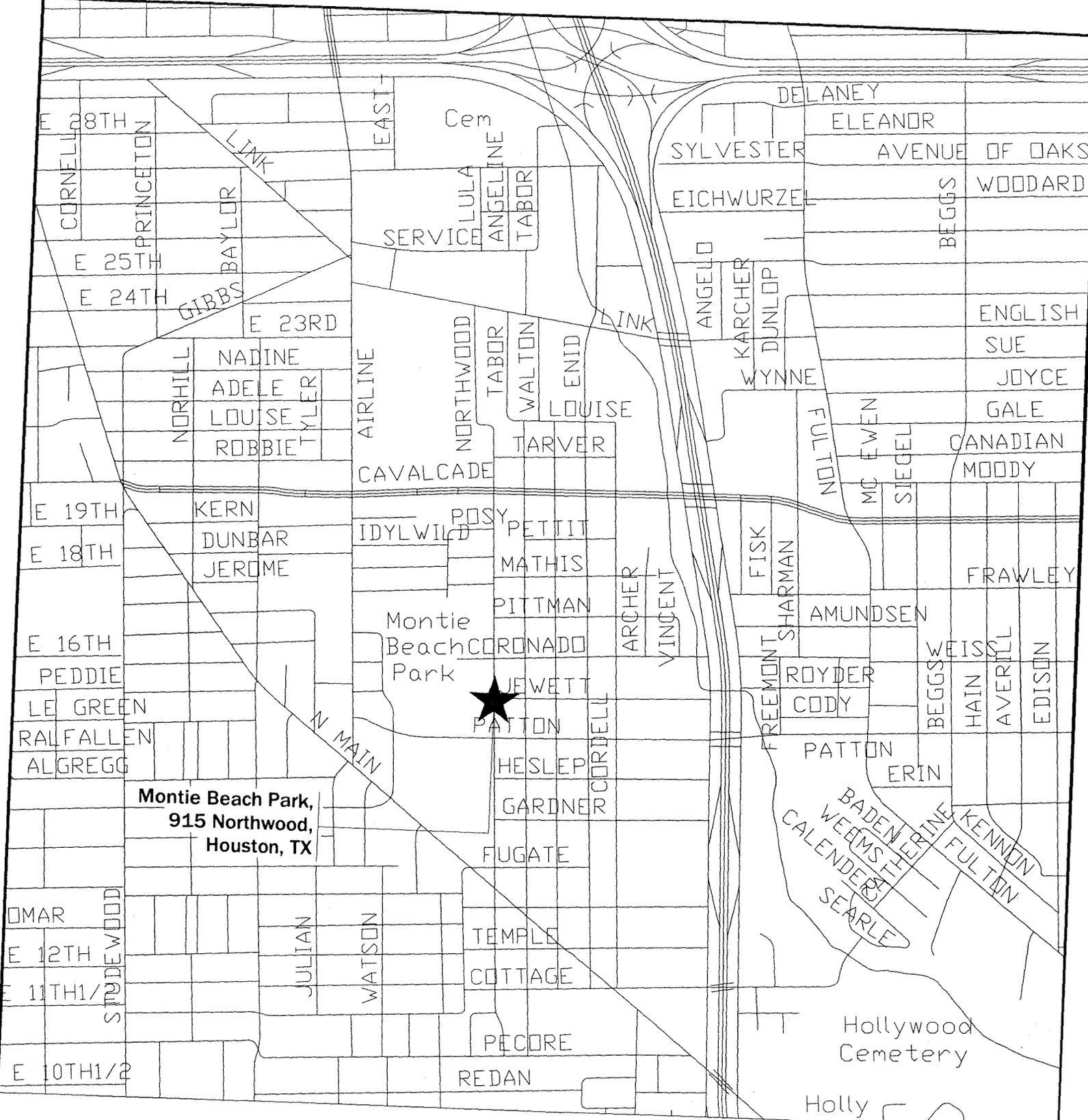
**M/WBE INFORMATION:** The M/WBE goal for this contract was 17%. According to the Affirmative Action and Contract Compliance Division, the contractor achieved 19.56% M/WBE participation.

IZD:JLN:LJ:lj

c: Marty Stein; Jacquelyn Nisby; Mark Ross; Daniel Joseph; Daniel Pederson; Lisa Johnson; James Tillman IV; Phil Golembiewski; Kim Nguyen, File



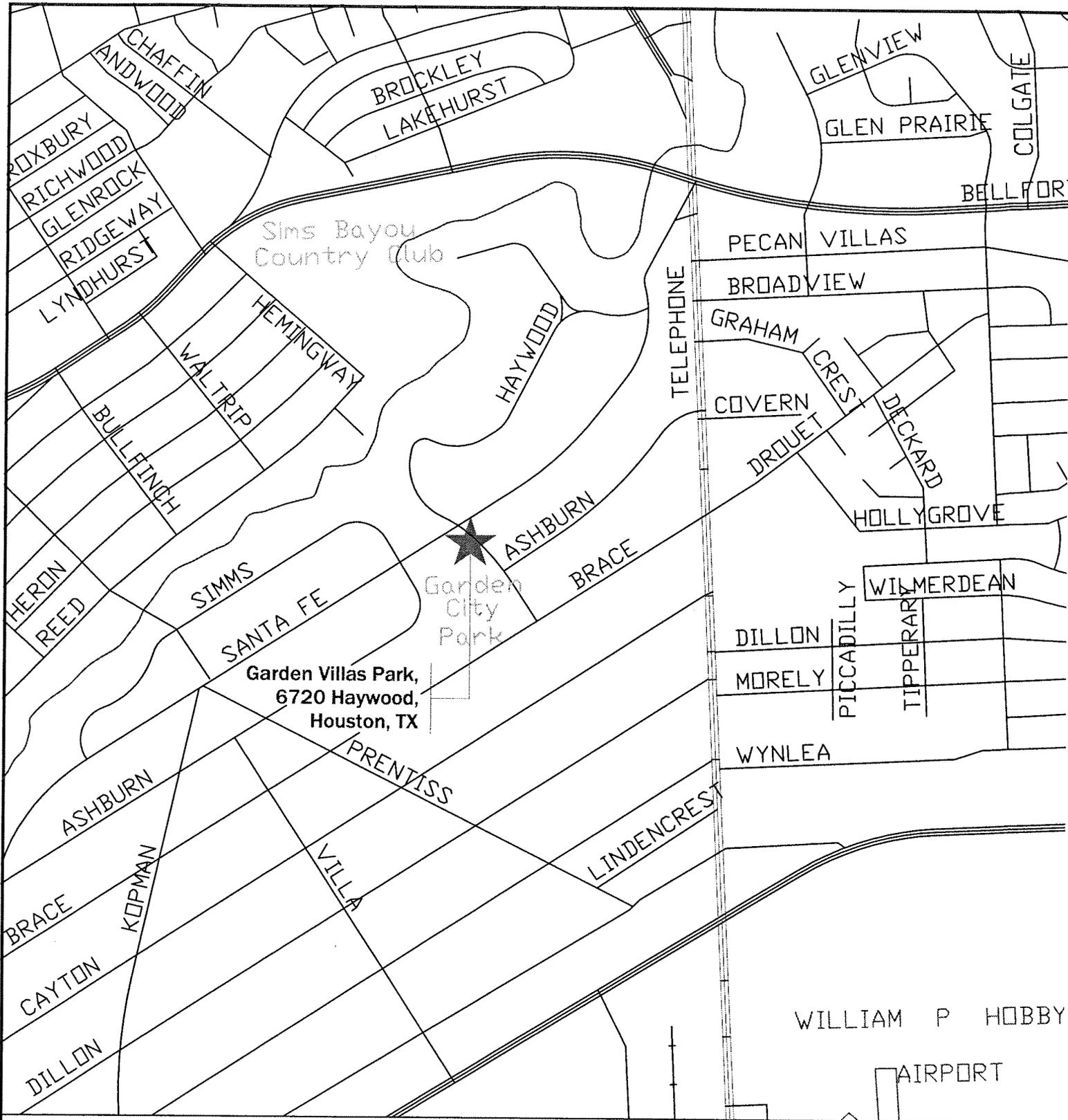
**Melrose Park**  
**1000 Canino Road, Houston, TX**



Montie Beach Park,  
915 Northwood,  
Houston, TX

# Montie Beach Park

## 915 Northwood, Houston, TX



# Garden Villas Park

## 6720 Haywood, Houston, TX

<b>SUBJECT:</b> Accept Work Meridian Commercial, L.P. Crestmont Park WBS No. F-504A10-0010-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> 10
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 9/17/07	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 8/30/07	<b>Council District(s) affected:</b> D
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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> Ordinance 2005-120, dated 2/9/05
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$791,411.41, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required  <b>Previous Funding:</b> \$847,709.00 CDBG	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$791,411.41 or 4.58% over the original contract amount, accept the work and authorize final payment to Meridian Commercial, L.P. for construction services in connection with the renovation of Crestmont Park.

**PROJECT LOCATION:** 5100 Selinsky (Key Map 574J)

**PROJECT DESCRIPTION:** The project expanded and renovated the community center; renovated the multi-use pavilion; added concrete walks, picnic plaza, security lights, exercise stations, playground access ramp, and picnic tables and benches; improved drainage; and planted trees with supporting irrigation.

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus 149 additional days allowed by Change Orders 1-4. The final cost of the project, including Change Orders 1-5 is \$791,411.41, an increase of \$34,631.41 over the original contract amount.

The project design consultant and construction manager was Park Team Plus.

*[Handwritten initials]*

**REQUIRED AUTHORIZATION** CUIC ID # 25RJO028

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of the Design & Construction Division General Services Department	<b>Other Authorization:</b> <i>[Signature]</i> Richard Celli Director Housing & Comm. Dev. Dept.	<b>Other Authorization:</b> <i>[Signature]</i> Joe Turner Director Parks and Recreation Department
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<b>DATE:</b>	<b>SUBJECT:</b> Accept Work Meridian Commercial, L.P Crestmont Park WBS No. F-504A10-0010-4	<b>Originator's Initials</b> LJ	<b>Page</b> 2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Order 1 replaced deteriorated roof insulation; rerouted existing electrical conduit to the tennis court lights; replaced existing wood transoms with glass transoms; provided new door hardware at seven doors to comply with ADA accessibility requirements; and replaced conduit and wire to an existing exterior light. Change Order 2 upgraded the lower windows to polycarbonate glazing to minimize glass replacement; provided occupancy sensors to control the interior lights to comply with Code; added wire guards and safety cables on pavilion lights to provide additional protection; and relocated fire extinguishers to surface mounted cabinets. Change Order 3 added a Dutch Door at the servery and exterior landscape drain, and replaced 20 feet of broken sidewalk. Change Order 4 replaced an uneven section of sidewalk and modified the intruder alarm system. Change Order 5 provided a credit for permit allowances, TDLR inspection allowances, and additional cost for storage container rental.



IZD:JLN:LJ:mg

c: Marty Stein; Jacquelyn Nisby; Mark Ross; Pirooz Farhoomand, Gayve Anklesaria, Laura Ortiz; Daniel Pederson; Lisa Johnson, File



<b>SUBJECT:</b> Accept Work Carrera Construction, Inc. Willow Park WBS No. F-0504C9-0009-4		<b>Page</b> 1 of 1	<b>Agenda Item</b> 11
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> September 25, 2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i>	<b>Council District(s) affected:</b> C
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<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2005-1368; dated 12/14/2005
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$511,957.00, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required <b>Previous Funding:</b> \$555,823.35 Parks Consolidated Construction Fund (421)	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$511,957.00 or 4.96% over the original contract amount, accept the work and authorize final payment to Carrera Construction, Inc.

**PROJECT LOCATION:** 10400 Cliftwood (Key Map 531Z)

**PROJECT DESCRIPTION:** The project installed a playground, fence, trail and tennis court enhancements, security lighting improvements, removed wood light poles, and added parking lot improvements, grading, drainage and landscaping.

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus an additional 261 days approved by Change Orders. The final cost of the project, including Change Orders 1- 4 is \$511,957.00, an increase of \$24,180.00 over the original contract amount.

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

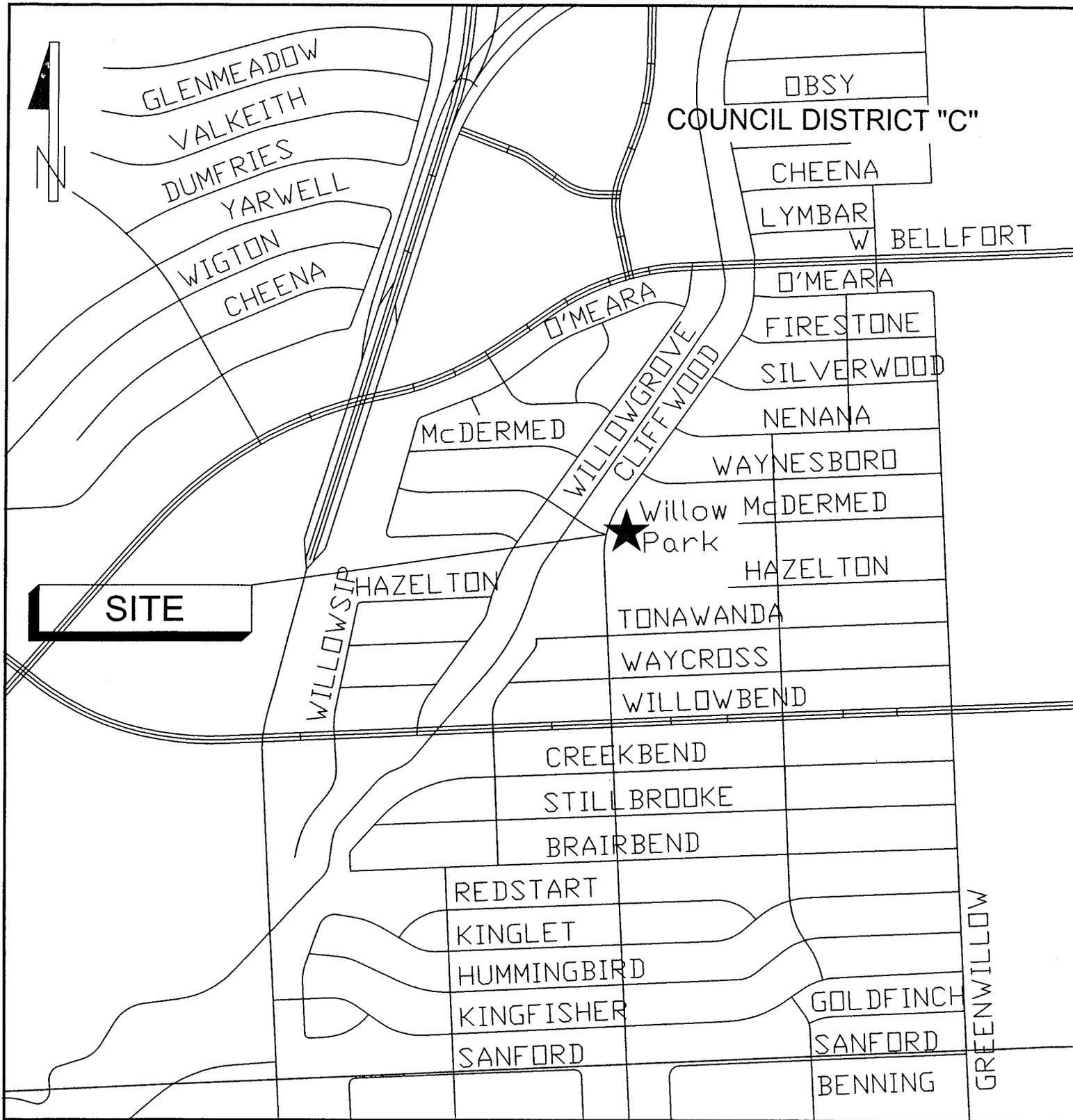
**PREVIOUS CHANGE ORDERS:** Change Orders 1-4 added non-compensable time, modified the storm sewer, provided an asphalt transition at new sidewalk, enhanced playground equipment, repaired settled concrete slab at tennis court, upgraded tennis fence fabric, and disassembled, upgraded and relocated practice tennis wall.

IZD:JLN:LJ:CP:mg

C: Marty Stein; Jacquelyn Nisby; Wendy Teas Heger; Mark Ross; Daniel Pederson; Lisa Johnson; James Tillman; Phil Golembiewski, P.E.; Joseph Kurian; Kim Nguyen; File

**REQUIRED AUTHORIZATION** CUIC ID # 25RJO040

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design & Construction Division General Services Department	<b>Other Authorization:</b>	<b>Other Authorization:</b> <span style="float: right;">10</span> <i>[Signature]</i> Joe Turner Director Parks and Recreation Department
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WILLOW PARK  
 10400 CLIFTWOOD DR.  
 HOUSTON, TX 77035

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

<b>SUBJECT:</b> Accept Work for Construction of Well Collection Line and Flow Meters. WBS. No. S-000936-0011-4.	Page 1 of 1	Agenda Item #  <i>12</i>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> <i>9-27-07</i>	<b>Agenda Date</b> <i>OCT 03 2007</i>
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> A, C, & F
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<b>For additional information contact:</b> <i>JTL</i> J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2006-459      dated 05/10/2006
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$723,412.65 or 15.46% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Original appropriation of \$975,000.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755. **F&A Budget:**

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is required to meet the increased water demand to accurately measure the flow at pumping stations and to determine the usage of surface water and groundwater as mandated by the Harris-Galveston Coastal Subsidence District.

**DESCRIPTION/SCOPE:** The project consisted of 400 linear feet of 20-inch well collection line with 30-inch steel casing and the installation of Ultra Sonic Flow Meters and their appurtenances at the discharge lines of each of the water plants. The flow meters will be interfaced to the existing SCADA Remote Terminal Unit (RTU). Klotz Associates, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$855,669.88.

**LOCATION:** The project is located at the following water plants:

	<u>Water Plant</u>	<u>Address</u>	<u>Key Map Grid</u>	<u>Council District</u>
1.	Southwest	4426 Southwest Freeway	491-Z	C
2.	Katy-Addicks Pump Station	11500 Old Katy Road	449-W	A
3.	District 184	10518 Beechnut	529-L	F

**CONTRACT COMPLETION AND COST:** The Contractor, Industrial TX Corp. has completed the Work under the subject Contract. The project was completed within the Contract Time with 7 additional days approved by Change Order No. 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 and 2 is \$723,412.65, a decrease of \$132,257.23 or 15.46% under the original Contract Amount.

The decreased cost is primarily a result of previously approved Change Order No. 2 – Deletion of 42-inch and 48-inch flow meter installation due to access restrictions from Water Operations and the Work not requiring use of Extra Unit Items.

**M/WBE PARTICIPATION:** There was no M/WBE goal for this project.

*JTL*  
MSM:JTL:CWS:WR:mj  
S:\E&C Construction\Facilities\Projects\S-0936-11-3 Well Coll. lines & Flow meters\Closeout\RCA\CA\_CL-2.DOC

c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E.      File No. 10605-02 - Closeout

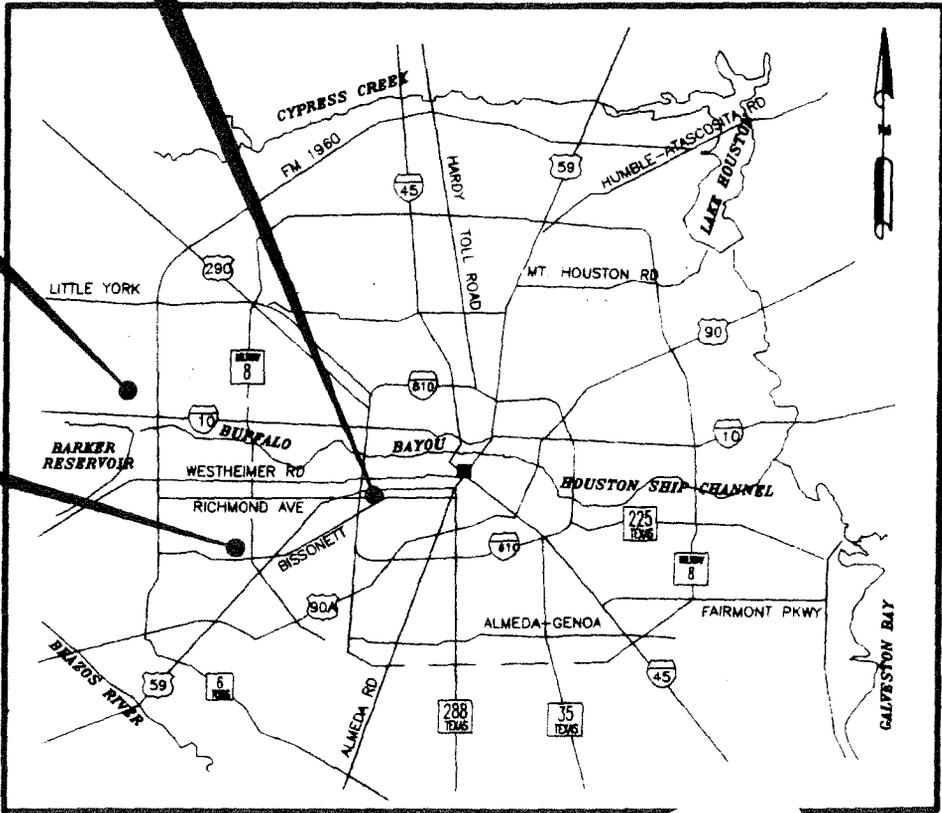
**REQUIRED AUTHORIZATION      CUIC ID# 20MZQ005**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>JT Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>DW Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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PROJECT LOCATION  
SOUTHWEST WATER  
PLANT SITE

PROJECT LOCATION  
KATY ADDICKS PUMP  
STATION SITE

PROJECT LOCATION  
M.U.D. No 184 WATER  
PLANT SITE

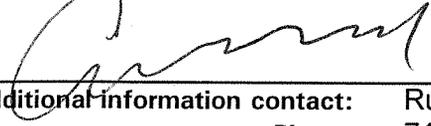


LOCATION MAP  
NTS

H/W

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-00D3-4		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  13
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>MSM</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> A, B, C, D, E, G, H and I		
<b>For additional information contact:</b> Yogesh Mehta, P.E. Acting Sr. Assistant Director Phone: (713) 641-9152	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-0624 dated, 06/16/2004		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$3,473,172.36, which is approximately 3.92% over 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 \$3,609,236.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.			<b>F&amp;A Budget:</b>
<b>SPECIFIC EXPLANATION:</b>  <b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting method to deteriorated sewer collection systems throughout the City.  <b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,342,276.81. The Notice to Proceed date was 08/02/2004 and the project had 730 calendar days for completion.  <b>LOCATION:</b> The project was located at various locations within Council Districts A, B, C, D, E, G, H and I.  <b>CONTRACT COMPLETION AND COST:</b> The contractor, PM Construction & Rehab., L.P. has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$3,473,172.36, which is approximately 3.92% over the original contract amount. More sliplining and pipe bursting was needed than anticipated.  <b>MWDBE PARTICIPATION:</b> The MWBE goal for this project was 16.20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 18.15%. The contractor was awarded an "Outstanding" rating from Affirmative Action.  <i>JM</i> MSM:JT:YM:JGM:FOS:mf Attachments  <i>MSM</i> c: Velma Laws Michael Ho, P.E. Craig Foster			
<b>Project File 4257-53</b>		<b>REQUIRED AUTHORIZATION</b>	
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>JT</i> Jeff Taylor, Deputy Director Public Utilities Division NOT	

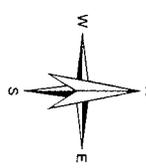
4257-53		Sanitary Sewer Rehabilitation by Sliplining &		
		Pipebursting Methods		
WBS No. R-000266-00D3-4		PM Construction & Rehab, L.P.		
<b>WORK ORDER</b>	<b>KEY MAP</b>	<b>Subdivision</b>	<b>BASIN</b>	<b>CD</b>
26	450V	HOLLYWOOD GARDENS	IA031	A
16	412D	GREENRIDGE NORTH	IV120	B
17	413D	GREENRIDGE NORTH	IV120	B
18	413A	GREENRIDGE NORTH	IV120	B
19	413A	GREENRIDGE NORTH	IV120	B
20	493N	HYDE PARK	AS090	C
21	493N	HYDE PARK	AS090	C
22	493N	HYDE PARK	AS090	C
23	493N	STRATFORD	AS090	C
24	493N	HYDE PARK	AS090	C
25	532N,S	TOWNHOUSE MANOR BRITTANY CONDO	SW209	C
5	573F	REEDWOODS	AS009	D
15	573G,H	SOUTH ACRES ESTATES	AS002	D
31	493N	ROSEMONT HEIGHTS EXTN	AS087	D
31add	493N	ROSEMONT HEIGHTS EXTN	AS087	D
32	573F	REEDWOODS	AS009	D
28	616D	SCARSDALE	SM002	E
33	616A,616B	SAGEMONT	SM008	E
27	492T	RIVER OAKS	AS059	G
2	453A	LITTLE YORK ANNEX	II074	H
3	452D	WILDROSE BARDENS	II074	H
4	453A,D	LITTLE YORK ANNEX	II074	H
6	453X	STUDE	II117	H
7	452Z	HOUSTON HEIGHTS	II123	H
8	452Z	HOUSTON HEIGHTS	II123	H
9	452Z	HOUSTON HEIGHTS	II123	H
10	452Z	HOUSTON HEIGHTS	II127	H
11	492D	HOUSTON HEIGHTS	II127	H
12	452U	HOUSTON HEIGHTS	II144	H
13	452Y	HOUSTON HEIGHTS ANNEX	II144	H
14	452Z	HOUSTON HEIGHTS ANNEX	II144	H
34	453Q,453R	LINDALE COURT	II140	H
1	535X	GLENBROOK VALLEY	SB040	I
29	495W	PINEVIEW PLACE	IB008	I
30	530H	SHARPSTOWN	SW078	I

<b>SUBJECT:</b> Parcel CY4-005; <i>City of Houston v. Harvey &amp; Sonjia Preston, et al.</i> , Cause No. 875,669; Fresh Water Supply District No. 23 Buffer Zone Project (WBS/CIP No. R-000265-0027-2); L.D. File No. 081-0600045-009		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>14</b>
<b>FROM (Department or other point of origin):</b> Legal Department, Real Estate Division Arturo G. Michel, City Attorney		<b>Origination Date</b> 08/10/07	<b>Agenda Date</b>  OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> "B" Jarvis Johnson, K.M. # 455G		
<b>For additional information contact:</b> Russell G. Richardson <i>RGR</i> Phone: 713 437-6750 (alternatively Joseph N. Quintal @ 713 437-6748)		<b>Date and identification of prior authorizing Council action:</b> B.A.O.#2005-1102, psd. 09/21/05		
<b>RECOMMENDATION: (Summary)</b> That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of Court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.				
<b>Amount of Funding:</b> \$34,804.00		<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 Water and Sewer System Consolidated Construction Fund (Fund No. 8500) <i>WJ</i> <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> Due to the increased growth in the service area for the Fresh Water Supply District No. 23, the plant will need to be expanded. This Project provides for the construction of electrical, mechanical and piping improvements at various wastewater treatment facilities throughout the City and is required to control operation and maintenance costs and ensure regulatory compliance.  This eminent domain proceeding involves the fee simple acquisition of 15,996 square feet (0.3672 acre) of land for the Fresh Water Supply District No. 23 Buffer Zone Project. The property is located in the 8200 block of Kellett Street and is owned by Harvey G. and Sonjia A. Preston. The Legal Department initiated eminent domain proceedings against the property after efforts to purchase were unsuccessful due to unresolved title issues. After hearing evidence presented, the Special Commissioners returned an Award of \$30,392.00 or the same amount as the City's testimony.  The " <b>Costs of Court</b> " are as follows, to wit: \$167.00 Filing fee; \$195.000 Service of process fee; \$1,500.00 Special Commissioners' fees (i.e. \$500.00 x 3); \$2,550.00 Appraiser's fee; <b>Total:</b> \$4,412.00. These "costs of court" account for the monetary difference between the amount of the Award and the total funds needed.  We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of Court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.				
h:\mark\prestonrca.wpd		<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>CUIC# 90AH188</b> Other Authorization:  Andrew E. Iken, Deputy Director, Planning and Development Services Division <i>Andrew E. Iken 9279</i>		

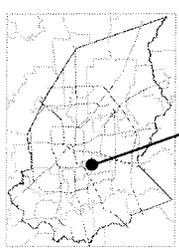
# Harris County Appraisal District



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 PUBLICATION DATE: 4/10/2006



MAP LOCATION



**FACET 5661C**

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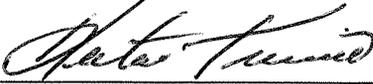


8401	8402	8403	8404
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8461	8462	8463	8464
8465	8466	8467	8468
8469	8470	8471	8472
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8485	8486	8487	8488
8489	8490	8491	8492
8493	8494	8495	8496
8497	8498	8499	8500

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

<b>SUBJECT:</b> Approve payment of certification and annual re-certification fees to the State of Texas Commission on Fire Protection for State Firefighter certifications	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b>  15
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------	-----------------------	------------------------------

<b>FROM (Department or other point of origin):</b> City of Houston Fire Department	9-28-07	OCT 03 2007 <b>Agenda Date</b>
---------------------------------------------------------------------------------------	---------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> Hector Trevino 	<b>Council District affected:</b>  All
----------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------

<b>For additional information contact:</b> Captain Karen DuPont 713.247.4049 Assistant Chief Jack Williams 713.247.8793	<b>Date and identification of prior authorizing Council action:</b> 9-20-2006 motion 2006 0836
-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
 Approve payments to Texas Commission on Fire Protection for initial and annual certification and re-certification of firefighters for the Houston Fire Department.

<b>Amount of Funding</b> \$140,000.00	<b>F &amp; A Budget:</b>
------------------------------------------	--------------------------

**SOURCE OF FUNDING:**  General Fund     Grant Fund     Enterprise Fund  
 Other (Specify) General fund 1000

**SPECIFIC EXPLANATION:**

The Fire Chief recommends that City Council approve payment to the Texas Commission on Fire Protection for re-certification of firefighters, certifications of graduating cadets, written and skills testing of cadets and special certifications such as Inspection, Rescue, Aircraft Firefighting, and Master Instructors for the Fire Department in the total amount not to exceed \$140,000.00.

Texas Government Code, Section 419.024 requires that all firefighters employed in the State in a full-time paid status must be certified and re-certified annually by the Commission and that the employing agency must pay the certification fee by October 31 each year. A penalty of \$10.00 per firefighter will be assessed monthly if payment is made after October 31, 2007.

*788 9/27/07*

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

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7506

Subject: Approve the Sole Source Purchase of Medical Oxygen Regulators and Flowmeters for the Fire Department S09-S22439

Category # 4

Page 1 of 1

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

August 31, 2007

Agenda Date

OCT 03 2007

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected  
All

For additional information contact:

Karen Dupont Phone: (713) 859-4934  
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase from Flotec, Inc. in an amount not to exceed \$187,125.00 for medical oxygen regulators and flowmeters for the Fire Department.

Estimated Spending Authority: \$187,125.00

F & A Budget

\$187,125.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the sole source purchase from Flotec, Inc. in an amount not to exceed \$187,125.00 for medical oxygen regulators and flowmeters for the Fire Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month term.

Flotec, Inc. is the sole manufacturer, supplier and distributor of these products.

This award consists of approximately 1,780 various types of medical oxygen regulators and flowmeters. This hardware will be installed on the City's medical oxygen tanks so that the oxygen administered to patients can be regulated. The medical oxygen tanks are located on all ambulances and medical units.

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

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on September 17, 2007 and was recommended for approval.

Buyer: Laura A. Marquez

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division.

Estimated Spending Authority:

DEPARTMENT	FY08	OUT YEARS	TOTAL
Fire	\$37,425.00	\$149,700.00	\$187,125.00

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Laura A. Marquez

Date: August 16, 2007

Subject: MWBE Participation Form

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

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

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: \_\_\_\_\_ New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S09-S22439 Estimated Dollar Amount: \$187,125.00

Anticipated Advertisement Date: 5/25/2007 Solicitation Due Date: 6/14/2007

Goal On Last Contract: N/A Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

Sole Source Purchase of Medical Oxygen Regulators and Flowmeters for the Fire Department

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

This is a sole source item that is sold and shipped directly to the City by the manufacturer, Flotec, Inc.

Concurrence:

[Signature]  
SPD Initiator

[Signature]  
Division Manager

[Signature]  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

[Signature]  
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

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

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7544

**Subject:** Formal Bids Received for Equipment, Hale Pump Replacement Parts for the Fire Department  
S36-S22428

Category #  
4

Page 1 of 2

Agenda Item

17

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

August 22, 2007

**Agenda Date**

OCT 03 2007

**DIRECTOR'S SIGNATURE**

*MS Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont Phone: (713) 859-4934  
Desiree Heath Phone: (713) 247-1722

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

**RECOMMENDATION: (Summary)**

Approve an award to Fire Pump Specialty on its low bid in an amount not to exceed \$330,000.00 for Hale pump replacement parts for the Fire Department.

Estimated Spending Authority: \$330,000.00

**F & A Budget**

\$330,000.00 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Fire Pump Specialty on its low bid in an amount not to exceed \$330,000.00 for Hale pump replacement parts for the Fire Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of various Hale pump replacement parts, which include, but are not limited to usp power shift kits, pump motor discharges and gear box cover gaskets. These materials will be used by the Fire Department for repair and replacement parts on its fire truck pumps.

This is a price list solicitation. The best discount, which determines the low bid for a price list, is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Department. The bid total for sample pricing items does not represent the total amount estimated to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60-month period, based on the low bid submitted for the representative samples.

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

	<u>COMPANY</u>	<u>SAMPLE PRICING</u>
1.	Fire Pump Specialty	\$3,178.55
2.	Metro Fire	\$3,517.31
3.	Martin Apparatus, Inc.	\$4,172.02

*mgl*

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MA*

Date:  
8/22/2007

Subject: Formal Bids Received for Equipment, Hale Pump  
Replacement Parts for the Fire Department  
S36-S22428

Originator's  
Initials  
VK

Page 2 of 2

**Estimated Spending Authority**

<b>Department</b>	<b>FY08</b>	<b>Out Years</b>	<b>Total</b>
Fire	\$66,000.00	\$264,000.00	\$330,000.00

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on September 17, 2007 and was recommended for approval.

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division.

Buyer: Valerie Player-Kaufman



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

RECEIVED

MAY 23 2007

## Interoffice

Correspondence

City of Houston  
Reactive Action

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Valerie Player-Kaufman

Date: May 17, 2007

Subject: MWBE Participation Form

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

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No  0%

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: N/A New Goal: N/A

If requesting a revision, how many solicitations were received: 0

Solicitation Number: S36-S22428 Estimated Dollar Amount: \$370,000.00

Anticipated Advertisement Date: 6/1/2007 Solicitation Due Date: 6/14/2007

Goal On Last Contract: 0% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: 0%

Name and Intent of this Solicitation:

Equipment, Hale Replacement Parts and Repair Service to maintain the fire truck pumps for the Fire Department.

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

The current contract has a zero goal approval. The manufacturers for these products drop-ship their product directly to the end-users. Fire trucks which need repair are taken to the vendor facility by the department. Stock parts are picked up at the department, by the supplier, to make repairs. Consequently, there is no opportunity for M/WBE participation; therefore, we request that a zero percentage goal be approved on this contract.

Concurrence:

SPD Initiator

Division Manager

FOR   
Velma Laws, Director  
\*Affirmative Action

Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

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

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7602**

**Subject:** Purchase of Special Duty Vehicles Through the Houston-Galveston Area Council for the Police Department  
S34-N22617-H

Category #  
4

Page 1 of 2

Agenda Item

**18**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

September 13, 2007

**Agenda Date**

OCT 03 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 the purchase of special duty vehicles through the Houston-Galveston Area Council (H-GAC) in the amount of \$208,973.00 for the Police Department.

Award Amount: \$208,973.00

**F & A Budget**

Asset Forfeiture Fund - Justice (Fund 2203)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of ten special duty vehicles through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$208,973.00 for the Police Department, and that authorization be given to issue purchase orders to the H-GAC contractors as shown below. These special duty vehicles will be assigned to the Department's unmarked fleet and will be used citywide by police officers for undercover surveillance and investigative operations. The Department specified these special duty vehicles by specific makes and model numbers to blend in with the general population's variety and type of vehicles.

**Baby Jack II Automotive, LTD d/b/a Caldwell Country Chevrolet:** Approve the purchase of three medium-duty, 4-door, utility vehicles; and two full-size, 4-door sedans in the amount of \$115,444.00.

**Dallas Dodge Chrysler Jeep:** Approve the purchase of two heavy-duty, 4-door utility vehicles; two medium-duty, 4-door, utility vehicles; and a full-size, 4-door sedan in the amount of \$93,529.00.

This purchase consists of five medium-duty, 4-door, utility vehicles; two heavy-duty, 4-door, utility vehicles, and three full-size, 4-door sedans. These vehicles will meet the EPA's current emission standards for gasoline-powered vehicles and come with a full three-year/36,000 mile bumper-to-bumper warranty, and the life expectancy is five years/100,000 miles. For vehicle usage and replacement detail, see the Equipment Usage Summary on Page 2 of 2. Vehicles that will be replaced have reached their life expectancies and will be sent to auction for disposition.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MDT*

*eng*

*3-2-07*

Date:  
9/13/2007

Subject: Purchase of Special Duty Vehicles Through the Houston-  
Galveston Area Council for the Police Department  
S34-N22617-H

Originator's  
Initials  
LB

Page 2 of 2

Equipment Usage Summary

Requisition No.	Qty	Description	Equipment Replacement		
			Shop No.	Age-Yrs.	Mileage
10031518	3	Medium-Duty, 4-Door, Utility Vehicles	26826	10	133592
			29262	9	228383
			29084	9	220733
	2	Full-Size, 4-Door Sedans	30410	8	220422
			30431	8	103980
10031561	2	Heavy-Duty, 4-Door Utility Vehicles	22931	9	196579
			31268	10	126649
			32833	6	124188
	2	Medium-Duty, 4-Door, Utility Vehicles	33420	7	135778
			30404	8	121979
1	Full-Size, 4-Door Sedan				

Buyer: Larry Benka

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7559**

**Subject:** Emergency Replacement of 24" Gravity Sewer Line for the Public Works & Engineering Department  
S25-C22579

Category #  
1 & 4

Page 1 of 1

Agenda Item

*19-19A*

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

September 05, 2007

**Agenda Date**

OCT 03 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
B

**For additional information contact:**

David Guernsey                      Phone: (713) 238-5241  
Ray DuRousseau                      Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$128,962.60 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve payment to Troy Construction, L.L.P. in the total amount of \$128,962.60 for the emergency replacement of 24" gravity sewer line for the Public Works & Engineering Department.

Payment Amount: \$128,962.60

**F & A Budget**

\$128,962.60 Water & Sewer System Consolidated Construction Fund (8500) WBS R-000019-0043-4-01-01

*09/14/07*

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$128,962.60 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500). It is further recommended that City Council approve payment to Troy Construction, L.L.P. in the total amount of \$128,962.60 for the emergency replacement of 24" gravity sewer pipeline for the Public Works & Engineering Department.

On April 11, 2007, the 24" gravity sewer pipeline under the intersection of 200 Hirsch Road at Clinton Drive failed, causing a 40' x 40' cave-in. 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 approximately 90 lineal feet of 24" gravity sewer pipeline and replace it with 90 lineal feet of 36" gravity sewer pipeline, replacement of 102 lineal feet of curb and gutter, and restoration of the site including backfilling and concrete pavement. The pipeline was replaced with 36" pipe as part of a planned CIP project to increase the capacity of this section of the sewer line.

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

*ms*

*65CDW2783*

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*Calvin D. Wells*

*92408 18-07*

*ND*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7448

**Subject:** Formal Bids Received for Automotive, Associated Replacement Parts for Various Departments  
S10-S22324

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**

July 17, 2007

**Agenda Date**

OCT 03 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger                      Phone: (713) 308-1708  
Desiree Heath                              Phone: (713) 247-1722

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

**RECOMMENDATION: (Summary)**

Approve an award to Star Automotive Warehouse on its low bid meeting specifications in an amount not to exceed \$2,119,355.20 for automotive associated replacement parts for various departments.

Estimated Spending Authority: \$2,119,355.20

**F & A Budget**

\$2,091,825.57 General Fund (1000)  
\$ 27,529.63 Water & Sewer System Operating Fund (8300)  
\$2,119,355.20

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Star Automotive Warehouse on its low bid meeting specifications in an amount not to exceed \$2,119,355.20 for automotive associated replacement parts for various departments. It is further requested that authorization be given to make purchases, as needed, for a 48-month period. This award consists of 12 price lists for various automobile associated replacement parts, which include, but are not limited to starters, alternators, signal switches, blower motors, shocks, hoses, retrofit kits, coils, sensors, ball joints, idler arms, and water and fuel pumps. These materials will be used by the Police, Fire, Solid Waste, Parks & Recreation, and the Public Works & Engineering Departments for repair on its fleet of automobiles.

This is a price list solicitation. The best discount, which determines the low bid for a price list, is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount estimated to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 48-month period, based on the low bid submitted for the representative samples.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-one bidders viewed the solicitation document on SPD's e-bidding website, and five bids were received as detailed below:

**Star Automotive Warehouse:** Award on its low bid meeting specifications for Item Nos. 1 - 12 (Motorcraft Ford Authorized Distributors Net Price List, AC Delco Advantage Price List, Monroe Suggested Jobber Net Cost Sheet, Four Seasons Jobber Price List, Standard Wire and Cable Price List, Moog Price List, Airtex Jobber Price Schedule, Gates Automotive Stocking Jobber's Net Price List, Permatex Automotive Jobber Cost Schedule, 3M Automotive Products Suggested Dealer Price List, Unity Suggested Stocker Dealer Price Schedule, and Wagner Lighting & Bulbs Price List), in an amount not to exceed \$2,119,355.20.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*NOT*

Date:  
7/17/2007

Subject: Formal Bids Received for Automotive, Associated  
Replacement Parts for Various Departments  
S10-S22324

Originator's  
Initials  
GB

Page 2 of 2

**COMPANY**

**SAMPLE PRICING TOTAL**

- |                                                      |                                            |
|------------------------------------------------------|--------------------------------------------|
| 1. Zep Manufacturing                                 | \$ 999.69 (Partial Bid/Higher Unit Price)  |
| 2. A-Line Auto Parts                                 | \$2,607.93 (Partial Bid/Higher Unit Price) |
| 3. XL Parts, LP                                      | \$2,656.10 (Did Not Meet Specifications)   |
| <b>4. Star Automotive Warehouse</b>                  | <b>\$2,656.77</b>                          |
| 5. Hilo Auto Supply, LP d/b/a O'Reilly<br>Auto Parts | \$3,253.29                                 |

**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. Star Automotive Warehouse has designated the below-named company as its certified M/WBE subcontractor:

<b><u>NAME</u></b>	<b><u>TYPE OF WORK</u></b>	<b><u>DOLLAR AMOUNT</u></b>
Cova, LLP, d/b/a Central Delivery Service of Houston	Product Delivery Services	\$63,580.66

The Affirmative Action Division will monitor this award.

Buyer: Greg Hubbard

Estimated Spending Authority:

<b>DEPARTMENTS</b>	<b>FY2008</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
POLICE	\$ 250,000.00	\$ 750,000.00	\$1,000,000.00
FIRE	\$ 208,775.00	\$ 626,325.00	\$ 835,100.00
SOLID WASTE	\$ 49,250.00	\$ 147,750.00	\$ 197,000.00
PARKS & RECREATION	\$ 14,725.57	\$ 45,000.00	\$ 59,725.57
PWE	\$ 6,882.63	\$ 20,647.00	\$ 27,529.63
<b>GRAND TOTAL</b>	<b>\$ 529,633.20</b>	<b>\$ 1,589,722.00</b>	<b>\$2,119,355.20</b>

<b>SUBJECT:</b> City Council Resolution authorizing the City to make application with the Texas Water Development Board, to access the Tier III, Clean Water State Revolving Fund program.	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>21</b>

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Susan Bandy Phone: (713) 837-0282	<b>Date and identification of prior authorizing Council action:</b>
---------------------------------------------------------------------------------	---------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
Pass a Resolution authorizing the City to make application with the Texas Water Development Board, to access the Tier III, Clean Water State Revolving Fund program.

<b>Amount of Funding:</b> No funds are required at this time.	<b>F &amp; A Budget:</b>
------------------------------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

The Department of Public Works & Engineering wishes to apply for a low interest rate loan from the Texas Water Development Board (TWDB) under the Clean Water State Revolving Fund (CWSRF), Tier III program, to improve the wastewater system. The interest rates available on this program are 180 basis points below the current bond market rates.

The TWDB administers loan programs to eligible municipalities and agencies through the purchase of bonds issued by the loan recipients. In 1998, the TWDB began using a priority rating process to determine the amount of funding participants could receive from the State Revolving Fund. Municipalities are annually requested to submit an Intended Use Plan providing information on projects to be considered for TWDB funding. After the projects are prioritized and the amount of available funds determined, applicants are invited to apply for SRF loans. These wastewater projects are included in the FY2008 Adopted Capital Improvement Plan (CIP).

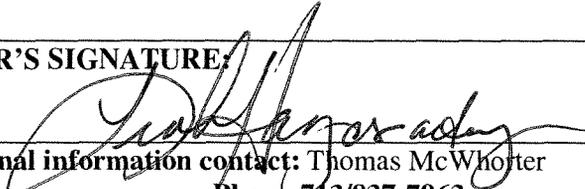
The City of Houston has benefited from the lower interest rates offered by the SRF program since 1988 and wishes to continue its participation in the program. This resolution will authorize the City to make application with the TWDB to receive a \$37.9 million loan commitment based on the City's FY2007 Intended Use Plan. The loan commitment from the TWDB is for a two year period. Within that period, City Council approval will be requested to authorize the issuance of bonds to the TWDB. The \$37.9 million SRF bond issuance is anticipated in October 2009.

It is requested that City Council approve the resolution authorizing the City to make application with the Texas Water Development Board for the Clean Water State Revolving Fund.

cc: Marty Stein  
 Legal  
 Waynette Chan  
 Gary Norman  
 Andy Icken

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC#20SB15</b>
<b>F &amp; A Director:</b>	<b>Other Authorization:</b> <i>[Signature]</i>	<b>Other Authorization:</b> <i>[Signature]</i>

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

<b>SUBJECT:</b> Approval of a resolution designating 2 Landmarks and Protected Landmarks (see Attachment - page 2 of 2)		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 22
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> 8/6/2007		<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> (see Attachment - Page 2 of 2)		
<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>RECOMMENDATION: (Summary)</b>  Approval of a resolution designating 2 Landmarks and Protected Landmarks (see Attachment - Page 2 of 2)				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  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.  Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the 2 Landmark and Protected Landmark designations. There were no objections to the applications.  Photos of the proposed Landmarks and Protected Landmarks can be found by going to the following link on the Planning Department's web site: <a href="http://www.houstontx.gov/planning/historic_pres/pending.htm">www.houstontx.gov/planning/historic_pres/pending.htm</a>  MG: rp tm  Attachments: Applications and Staff Reports  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>

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<b>Date</b>	<b>Subject:</b> Approval of a resolution designating 2 Landmarks and Protected Landmarks	<b>Originator's Initials</b> <i>RP</i>	<b>Page</b> <u>2</u> of <u>2</u>
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LANDMARKS AND PROTECTED LANDMARKS NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1. J. Vance Lewis House 1218 Wilson Street (aka 1408 Andrews)	Owner	I	7-25-2007	8-2-2007
2. Reverend Ned P. Pullum House 1319 Andrews Street	Owner	I	7-25-2007	8-2-2007

**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- ☉ Complete all information. Incomplete applications may cause delays in processing.
- ☉ If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 6/27/2007 HPO File Number: 07-PL43  
 Accepted By: Thomas McWhorter

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print)	
Address <u>Rutherford B. H. Yates Museum, Inc.</u>	
<u>P.O. Box 79425</u>	
City <u>Houston</u>	State <u>TX</u>
Zip Code <u>77279-9425</u>	Day Phone <u>713 739-0163</u> Fax Phone
Signature <u>[Signature]</u>	Date <u>6/20/07</u>

Agent's Name (if applicable)(Please print) <u>DEBRA BLACKLOCK-SLOAN</u>	
Address <u>10418 KELBURN DRIVE</u>	
City <u>HOUSTON</u>	State <u>TX</u>
Zip Code <u>77016</u>	Daytime Phone <u>713 505-7653</u>
Signature <u>[Signature]</u>	Date <u>6/26/2007</u>

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 Ninety-day waiver certificate and Sec. 33-254 Demolition by Neglect - see Code of Ord. Chapter 33 - Historic Preservation Ordinance - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

*NOTE: Site information is required and must accompany the application.*

Site Address <u>1218 WILSON Houston TX 77019</u>
General description

Tax account number <u>009079000009</u>	
Subdivision <u>Castaine</u>	
Lot <u>9+10</u>	Block <u>23</u>

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- **IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:**
  - A) Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
  - B) Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** J. Vance Lewis House

**OWNER:** Rutherford B. H. Yates Museum, Inc.

**APPLICANT:** Same as Owner

**LOCATION:** 1218 Wilson Street – Freedmen’s Town National Register Historic District (aka 1408 Andrews)

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

**AGENDA ITEM:** IIIA

**HPO FILE NO.:** 07PL43

**DATE ACCEPTED:** June-27-07

**HAHC HEARING:** July-25-07

**PC HEARING:** Aug-2-07

### SITE INFORMATION:

Lots 9 & 10, Block 23, Castanie Addition, City of Houston, Harris County, Texas. The site includes a historic one-story wood frame house on a high-raised foundation.

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

### HISTORY AND SIGNIFICANCE SUMMARY:

The J. Vance Lewis House at 1218 Wilson also known as “Van Court” is a one-story wood–frame cottage built for J. Vance Lewis and his wife, Pauline Gray Lewis. The house is located in the National Register Historic District of Freedmen's Town, a community settled after Emancipation that became a thriving center of Black social, cultural, religious, and commercial activity through the first three decades of the 20<sup>th</sup> century. More than 95% of Houston's first black businesses were located in the neighborhood

Joseph Vance Lewis was an attorney who moved to Houston in 1901. Born a slave on Christmas Day 1863 in Terrebonne Parish, Louisiana, he attended college in New Orleans and was a teacher and school principal in East Texas. In the late 1880s, he received a medical license in Illinois, and in the 1890s he attended law school in Michigan and Chicago. He was admitted to the Supreme Court of Illinois in 1897 and was later admitted to the Bar of the United States Supreme Court. By the time he moved to Houston in 1901, Lewis was practicing criminal and civil law. He published his autobiography, "Out Of The Ditch: A True Story of An Ex-Slave" in 1910. Lewis co-founded the Twentieth Century Bank in 1919 and ran for district court judge on the Republican Black and Tan Party ticket in 1920. He had law offices in downtown Houston as well as at 'Van Court.' His wife, Pauline Gray, a Texas native born in 1874, was a teacher at the Second Ward Public School and Gregory Institute and was the second librarian at the Colored Carnegie Library for a brief period. Pauline and J. Vance married in 1902 at Antioch Baptist Church.

The J. Vance Lewis House meets Criteria 1, 3, 4, 5, 6, and 8, as well as being a contributing building to the Freedmen’s Town National Register Historic District for Landmark and Protected Landmark Designation.

### HISTORY AND SIGNIFICANCE:

The J. Vance Lewis House at 1218 Wilson, also known as “Van Court,” is a one-story wood–frame cottage built in 1907 for Joseph Vance Lewis and his wife, Pauline Gray Lewis. Before the Lewis house was built, the property (then known as 1408 Andrews) was first purchased on November 7, 1874 by Isabelle Simms. According to the 1870 census, Simms and her husband Charles were natives of Louisiana and lived on Clay Street in the Fourth Ward. Isabelle worked as a domestic servant and Charles was a wood hauler. By the time Mrs. Simms purchased the property from H.H. and Frances F. Dooley, she had been widowed. Her pastor,

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

Reverend Jack Yates, influenced her to buy the property, and after earning enough money, she gave the money to Reverend Yates to buy the land for her.

In 1896, Isabelle conveyed the northeast portion of the property to Pauline Gray, who lived behind her at 1216 Wilson. Ms. Gray was born in Texas in 1874 and moved to the Fourth Ward with her mother Mary Gray and grandmother Rosa Williams in the late 1870s. She taught at the Second Ward Public School, Gregory Institute and was the second librarian at the Colored Carnegie Library for a brief period.

In 1902, Pauline married J. Vance Lewis, an attorney who moved to Houston in 1901. The ceremony was held at Antioch Baptist Church and officiated by Reverend F.L. Lights. Mr. Lewis, who was born a slave on Christmas Day in 1863, was a native of Terrabonne Parish, Louisiana. He attended college at Leland University in New Orleans, earned a teaching certificate from the Normal School in Orange, Texas, and taught school and became a principal in Angelina County. In the late 1880s, the State Board of Illinois granted him a license to practice medicine. Lewis decided to further his education and enrolled in Lincoln University in Pennsylvania for two terms. A trip to several courthouses in New York changed his plans, though, when he witnessed the trial of a black man being defended by a black lawyer in Buffalo, New York. Lewis was so impressed with the defense strategy of the lawyer that after the close of the trial Lewis questioned him about becoming a lawyer himself. In 1894, Lewis attended law school in Ann Arbor, Michigan, and at the Chicago College of Law, and was admitted to the Supreme Court of Illinois in 1897. He then applied to the bar of the United States Supreme Court and was admitted 10 days later. By the time he moved to Houston in 1901, he was practicing criminal and civil law. He published his autobiography, "Out Of The Ditch: A True Story of An Ex-Slave" in 1910. In 1919, he co-founded Twentieth Century Bank and in 1920 ran for district court judge on the Republican Black and Tan Party ticket.

The Lewis house, located in the National Register Historic District of Freedmen's Town (1985) is listed as a contributing property of high significance. J. Vance Lewis built the home in 1907. The cost to build it was \$2800 according to a mechanic's lien dated August 26, 1907. Isabelle Simms' house on the site was torn down in the process and she moved to 1216 Wilson with Pauline Gray Lewis' grandmother and mother.

After the Civil War this area just on the southwestern fringe of Houston was where emancipated slaves congregated. New and existing subdivisions, such as Seneshal Addition (1848) and the Justin Castanie Addition (1848), two G. S. Hardcastle Additions, and three other real estate developments undertaken by William R. Baker, accommodated this settlement. As early as the 1880s this district was referred to as Freedmantown. It lay on the south bank of Buffalo Bayou, across from the W. R. Baker Addition in the First Ward (later Sixth Ward, as it became named after redistricting in 1876). In the early 1900s, Freedmen's Town encompassed an area bounded by Buffalo Bayou, Sutton Street, Taft Street, and Prairie Street downtown. Today, the boundaries have been reduced to Taft, Heiner, West Dallas, and West Gray Streets.

The San Felipe streetcar ran parallel to Lewis' home as it headed north on Wilson Street. During the years from 1920 until his death in 1925, he used Van Court as his law office. The home was featured in the Houston Informer Newspaper advertising his law practice. Previously, his law office was located in several prominent African American buildings downtown.

After the death of J. Vance Lewis in 1925, Pauline continued to live in the house. She remarried twice, first to Leonce Lubin, also a teacher, and later to Samuel Byars, a welder by trade. Mrs. Lewis died on December 26, 1963.

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

The J. Vance Lewis House was listed as a contributing property of high significance in the Freedmen's Town National Register Historic District designated in 1985. "Van Court" is a square-planned, pyramid-roofed late Victorian cottage with hipped- and gable-roofed wings projecting from three of its four corners. An L-plan

gallery wraps around the east (front) and south facades of the house. Tapered wood columns on brick piers support the low-pitched gallery roof. Large, one-over-one-pane plate glass windows, considered very modern for their time, give the Wilson Street facade of the house imposing scale. The interior of the house has fifteen-foot ceilings, pine flooring, wainscoting, crown molding, gingerbread trim on the kitchen cabinets, and etched glass door windows.

After the death of Mrs. Lewis Lubin Byars in 1963, the house was bequeathed to Johnnie Route whom she considered as a son. In 1966, Route sold the house to Joseph M. Phillipone, who used it as rental property. In February 2007, the house was purchased by the Rutherford B. H. Yates Museum, Inc. No significant architectural modifications have been made to the exterior of the house.

### **BIBLIOGRAPHY:**

Harris County Deed Records, Volume 66, p. 97, 130, Volume 98, p. 417, Volume 107, p. 422.

Houston City Directories, 1870-1949.

United States Census 1880, Galveston County, Texas.

United States Census 1880, Harris County, Texas.

Sanborn Maps, 1896, 1907.

*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, Planning and Development Department, City of Houston.*

### **APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:**

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

**S    NA**

**S - satisfies    NA - not applicable**

Meets at least three of the following (Sec. 33-229(a)(1):

- (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 (Sec. 33-224(a)(1);
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);
- (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 (Sec. 33-224(a)(3);
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5));
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6));
- (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7));
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

### AND

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

### OR

- The property was constructed before 1905 (Sec. 33-229(a)(2));

### OR

- The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));

### OR

- The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

### STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to the Houston City Council the Landmark and Protected Landmark Designation of the J. Vance Lewis House at 1218 Wilson Street.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP  
J. VANCE LEWIS HOUSE  
1218 WILSON STREET  
NOT TO SCALE



**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- ☉ Complete all information. Incomplete applications may cause delays in processing.
- ☉ If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 6/27/2007 HPO File Number: 07-PL44  
 Accepted By: Thomas McWhorter

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print) <u>Rutherford B.H. Yates Museum Inc</u>	
Address <u>P.O. Box 79425</u>	
City <u>Houston</u>	State <u>Tx</u>
Zip Code <u>77279-4425</u>	Day Phone <u>713 739-0163</u>
Fax Phone	
Signature <u>Albert J. Kelly</u>	Date <u>6/20/07</u>

Agent's Name (if applicable)(Please print) <u>DEBRA BLACKLOCK-SLOAN</u>	
Address <u>10418 KELBURN DRIVE</u>	
City <u>HOUSTON</u>	State <u>TX</u>
Zip Code <u>77016</u>	Daytime Phone
Signature <u>Debra Blacklock-Sloan</u>	
Date <u>6-26-2007</u>	

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 Ninety-day waiver certificate and Sec. 33-254 Demolition by Neglect - see Code of Ord. Chapter 33 - Historic Preservation Ordinance - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address <u>1319 Andrews Houston Tx 77019</u>
General description

Tax account number <u>0050210000005</u>	
Subdivision <u>Baker WRSSB3</u>	
Lot <u>5</u>	Block <u>64</u>

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:
  - A) Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
  - B) Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Reverend Ned P. Pullum House

**OWNER:** Rutherford B. H. Yates Museum, Inc.

**APPLICANT:** Same as Owner

**LOCATION:** 1319 Andrews Street – Freedmen's Town National Register Historic District

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

**AGENDA ITEM:** III B

**HPO FILE NO.:** 07PL44

**DATE ACCEPTED:** June-27-07

**HAHC HEARING:** July-25-07

**PC HEARING:** Aug-2-07

### SITE INFORMATION:

Lot 5, Block 64, W. R. Baker Addition, SSBB, City of Houston, Harris County, Texas. The site includes a historic one-story wood frame house on a high-raised foundation.

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

### HISTORY AND SIGNIFICANCE SUMMARY:

The home of Reverend Ned P. and Emma Pullum, located at 1319 Andrews Street in the Freedmen's Town National Register Historic District, was constructed circa 1898. Reverend Pullum was at one time the Pastor of Bethel Baptist Church and later the founder and pastor of Friendship Baptist Church which are both located in Freedmen's Town. Reverend Ned Pullum was also a successful entrepreneur who started the Pullum Standard Brickworks which had been located near the present day location of Magnolia Cemetery near Allen Parkway Drive and Montrose Boulevard. Pullum also dealt in real estate, served on the committee to create Houston's Carnegie Library, as well as helped to found the Union Hospital, which was one of the very first hospitals to serve Houston's African American population. Pullum was also very active socially and was a member of the Free Masons and is mentioned in Houston's Red Book which "listed the social, professional, religious, educational and industrial interests of Houston's African American population".

Founded just after Emancipation on the southern banks of Buffalo Bayou, the original Freedmen's Town settlement grew to become the economic, spiritual, and cultural focus of Houston's Black community. More than 95% of Houston's first black businesses were located in the neighborhood.

The Reverend Ned Pullum House meets Criteria 1, 3, 4, 5, 7, and 8, as well as being constructed before 1905, and being a contributing building to the Freedmen's Town National Register Historic District, for Landmark and Protected Landmark Designation.

### HISTORY AND SIGNIFICANCE:

Reverend Ned Pullum was a native of Pickensville, Alabama, and moved to Texas in 1895 to become a pastor of a church in Beaumont. His wife Emma Eddings Pullum was a native of Lowndes County, Mississippi. The Pullums moved to Houston a year later where Ned became pastor of a church in the Sixth Ward. When Reverend Jack Yates died in 1897, Pullum was chosen as pastor of Bethel Baptist Church in the Freeman's Town area of Houston's Fourth Ward. Pullum was also a successful entrepreneur who acquired and sold several rental properties in the neighborhood. On January 15, 1903, he resigned as pastor of Bethel Baptist due to some misunderstanding and organized Friendship Baptist Church in the Hardcastle Addition of Fourth Ward. At the 1905 National Negro Business League Conference held in Chicago, Illinois, Pullum commented that he paid \$25,000 to build the new church.

Reverend Pullum and wife Emma purchased lot 5 of Block 64 in the W.R. Baker SSBB Addition in 1898. The land was purchased from an F. J. Smith for \$200 down payment with an additional \$800 to be paid in monthly payments of \$10. The Houston City Directory lists Reverend Pullum as residing at this site in 1898 so it is presumed that the home was constructed earlier in that same year. The home appears in a 1907 Sanborn Fire Insurance Company map of the area, the first available for this particular area of Houston. On the map it appears largely unchanged from its current configuration.

In 1907, Pullum bought some property from the Stanley family on which he started his Pullum Standard Brickworks. The brickyard was located north of San Felipe between Taft and Montrose Streets in a section of what is now Magnolia Cemetery. He also owned two pharmacies and People's Pride Shoe Repair at 813 Prairie Street from 1908 to 1912. Pullum was very active as a civic leader in the Fourth Ward community and was known for helping his fellow man. He was a member of the Magnolia Lodge No. 4 Free and Accepted Masons, on the committee to establish the Colored Carnegie Library, and was a contributor to Union Hospital, Houston's first black hospital.

Reverend Pullum was pastor of Friendship Baptist Church for twenty-four years until his health began to fail. On June 18, 1927, Reverend Pullum died from acute indigestion leaving behind his wife Emma, sons William and Edward, and daughter Mary. He was buried in College Park Cemetery located in the 3500 block of West Dallas, which is also the burial location for Reverend Jack Yates.

In 1915, a photograph of the home was published in 'The Red Book of Houston,' a publication that listed the social, professional, religious, educational and industrial interests of Houston's Black population. From the early 1900s until 1936, the Houston Electric Company's San Felipe Route ran in front of Reverend Pullum's home on Andrews Street before heading north on Wilson Street.

The Pullum house was listed as a contributing property of high significance in the Freedmen's Town National Register Historic District, designated in 1985.

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

The main elevation of the house faces north on Andrews Street and features a wrap around porch. The original 1,435 square foot floor plan of the house consisted of a parlor, kitchen, dining room, master bedroom and a guest room with a door (transom overhead) that leads out to the wrap around porch. The interior of the house has wood floors, crown moldings, decorative trim, arched doorways, rounded doors, transoms, and a fireplace. A sliding pocket door once separated the dining room and parlor room.

The front door has a transom and the narrow windows flanking the door have leaded glass designs. The bay windows have art glass in the upper sashes. Two pass-through windows on the front of the house are tall enough so that when raised from the inside, one is able to walk out onto the front porch. While some gingerbread millwork suggests an older Victorian flair, the Doric porch columns on brick pedestals suggest an awareness of the newer Colonial Revival styles.

The house is raised several feet on a generous brick foundation with decorative brick skirting, which attests to Reverend Pullum's involvement in the brick business. Porches were prominent features of homes in the Freedmen's Town district. Not only did porches help residents survive the hot summer climate, they also served as transitional spaces between home and community, providing a sheltered space for residents to converse with friends and neighbors and to keep an eye on children playing outside. The porch in the rear of the house was later enclosed and made into a bathroom and spare bedroom. The original outbuilding has since been destroyed. There have been no modifications or structural changes to the house since the death of Emma Pullum in 1934 and the overall configuration of the building has not changed substantially since 1907..

### **BIBLIOGRAPHY:**

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

Harris County Deed Records, Volume 66, p. 97, 130, Volume 98, p. 417, Volume 107, p. 422.

Houston City Directories, 1870-1949.

United States Census 1880, Galveston County, Texas.

United States Census 1880, Harris County, Texas.

Sanborn Maps, 1896, 1907.

*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, Planning and Development Department, City of Houston.*

### APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

**S NA**

**S - satisfies NA - not applicable**

Meets at least three of the following (Sec. 33-229(a)(1):

- (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 (Sec. 33-224(a)(1);
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);
- (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 (Sec. 33-224(a)(3);
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).

**AND**

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

**OR**

- The property was constructed before 1905 (Sec. 33-229(a)(2);

**OR**

- The property is listed individually in the National Register of Historic Places or designated as a “contributing structure” in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3);

**OR**

- The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4).

### **STAFF RECOMMENDATION:**

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to the Houston City Council the Landmark and Protected Landmark Designation of the Reverend Ned P. Pullum House at 1319 Andrews Street.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

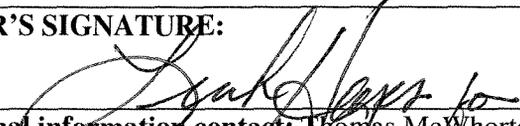
SITE LOCATION MAP  
REVEREND NED P. PULLUM HOUSE  
1319 ANDREWS STREET  
NOT TO SCALE



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

<b>SUBJECT:</b> Approval of a resolution designating the Rutherford B. H. Yates, Sr. House at 1314 Andrews Street as a Protected Landmark, a designated Landmark of the City of Houston	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>23</b>
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 8/6/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> I
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<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
------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

**RECOMMENDATION: (Summary)**

**Approval of a resolution designating the Rutherford B. H. Yates, Sr. House at 1314 Andrews Street as a Protected Landmark, a designated Landmark of the City of Houston**

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

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.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on July 25, 2007 and August 2, 2007 respectively. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of a Protected Landmark, which is a designated Landmark. There were no objections to the application.

Photos of the proposed Protected Landmark can be found by going to the following link on the Planning Department's web site: [www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm)

MG: 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>

open  
mgf  
HID

**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- ☉ Complete all information. Incomplete applications may cause delays in processing.
- ☉ If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 6/27/2007 HPO File Number: 07-PL45  
 Accepted By: Thomas McWhorter

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print)	
Address <u>Rutherford B. H. Yates Museum, Inc</u>	
<u>P.O. Box 130726</u>	
City <u>Houston</u>	State <u>TX</u>
Zip Code <u>77274-4425</u>	Day Phone <u>713-739-0163</u>
Signature <u>[Signature]</u>	Date <u>6/19/07</u>

Agent's Name (if applicable)(Please print) <u>DEBRA BLACKLOCK-SLOW</u>	
Address <u>10418 KELBURN DRIVE</u>	
City <u>HOUSTON</u>	State <u>TX</u>
Zip Code <u>77016</u>	Daytime Phone <u>(713) 505-7653</u>
Signature <u>[Signature]</u>	Date <u>6-26-2007</u>

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 Ninety-day waiver certificate and Sec. 33-254 Demolition by Neglect - see Code of Ord. Chapter 33 - Historic Preservation Ordinance - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address <u>1314 Andrews Houston TX 77019</u>
General description

Tax account number <u>0090780000008</u>	
Subdivision <u>Castanie</u>	
Lot <u>8</u>	Block <u>22</u>

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:
  - A) Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
  - B) Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Rutherford B. H. Yates House

**OWNER:** Rutherford B. H. Yates Museum, Inc.

**APPLICANT:** Same as Owner

**LOCATION:** 1314 Andrews Street – Freedmen’s Town National Register Historic District

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

**AGENDA ITEM:** IV

**HPO FILE NO.:** 07PL45

**DATE ACCEPTED:** June-27-07

**HAHC HEARING:** July-25-07

**PC HEARING:** Aug-2-07

### SITE INFORMATION:

Lot 8, Block 22, Castanie Addition, City of Houston, Harris County, Texas. The site includes a historic one-story wood frame house on pier and beam foundation.

**TYPE OF APPROVAL REQUESTED:** Protected Landmark Designation, of a Designated Landmark

### HISTORY AND SIGNIFICANCE SUMMARY:

The Rutherford B. H. Yates House is located at 1314 Andrews Street in the Freedmen’s Town National Register Historic District. Rutherford B. H. Yates was the son of well-renowned Houstonian, John “Jack” Yates, a freed slave who was the first pastor of Antioch Baptist Church and Bethel Baptist Church as well as an advocate of property ownership and education for Houston’s African-American population. Rutherford Yates owned and operated a printing press business in Freedmen’s Town and was one of the most prominent members of the African-American community in Houston. Rutherford Yates was also a teacher and published writer. Yates’ home represents one of the last reminders of the once thriving Freedmen’s Town neighborhood and houses the Rutherford B. H. Yates Museum, which seeks to save and promote the significant history of Freedmen’s Town.

The Rutherford B. H. Yates House was designated as a City of Houston Landmark in 1996. The house meets Criteria 1, 3, 4, 5, 6, 7, and 8, as well as being a contributing building to the Freedmen’s Town National Register Historic District and a Recorded Texas Historic Landmark for Protected Landmark Designation.

### HISTORY AND SIGNIFICANCE:

After Emancipation, the area immediately southwest of Downtown Houston, known as Freedmen’s Town, became a thriving center of Black social, cultural, religious and commercial activity, and continued as such in the first three decades of the twentieth century. More than 95% of Houston’s first Black businesses were located in the area. By the second decade of the twentieth century, Freedmen’s Town encompassed an area bounded by Buffalo Bayou, Sutton Street, Taft Street and Prairie Street downtown. Today those boundaries have been reduced to Taft, Heiner, West Dallas and West Gray Streets. The Rutherford Yates House is located within this smaller boundary area, which is slightly south of the original settlement, which had been located on the southern banks of Buffalo Bayou.

Rutherford B. H. Yates, an African American printer and teacher, was one of the most prominent individuals of the Freedmen’s Town community. His father was John “Jack” Henry Yates, a former enslaved drayman who later became a community leader, educator, and pastor of Bethel Baptist Church and Antioch Baptist Church in the Fourth Ward. After his mother’s death in 1887, Rutherford was raised by two white missionaries and attended Houston Academy, a school established by his father, and Bishop College in Marshall, Texas. He graduated in 1906 with an A.B. degree in printing.

While in Marshall, he met and married Erie D. Sherrod, who became a teacher and taught school in Huffsmith, Texas, for a while. They were the parents of three children, Johnnie Mae, Olee, and Rutherford B.H. Jr. After teaching for two years in Dallas, Rutherford and Erie returned to Houston in 1908 and moved into his father's home.

Yates was employed as a printer for Western Star Publishing, Webster Printing, and McKinney & Burke. He also taught at Houston Academy in 1918. In 1922, he and his brother, Paul established the Yates Printing Company, one of Houston's first Black-owned printing businesses. Together, they published "The Life and Efforts of Jack Yates," a book about their father. Rutherford contributed significantly to the printing industry by training a number of Houston printers, including many of the printers who worked in the pressrooms of the Houston Post and the Houston Chronicle. Rutherford died in 1944, and Erie in 1971.

Rutherford's father, Reverend Jack Yates, purchased Lots 8, 9 and 10 in Block 22 of the Castanie Addition of Fourth Ward for his homestead in 1869 and 1870. Yates built a two-story home for his family on Lot 9 in 1870, which was later moved to Sam Houston Park, which is a Landmark and Protected Landmark of the City of Houston. The adjacent Lot 10 remained vacant until St. James Methodist Episcopal church was built on the site after 1907. Lot 8, which was located on the east side of the Yates home, was the site of a small one-story frame residence constructed prior to 1907. Jack Yates had originally purchased Lot 8 from a man named Mr. I. Farmer in December of 1869 for \$25. The property remained in the Yates family and was eventually sold to Pinkie and Rutherford Yates for \$10 "and the further consideration of love and affection" along with adjacent Lot 7. Rutherford became the sole owner of Lot 8, after his sister, Pinkie Henderson, deeded it to him in order to pay off a debt. Rutherford and Erie secured a loan to build their home at 1314 Andrews. On August 13, 1912, they signed a mechanic's and materials lien and deed of trust. The home cost \$1210 to build and was completed the following year. The Yates' were able to pay their loan in full on July 28, 1922.

The Rutherford B. H. Yates House had the distinction in 2001 of being the first residential structure in Freedmen's Town to receive a historical marker from the Texas Historical Commission. It was listed as a contributing property of high significance when Freedmen's Town received its designation as a National Register Historic District in 1985.

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

The Yates' Queen Anne styled cottage has a hipped-roof and features a wide front porch with rails and spindles. Three of the Edwardian-style windows still have the original hand-rolled glass, as well as transoms over the doors (some of the original transoms were lost during restoration). The interior of the home has cedar walls and floors as well as interior woodwork and columns of cypress and red pine lumber. Ninety-five percent of the wood is original. Square nails can be found in the foundation beams. The kitchen and bathroom still have the original wainscoting, and the inside bathroom has the original multi-paned windows. A dish safe, four-burner wood stove, and an "ice box" would have been located in the home as well.

Because of the Jim Crow laws in existence during that period, people of color were not permitted to lodge in hotels and inns, so many families in Freedmen's Town provided lodging to visiting business and religious leaders. The homes where this community support was provided can be recognized by two entry doors from the front porch, and the Yates house includes this architectural feature.

From 1969 to 1975, Alfred Nash, who was trained as a printer by Rutherford, lived in the home. Godfrey Whiting, a relative of the Yates family, lived there from 1976-1982. From 1982 to 1987, the Darryl Patterson family operated a community center at this location, which offered services such as food, clothing, shelter, transportation, literacy programs, classes, drug rehabilitation, and even sponsored a Boy Scout troop. The home fell into a state of disrepair after being abandoned for several years and was put on the city's demolition list. In

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## Planning and Development Department

1995, the home was purchased by Catherine Roberts in response to requests by Rutherford's daughter, Olee Yates McCullough, who had lived in the home as a girl. Roberts decided to restore it for use as a museum devoted to the history of the community and of African-American participation in the printing industry of Houston. Together, she and Olee Yates McCullough co-founded the Rutherford B. H. Yates Museum, Inc., a 501(c)3 organization, for the purpose of restoring the Yates house as well as acquiring and restoring other important Freedmen's Town properties. The house was designated as a City of Houston Landmark in 1996. Restoration of the house began that same year and was largely completed in 2003. Eighty-five percent of the original structure was saved and restored, which insured that the restoration met the United States Department of the Interior guidelines for historic preservation. The home now houses the museum's historical archaeology laboratory, archaeological artifacts, photographs, maps, historical documents and exhibits, all of which tell the story of Freedmen's Town. It is open for tours by appointment.

### BIBLIOGRAPHY:

Harris County Deed Records.

Houston City Directories, 1870-1987.

National Register of historic Places Freedmen's Town Historic District Report, 1985.

United States Census 1880, Harris County, Texas.

Sanborn Maps, 1896, 1907, 1924.

*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, Planning and Development Department, City of Houston.*

### APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

**S**    **NA**

**S - satisfies**    **NA - not applicable**

Meets at least three of the following (Sec. 33-229(a)(1):

- (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 (Sec. 33-224(a)(1);
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);
- (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 (Sec. 33-224(a)(3);
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);

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- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5));
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6));
- (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7));
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

### **AND**

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

### **OR**

- The property was constructed before 1905 (Sec. 33-229(a)(2));

### **OR**

- The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));

### **OR**

- The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

### **STAFF RECOMMENDATION:**

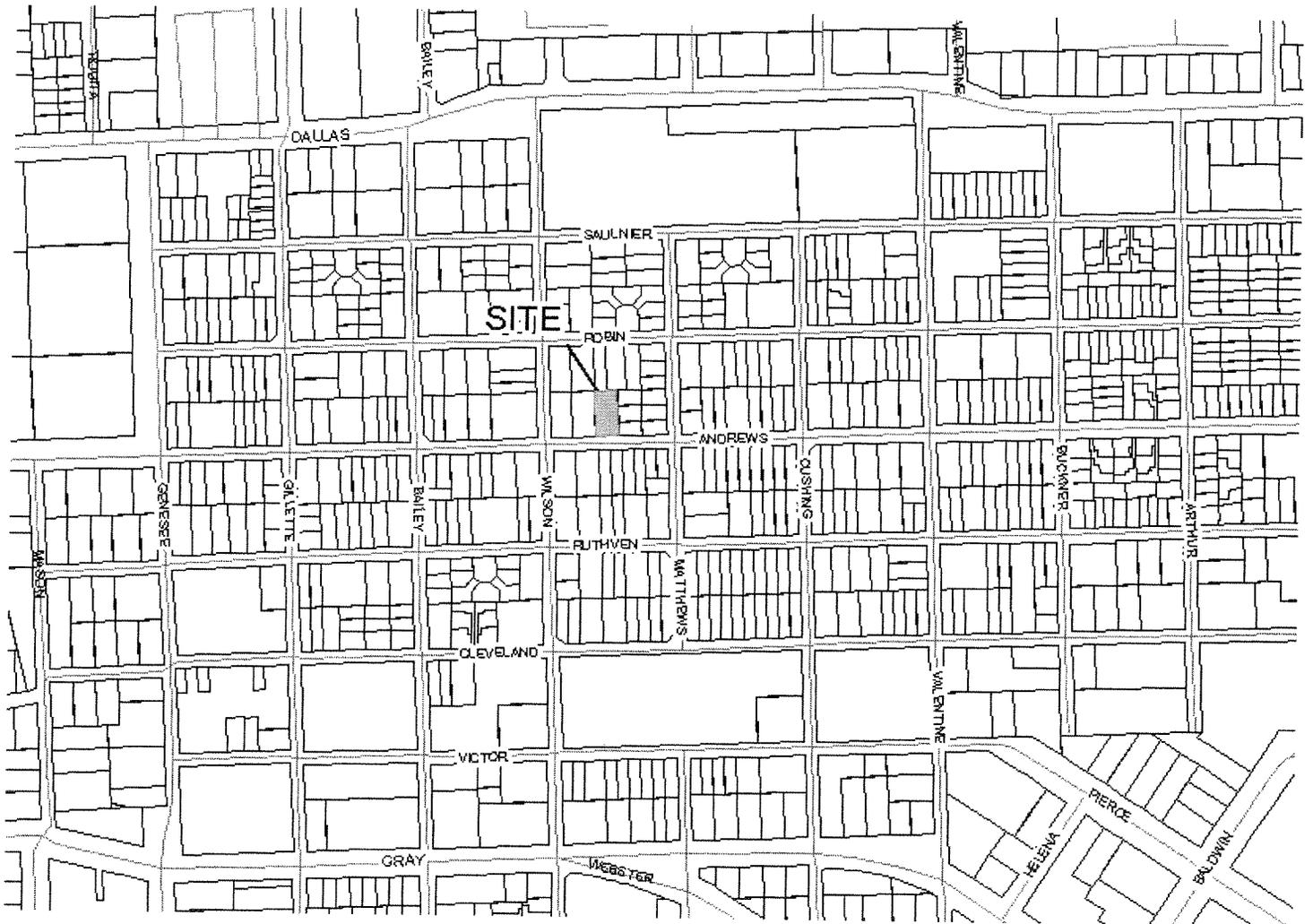
Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to the Houston City Council the Protected Landmark Designation of the Rutherford B. H. Yates Sr., House at 1314 Andrews Street, a Landmark of the city of Houston.

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Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP  
RUTHERFORD B. H. YATES SR., HOUSE  
1314 ANDREWS STREET  
NOT TO SCALE





24  
OCT 03 2007

AMENDMENTS TO CHAPTER 42

**Sec. 42-1. Definitions.**

<Fire lane shall mean an access road so marked as to clearly indicate the required lane of unobstructed fire department access to a building, structure or property in event of a fire or other emergency situation.>

**Sec. 42-81. Variances.**

(h) The commission shall grant a variance to an owner of property that is subject to a special minimum lot size established under the provisions of section 42-~~213~~ <194> of this Code upon determining that the owner has established a vested right to the lot size otherwise applicable under article III of this chapter. The commission shall determine that the owner has established a vested right upon the owner's demonstration that:

- (1) The owner, in good faith and in material reliance on the lot size otherwise applicable under article III of this chapter, expended a substantial sum of money prior to the effective date of the establishment of the special minimum lot size for the property pursuant to section 42-~~213~~ <194> of this Code that cannot be recovered; or
- (2) The applicant, in good faith and in material reliance on the lot size otherwise applicable under article III of this chapter, has irreversibly changed position prior to the effective date of the establishment of a special minimum lot size for the property pursuant to section 42-~~213~~ <194> of this Code that will require the expenditure of substantial sums of money in the future.

It shall be a rebuttable presumption that the existence of a contract to purchase, or option contract on, property subject to a special minimum lot size established pursuant to section 42-~~213~~ <194> of this Code is not the expenditure of a substantial sum of money.

**Sec. 42-135. Street extension.**

<(a)> A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted <unless:

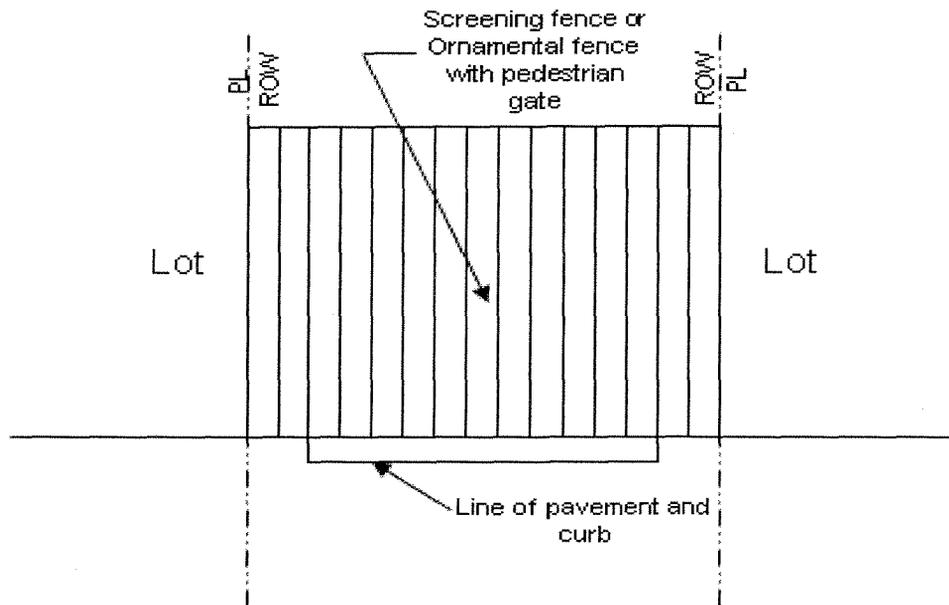
- (1) The existing stub street is a local street and is not designated as a collector or major thoroughfare on the major thoroughfare and freeway plan;
- (2) The existing stub street is not shown as a through street on a current general plan approved by the commission for the subdivision in which the existing street is located or the subdivision that is the subject of the application;

- (3) The existing stub street is only one lot in depth;
- (4) The proposed subdivision will not extend residential development; and
- (5) The extension of the street is not required to meet the intersection spacing requirements of this chapter.

If each of these criteria is met, the stub street is not required to be extended.

(b) The owner of the property adjacent to the end of a stub street that is not extended pursuant to subsection (a) of this section shall:

- (1) construct a pedestrian gate and ornamental screening fence with a minimum height of six feet along the entire right-of-way line when the adjacent property is a public park, a detention reserve, a flood control easement or fee strip, or other platted open space that pedestrian access to and from may be appropriate; or
- (2) construct a wood, concrete or masonry opaque screening fence with a minimum height of six feet that extends the width of the right-of-way of the stub street if the adjacent property does not meet the criteria of item (1) of this subsection (b).

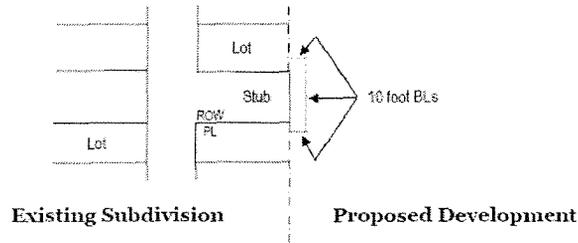


## Elevation at End of Right-of-way

(c) Each application for a plat for property located wholly or partially within the city shall indicate whether any existing stub street will be extended into the proposed subdivision. The director shall notify each district city council member of each proposed plat within the council member's district that proposes to extend a stub street. The director shall give the notice as soon as practicable prior to commission consideration of the plat.

### Sec. 42-165. Stub street.

The building line adjacent to the end of a stub street that is not required to be extended pursuant to subsection (a) of section 42-135 of this Code shall be 10 feet from the end of the stub street and 10 feet on either side of a 10 foot projection of the stub street into the adjacent property.>{.}



**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.

<(k) The following rules shall govern approval of subdivision plats, development plats and building permits for lots and tracts subject to a special minimum lot size requirement either adopted pursuant to this section, or to which subsection (j) applies:

- (1) For any lot and tract that was in use for single family residential purposes at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit must provide only for the construction of not more than one primary dwelling

unit and one secondary dwelling unit of not more than 900 square feet on a lot. Each lot must meet the minimum lot size requirement of this section.

- (2) For any lot or tract that was vacant at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit must provide only for the construction of not more than one primary dwelling unit and one secondary dwelling unit of not more than 900 square feet on a lot. Each lot must meet the minimum lot size requirement of this section. If the vacant lot or tract was restricted by deed restrictions to any use other than single-family residential at the time the complete application for establishment of a special minimum lot size area was filed and is so restricted at the time of the application, this subsection shall not apply.
- (3) For any lot or tract that was not vacant and was in use for other than single family residential purposes at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit may provide for any use permitted by law or, if applicable, deed restrictions.

The commission is authorized to grant variances from the requirements of items (1) and (2) of this subsection, but shall not be authorized to grant a variance from the special minimum lot size.>

#### **Sec. 42-235. Performance standards.**

A multifamily residential development with a density of 30 dwelling units or more per acre that meets each of the performance standards of this section shall be exempt from the requirements of sections 42-231, 42-232(a), 42-232(b), 42-233(a), and 42-233(b) of this Code:

- (1) ~~{Each building in the development, except for open carports, detached garages, freestanding mailrooms and multi-level parking garages, shall have an automatic sprinkler system that satisfies the specifications of the Construction Code for an automatic sprinkler system for multi-family residential structures, and each multi-level parking garage shall have a standpipe system that satisfies the specifications of the Construction Code;}~~  
<The development provides fire truck access to all fire hydrants by either a 20-foot wide fire lane along which no parking is allowed, a 28-foot wide private street or a public street. The fire lane or private street may loop through the development or may terminate at a dead end if the dead end is less than 500 feet. A dead end longer than 150 feet but less than 500 feet must have an "L", "T" or 90-foot diameter circular turnaround, as depicted in figures 1, 2, and 3. No dead end may be greater than 500 feet;>

~~{(2) A}~~<(2) Fire hydrants are located no further than 20 feet, measured perpendicularly, from the edge of the pavement of the fire lane, private street or public street. Access to the fire hydrants through any fences is provided by gates with 911 access;

(3) One> fire hydrant is located within ~~{50 feet of each building;}~~ <100 feet of the property line on any fire lane or private street, as shown in figure 4.>

~~{(3) Fire protection can be provided}~~

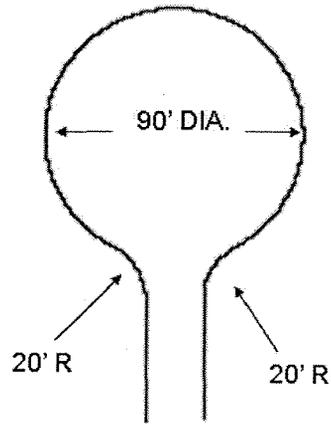
<(4) Fire hydrants are located so that a fire truck can drive a maximum of 200 feet from a fire hydrant and then use a maximum 300 feet hose length from the edge of pavement at the fire truck> around all buildings ~~{with a hose lay length of 300 feet measured}~~<,> as the hose lays on the ground ~~{from the closest fire hydrant}~~ around all obstacles, including but not limited to fences, walls, buildings, structures and trees~~{, and}~~< , as shown in figure 5; and>

~~—————{(4) Each building has a fire hose connection that is tied to a fire hydrant that is not less than 50 feet from the building to ensure adequate fire protection.}~~

<(5) The maximum distance between fire hydrants is 600 feet, as shown in figure 6.



**FIGURE 3**  
90' Diameter  
Turn Around



Section 42-235 (c)

FIGURE 4

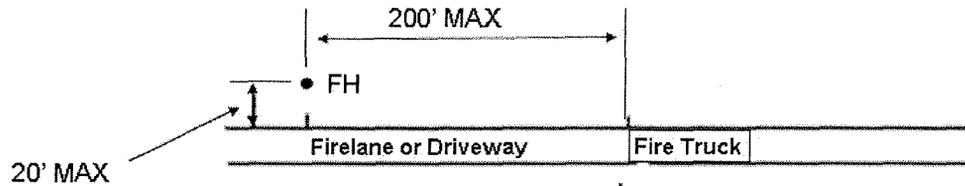
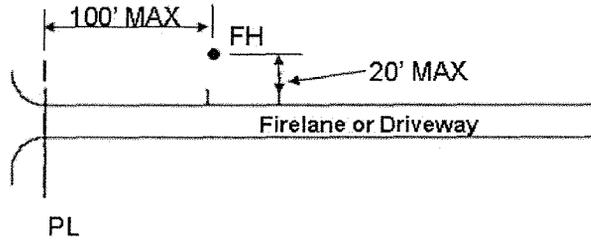


FIGURE 5

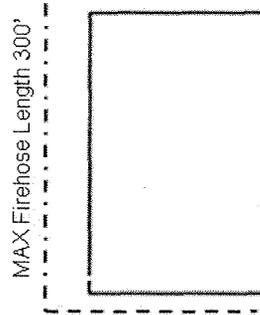
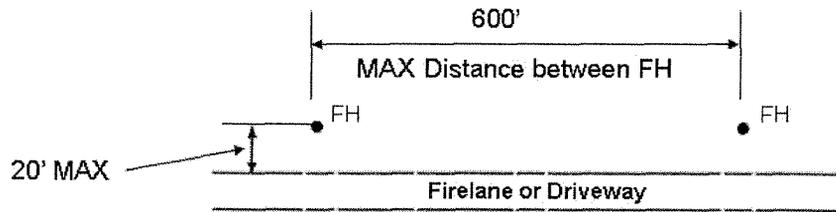


FIGURE 6



This redlined draft, generated by CompareRite (TM) - The Instant Redliner, shows the differences between -

o r i g i n a l d o c u m e n t :  
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CompareRite found 16 change(s) in the text

CompareRite found 0 change(s) in the notes

Deletions appear as Strikethrough text surrounded by {}

Additions appear as Double Underline text surrounded by <>

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

**AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SUBDIVISION AND DEVELOPMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; 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 September 12, 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 adding a definition of "fire lane" in the appropriate alphabetical location, which shall read as follows:

*"Fire lane* shall mean an access road so marked as to clearly indicate the required lane of unobstructed fire department access to a building, structure or property in event of a fire or other emergency situation."

**Section 2.** That Subsection (h) of Section 42-81 of the Code of Ordinances,

Houston, Texas, is hereby amended to by amending "section 42-213" to read "section 42-194" each time it appears.

**Section 3.** That Section 42-135 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 42-135. Street extension.**

(a) A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted unless:

- (1) The existing stub street is a local street and is not designated as a collector or major thoroughfare on the major thoroughfare and freeway plan;
- (2) The existing stub street is not shown as a through street on a current general plan approved by the commission for the subdivision in which the existing street is located or the subdivision that is the subject of the application;
- (3) The existing stub street is only one lot in depth;
- (4) The proposed subdivision will not extend residential development; and
- (5) The extension of the street is not required to meet the intersection spacing requirements of this chapter.

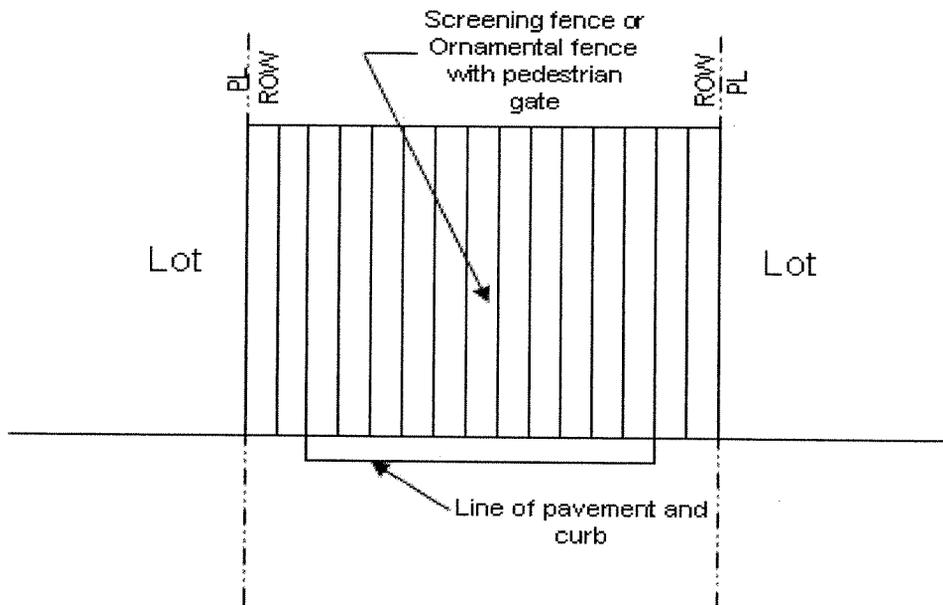
If each of these criteria is met, the stub street is not required to be extended.

(b) The owner of the property adjacent to the end of a stub street that is not extended pursuant to subsection (a) of this section shall:

- (1) construct a pedestrian gate and ornamental screening fence with a minimum height of six feet along the entire right-of-way line when the adjacent property is a public park, a detention reserve, a flood control easement or fee strip, or other platted open space that pedestrian access to and from may be

appropriate; or

- (2) construct a wood, concrete or masonry opaque screening fence with a minimum height of six feet that extends the width of the right-of-way of the stub street if the adjacent property does not meet the criteria of item (1) of this subsection (b).



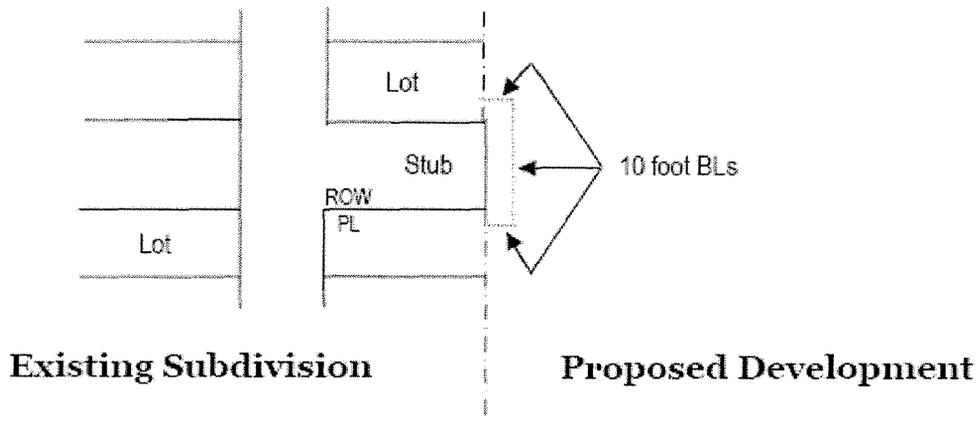
## Elevation at End of Right-of-way

(c) Each application for a plat for property located wholly or partially within the city shall indicate whether any existing stub street will be extended into the proposed subdivision. The director shall notify each district city council member of each proposed plat within the council member's district that proposes to extend a stub street. The director shall give the notice as soon as practicable prior to commission consideration of the plat."

**Section 4.** That Chapter 42 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 42-165, which shall read as follows:

**"Sec. 42-165. Stub street.**

The building line adjacent to the end of a stub street that is not required to be extended pursuant to subsection (a) of section 42-135 of this Code shall be 10 feet from the end of the stub street and 10 feet on either side of a 10 foot projection of the stub street into the adjacent property.



**Section 5.** That Section 42-194 is amended by adding a new Subsection (k), which shall read as follows:

“(k) The following rules shall govern approval of subdivision plats, development plats and building permits for lots and tracts subject to a special minimum lot size requirement either adopted pursuant to this section, or to which subsection (j) applies:

- (1) For any lot and tract that was in use for single family residential purposes at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit must provide only for the construction of not more than one primary dwelling unit and one secondary dwelling unit of not more than 900 square feet on a lot. Each lot must meet the minimum lot size requirement of this section.
- (2) For any lot or tract that was vacant at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit must provide only for the construction of not

more than one primary dwelling unit and one secondary dwelling unit of not more than 900 square feet on a lot. Each lot must meet the minimum lot size requirement of this section. If the vacant lot or tract was restricted by deed restrictions to any use other than single-family residential at the time the complete application for establishment of a special minimum lot size area was filed and is so restricted at the time of the application, this subsection shall not apply.

- (3) For any lot or tract that was not vacant and was in use for other than single family residential purposes at the time the complete application for establishment of a special minimum lot size area was filed, the subdivision plat, development plat or building permit may provide for any use permitted by law or, if applicable, deed restrictions.

The commission is authorized to grant variances from the requirements of items (1) and (2) of this subsection, but shall not be authorized to grant a variance from the special minimum lot size.”

**Section 6.** That Section 42-235 the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 42-235. Performance standards.**

A multifamily residential development with a density of 30 dwelling units or more per acre that meets each of the performance standards of this section shall be exempt from the requirements of sections 42-231, 42-232(a), 42-232(b), 42-233(a), and 42-233(b) of this Code:

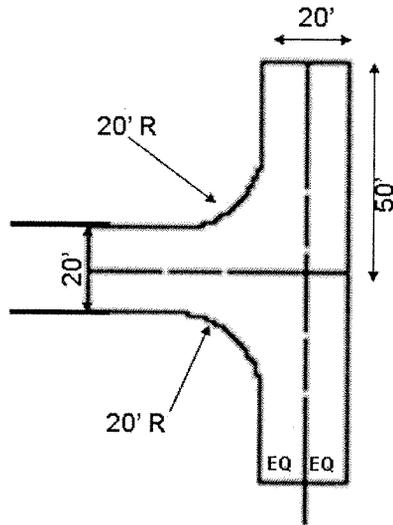
- (1) The development provides fire truck access to all fire hydrants by either a 20-foot wide fire lane along which no parking is allowed, a 28-foot wide private street or a public street. The fire lane or private street may loop through the development or may terminate at a dead end if the dead end is less than 500 feet. A dead end longer than 150 feet but less than 500 feet must have an “L”, “T” or 90-foot diameter circular turnaround, as depicted in figures 1, 2, and 3. No dead end may be greater than 500 feet;
- (2) Fire hydrants are located no further than 20 feet, measured perpendicularly, from the edge of the pavement of the fire

lane, private street or public street. Access to the fire hydrants through any fences is provided by gates with 911 access;

- (3) One fire hydrant is located within 100 feet of the property line on any fire lane or private street, as shown in figure 4.
- (4) Fire hydrants are located so that a fire truck can drive a maximum of 200 feet from a fire hydrant and then use a maximum 300 feet hose length from the edge of pavement at the fire truck around all buildings, as the hose lays on the ground around all obstacles, including but not limited to fences, walls, buildings, structures and trees, as shown in figure 5; and
- (5) The maximum distance between fire hydrants is 600 feet, as shown in figure 6.

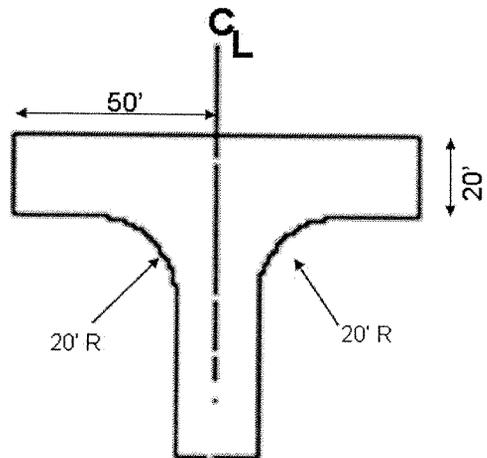
**FIGURE 1**

"L" Turn Around



**FIGURE 2**

"T" Turn Around



**FIGURE 3**  
90' Diameter  
Turn Around

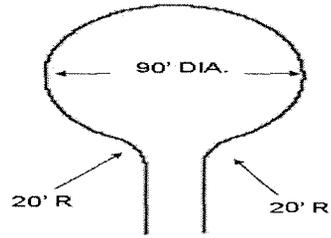


FIGURE 4

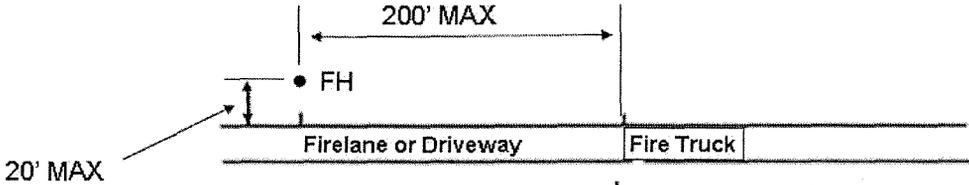
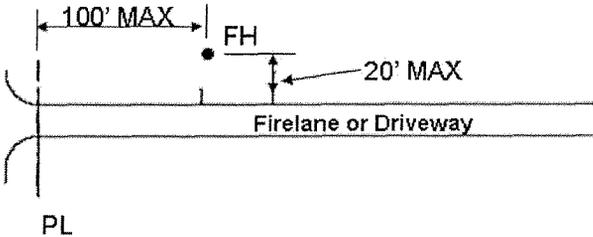


FIGURE 5

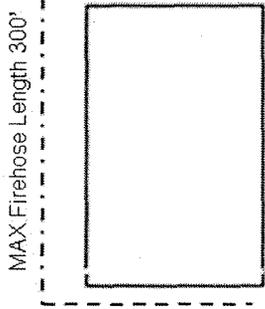
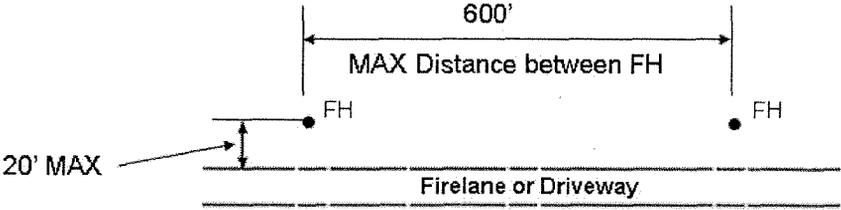


FIGURE 6



**Section 7.** That each of the following shall be processed and considered by the Director of the Planning and Development Department or the Planning Commission, as appropriate, pursuant to the provisions of Chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this Ordinance, and the former provisions of Chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat or development plat that is filed with the Department of Planning and Development prior to the effective date of this Ordinance;
2. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the Planning Commission prior to the effective date of this Ordinance; or
3. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.

**Section 8.** 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 8.** 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.

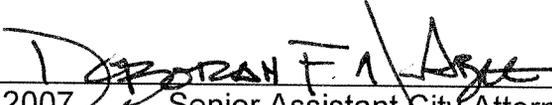
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**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 September 28, 2007 Senior Assistant City Attorney  
Requested by Marlene L. Gafrick, Director, Planning & Development Department  
L.D. File No. 0619600037005

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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance approving amendments to Chapter 42, Code of Ordinances relating to parks and open space.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 25
<b>FROM (Department or other point of origin):</b> Department of Planning and Development		<b>Origination Date</b> 09-26-07		<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b> Marlene L. Gafrick, Director <i>Marlene L. Gafrick</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Andy Icken, PWE Phone: (713) 837- 0510		<b>Date and identification of prior authorizing Council action:</b> 3/24/99, Ord. No. 99-262		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance to amend Chapter 42, relating to the provision of parks and open spaces, in the Code of Ordinances.				
<b>Amount and Source of Funding:</b> NA			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  Chapter 42 is being amended to add a new division 7 to ensure that the city has adequate parks, recreational amenities, and open space for new residential areas in the City of Houston. The ordinance will not include the City's extraterritorial jurisdiction. The ordinance applies only to residential properties, including multi family, but not commercial properties.  The ordinance will require developers to dedicate acreage in the amount of 10 acres per 1,000 residents. Additional provisions include partial credit for private parks and a fee in lieu of dedication of \$800/per residential unit paid to the Parks and Recreation Dedicated Fund.  The Parks Director has identified 17 sectors within the City of Houston, which will be included in the Park's Master Plan. The Parks Department will develop and adopt a set of standards for park land specifying location, what types of land are acceptable, and detailing specific needs in accordance with the sectors.  Six Steering Committee Meetings were held starting in April 2007 and included representatives from the development and parks communities.  The Ordinance was presented to the Regulation, Neighborhood Protection and Development Committee on May 18, 2007 and again on August 13, 2007. A hearing was held September 19 at the Houston City Council meeting.  Based on testimony at this hearing, the ordinance was revised to allow a 100% credit for park land that is provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development, including improvements to hike and bike trails.  cc: Marty Stein Arturo Michel, City Attorney Deborah McAbee, City Legal Dr. Carol Lewis, Houston Planning Commission Joe Turner, Parks and Recreation Director Michael Marcotte, Public Works and Engineering Director				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

25  
OCT 03 2007

**PARKS AND OPEN SPACE ORDINANCE  
CODE AMENDMENT COMPARISON**

The proposed parks and open space ordinance amends only two current sections of Chapter 42 of the Code of Ordinances.

1. The proposed ordinance amends the definitions, Section, 42-1, by adding the following new definitions:

"Park shall mean an area owned or to be owned by the city that may be used for passive or active recreational use or otherwise left in an unimproved state, and if, specifically noted as a type of public park, shall conform to the designations in the City of Houston Parks Master Plan."

"Private park shall mean a privately owned area that may be used for passive or active recreational use or otherwise left in an undeveloped state and, in a single family residential development, which is subject to restrictive covenants filed of record in the appropriate county providing for the creation and operation of a homeowners association to maintain and improve the private park. Compensating open space as defined by this section can also be private park land to the extent it meets the requirements of part a. of section 42-254(b)(2) of this Code."

"Parks board shall mean the board created pursuant to section 33-201 of this Code."

"Parks director shall mean the director of the City Parks and Recreation Department, or the director's designee."

"Sector shall mean one of 17 geographic areas within the city for designation of new park needs or additional park improvements."

2. The proposed ordinance amends Section 42-236, open space standards for multi-family residential developments, as indicated below:

**Sec. 42-236. Open space.**

(a) Except as otherwise provided in this section, each multi-family residential development in the extraterritorial jurisdiction shall provide open space in accordance with the following schedule:

DWELLING UNIT SIZE	SQUARE FEET OF OPEN SPACE REQUIRED PER DWELLING UNIT
Efficiency	200
1 Bedroom	240
2 Bedrooms	320
3 Bedrooms	440
4 Bedrooms	500

For purposes of this section, "open space" shall mean land within the ~~development plat boundary~~ multi-family residential development that is not covered by buildings, covered walkways, parking spaces, private streets or driveways.

(b) In lieu of the requirements of subsection (a), a multi-family residential development in the extraterritorial jurisdiction may provide for open space by complying with each of the following conditions:

- (1) At least ten percent of the total land area in the multi-family residential development, exclusive of land within the building line requirement area, shall be provided as open space;
- (2) Enclosed amenities, such as an exercise or game room, shall constitute no more than 10 percent of the open space provided;
- (3) Each area provided as open space is at least 20 feet wide by 60 feet long;
- (4) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and
- (5) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

(c) The aggregate open space requirement of subsection (a) may be reduced by 15 percent if the development meets each of the following conditions:

- (1) At least 25 percent of the dwelling units have individual enclosed

garages within the buildings where the dwelling units are located; and

(2) Areas within the building line requirement are not used for parking.

(d) The aggregate open space requirement of subsection (a) may be reduced according to the following schedule if the development meets each of the following conditions:

(1) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and

(2) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

Development Density	Reduction in Aggregate Open Space
30--39 units per acre	15%
40--49 units per acre	30%
50--59 units per acre	45%
60 units per acre or more	60%

(f) A multi-family residential development in the extraterritorial jurisdiction with five or more stories shall not be required to provide open space."

3. The remainder of the ordinance does not change any existing text, but adds a new Division 7 to Article III of Chapter 42, which is not repeated here.

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

**AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE PROVISION OF PARKS AND OPEN SPACES; ADDING A NEW DIVISION 7 TO ARTICLE III; ESTABLISHING THE PARK AND RECREATION DEDICATION FUND; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAIN A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston (the "City") 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**, this Ordinance is adopted to provide sufficient and varied park and recreational areas, recreational amenities and improvements, and open space to serve the residents of new and infill residential development within the City. This Ordinance is enacted in accordance with the home rule powers of the City of Houston, granted under

the Texas Constitution, the City Charter, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapters 51 and 212; and

**WHEREAS**, it is hereby declared by the City Council that adequate and varied recreational areas in the form of different sized parks, recreational areas and amenities such as easements for access to park facilities, hike and bike trails and open space are necessary and serve the public health, safety, and general welfare, and that the only adequate procedure to provide for a sufficient amount and variety is by integrating a requirement for the provision of such facilities into the procedure for planning and developing property or subdivisions in the City, whether such development occurs through subdivision plat or development plat, as those terms are defined in Chapter 42 of the Code of Ordinances, Houston, Texas; and

**WHEREAS**, Section 42-236 of the Code of Ordinances, Houston, Texas, currently establishes requirements for the provision of open space within certain multifamily residential developments within the City and its extraterritorial jurisdiction; and

**WHEREAS**, the City Council finds that this Ordinance requires the dedication of parks and open space or fees in lieu of dedication for multifamily developments within the City that would render the requirements of Section 42-236 of the Code of Ordinances, Houston, Texas, unnecessary, and that the provisions of Section 42-236 should be continued within the City's extraterritorial jurisdiction where this Ordinance does not apply; and

**WHEREAS**, the City Council finds that some land that may be proposed to be dedicated to the public for parks is not appropriate due to its size, location, physical characteristics, or environmental condition, and that the City will not accept any land to be dedicated for parks unless the land is approved by Director of the Parks and Recreation Department pursuant to the standards established by this Ordinance and any rules implementing these standards promulgated by the Director; and

**WHEREAS**, the City has a Parks Master Plan adopted in 2001 (the "Master Plan"), and is in the process of revising and updating it, which describes sectors of the City for purposes of the recreational parks and open space needs of different areas of the City, and that document, as it may be amended and updated, is intended to be implemented by this Ordinance; and

**WHEREAS**, the Master Plan's park needs assessment identifies the need for 79 new parks sites in five categories - pocket, neighborhood, community, regional and metro - and the expansion of 20 existing parks in five park categories - neighborhood, community, regional, linear and metro - distributed through seven geographic divisions of the City; and

**WHEREAS**, the Master Plan's park needs assessment also identifies the need to expand the linear park system along major drainageways and former railroad lines; and

**WHEREAS**, the City Council finds that a portion of the cost of parks, recreational amenities and open space should be borne ultimately by assessing a portion of the costs of these improvements when the property is subdivided or developed; and

**WHEREAS**, the City Council finds that it is appropriate to expect a reasonable distance from new residential development for the residents who, by reason of the proximity of their property, increase recreational amenities and open space and who shall be the primary

**WHEREAS**, the City Council finds that dedication of land or the fee in lieu of dedication within the park sector established by this Ordinance or property generating the dedication or fee in lieu of dedication requirement constitutes a reasonable distance from the new residential development

**WHEREAS**, on September 19, 2007, the City Council held a public hearing on proposed amendments to Chapter 42 of the Code of Ordinances, Houston

**WHEREAS**, nothing herein is designed to lessen any other requirements of Chapter 42 of the Code of Ordinances of the City of Houston; **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON**

**Section 1.** 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.** This Ordinance is adopted in recognition of the need for adequate parks, recreational amenities, and open space in residential areas of Houston, in order to measurably increase the quality of life in Houston by redeveloping neighborhoods by ensuring that the residents of such neighborhoods have access to parks and open spaces in a safe and reasonably convenient manner. The Ordinance provides reasonable options and incentives for residential developers.

**Section 3.** That Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following definitions in the appropriate alphabetical location:

*"Park shall mean an area owned or to be owned by the city that may be used for passive or active recreational use or otherwise left in an unimproved state, and if, specifically noted as a type of public park, shall conform to the designations in the City of Houston Parks Master Plan."*

*"Private park shall mean a privately owned area that may be used for passive or active recreational use or otherwise left in an undeveloped state and, in a single family residential development, which is subject to restrictive covenants filed of record in the appropriate county providing for the creation and operation of a homeowners association to maintain and improve the private park. Compensating open space as defined by this section can also be private park land to the extent it meets the requirements of part a. of section 42-254(b)(2) of this Code."*

*"Parks board shall mean the board created pursuant to section 33-201 of this Code."*

*"Parks director shall mean the director of the City Parks and Recreation Department, or the director's designee."*

*"Sector shall mean one of 17 geographic areas within the city for designation of new park needs or additional park improvements."*

**Section 4.** That Section 42-236 of the Code of Ordinances, Houston, Texas is hereby amended to read as follows:

**"Sec. 42-236. Open space.**

(a) Except as otherwise provided in this section, each multi-family residential development in the extraterritorial jurisdiction shall provide open space in accordance with the following schedule:

DWELLING UNIT SIZE	SQUARE FEET OF OPEN SPACE REQUIRED PER DWELLING UNIT
Efficiency	200

1 Bedroom	240
2 Bedrooms	320
3 Bedrooms	440
4 Bedrooms	500

For purposes of this section, "open space" shall mean land within the multi-family residential development that is not covered by buildings, covered walkways, parking spaces, private streets or driveways.

(b) In lieu of the requirements of subsection (a), a multi-family residential development in the extraterritorial jurisdiction may provide for open space by complying with each of the following conditions:

- (1) At least ten percent of the total land area in the multi-family residential development, exclusive of land within the building line requirement area, shall be provided as open space;
- (2) Enclosed amenities, such as an exercise or game room, shall constitute no more than 10 percent of the open space provided;
- (3) Each area provided as open space is at least 20 feet wide by 60 feet long;
- (4) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and
- (5) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

(c) The aggregate open space requirement of subsection (a) may be reduced by 15 percent if the development meets each of the following conditions:

- (1) At least 25 percent of the dwelling units have individual enclosed garages within the buildings where the dwelling units are located; and
- (2) Areas within the building line requirement are not used for parking.

(d) The aggregate open space requirement of subsection (a) may be reduced according to the following schedule if the development meets each of the following conditions:

- (1) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and
- (2) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

Development Density	Reduction in Aggregate Open Space
30--39 units per acre	15%
40--49 units per acre	30%
50--59 units per acre	45%
60 units per acre or more	60%

(f) A multi-family residential development in the extraterritorial jurisdiction with five or more stories shall not be required to provide open space."

**Section 5.** That Article III of Chapter 42 of the Code of Ordinances, Houston, Texas, is amended by adding a new Division 7 which shall read as follows:

"Division 7. Parks and Private Parks

**Sec. 42-250. Applicability.**

(a) The regulations contained in this division shall be applicable to all property within the city limits of the city proposed to be developed in whole or in part for single family residential or multifamily residential purposes for which a subdivision plat or development plat is required, unless otherwise noted herein.

(b) These regulations do not apply to replats of land owned by a governmental unit.

**Sec. 42-251. Park dedication required.**

(a) Each single family residential subdivision and multifamily residential development shall provide one or a combination of the following for park or open space purposes:

- (1) Fee simple dedication of land suitable in type and location for development of parks within the park sector in which the subdivision or development is located, which land may be, but is not required to be, located within the subdivision or development creating the dedication requirement; or
- (2) Payment of fees in lieu of the dedication of land for parks in the amount established in section 42-253.

(b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$$\frac{10 \text{ ac.} \times \text{No. of DU} \times \text{PPDU}}{1000}$$

Where:

DU = the number of dwelling units in the development;

PPDU = 2.6, the number of persons per dwelling unit for each single family dwelling unit and

1.8, the average number of persons per dwelling unit for each multi-family dwelling unit

1000 = the number of residents per 10 acres of park land.

(c) Recordation of a subdivision plat subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254:

- (1) For land dedicated to parks within the subdivision, a fee simple dedication on the subdivision plat of the required park land as approved by the parks director;
- (2) For land dedicated to parks outside the subdivision, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;
- (3) For land established as private park, identification of the required amount of private park as one or more restricted reserves with the following notation on each private park reserve within the subdivision:

'RESERVE RESTRICTED TO PRIVATE PARK PURSUANT TO CHAPTER 42 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS. THIS PRIVATE PARK DESIGNATION MAY NOT BE CHANGED WITHOUT APPROVAL OF THE PLANNING COMMISSION OF THE CITY OF HOUSTON, TEXAS.'

Land established as a private park for the purposes of this section may not be replatted to change this designation pursuant to section 212.0146 of Chapter 212 without the approval of the commission. The commission shall not approve a replat that would change the private park designation unless it determines that alternative private park space that satisfies the requirements of this subsection is available within the original subdivision generating the dedication requirement;

- (4) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code; or

- (5) A statement on the plat that payment of a required fee in lieu of dedication has been deferred and shall be paid at the then-current fee prior to the issuance of a building permit for each single family dwelling unit within the subdivision.

(d) Issuance of a building permit for a single family dwelling unit in a subdivision subject to the requirements of this section for which the payment of fees in lieu of dedication has been deferred pursuant to item (5) above shall require confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount per dwelling unit then required by section 42-253 of this Code.

(e) Issuance of a building permit for a multifamily residential development subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254:

- (1) For land dedicated for park purposes, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;
- (2) Identification of the required amount of private park on an approved development plat; or
- (3) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code.

(f) If the calculation in subsection (b) of this section results in a requirement of less than one acre for property located in the urban area or two acres for property located in the suburban area, the parks director may require the developer to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one acre of property in the urban area if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. The parks director may approve the dedication of less than two acres in the suburban area if he determines that the area proposed to be dedicated is a neighborhood park the need for

which is identified in the Parks Master Plan, or meets the other criteria of the preceding sentence. This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-185 of this Code.

(g) Notwithstanding any other provision of this section, the owner of property for which dedication is required may pay a fee in lieu of dedication in the amount determined pursuant to section 42-253 of this Code and the parks director shall not refuse any payment of a fee in lieu of dedication.

**Sec. 42-253. Fees in lieu of land dedication.**

(a) In some instances, the parks director may require the developer to pay fees in lieu of dedicating land. In making this determination, the parks director shall consider the following factors:

- (1) Whether sufficient parkland and open space exists in the area of the proposed development; and
- (2) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

(b) The dedication requirement shall be met by a payment in lieu of land dedication at a specified dollar amount per dwelling unit determined annually pursuant to this section. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park sector as the development. Fees may be applied to any type of park site or improvement within the sector in accordance with park department prioritization, or if needs for other types of park and recreation facilities have been met.

(c) The initial fee in lieu of dedication shall be \$800 per dwelling unit. Each year following certification of the city's tax roll, the director and the parks director shall report to the commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the taxable value of land within the city as certified by each respective county appraisal district. The director and the parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value. The commission shall review the report, conduct a public hearing on any recommended increase in the fee in lieu of dedication, and issue a final

report. The commission shall file its report, which shall advise of any need to increase the fee in lieu of dedication, with the city council.

**Sec. 42-254. Calculations; deductions and credits.**

(a) *Initial calculations.* The parks director shall determine the amount of land required to be dedicated or fees in lieu of dedication to be paid in accordance with sections 42-252 and 42-253 of this Code and as further provided in this section.

- (1) The parks director shall first calculate the amount of park dedication required using the formula contained in subsection (b) of section 42-251 of this Code;
- (2) If the owner of the subdivision or development elects to pay a fee in lieu of dedication, or the parks director requires the payment of a fee in lieu of dedication pursuant to section 42-253 of this Code, the parks director shall calculate the fee by multiplying the number of dwelling units in the subdivision or development by the then-current fee established pursuant to section 42-253 of this Code;
- (3) If the owner of the subdivision or development elects to satisfy the requirements of this division by a combination of dedication of land and payment of a fee in lieu of dedication, the parks director shall:
  - a. First, calculate the total park dedication requirement;
  - b. Second, subtract from the total park dedication requirement the amount of land for parks to be dedicated;
  - c. Third, calculate a percentage as follows: (remaining park dedication requirement ÷ total park dedication requirement) X 100; and
  - d. Fourth, apply the resulting percentage to the total fee in lieu of dedication to determine the amount of fee in lieu of dedication that has to be paid. This percentage shall be applied to the then-current fee in lieu of dedication per lot when payment of the fee in lieu of dedication is

deferred pursuant to subsection (c) of section 52-251 of this Code to determine the fee per dwelling unit.

(b) Deductions and credits.

- (1) The number of dwelling units shall be based on an incremental increase in dwelling units. The parks director shall deduct from the initial calculation pursuant to subsection (b) of section 42-251 of this Code the number of dwelling units that the applicant demonstrates to the satisfaction of the parks director existed prior to the application for the subdivision plat or development plat generating the dedication requirement;
- (2) The parks director shall reduce the dedication requirement of section 42-254(a)(1) or the fee in lieu of dedication of section 42-254(a)(2), as applicable, by one or more of the following credits; provided, however, except as provided in parts b. and d., that the total amount of credit shall not exceed 75 percent of the total dedication requirement or fee in lieu of dedication:
  - a. Up to a maximum of 50 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this part. For example, if the total dedication requirement is 5 acres and the applicant proposes to include 2.1 acres of private park within the subdivision, 2.1 acres will be deducted from the total requirement. If the applicant proposes to include 4 acres of private park, 2.5 acres will be deducted from the total dedication requirement. Private park land eligible for credit must be centrally located within the development, designed so that it cannot easily be joined into one or more adjacent lots with a fence, legally and practically accessible to all residents of the development, and of a size, shape and configuration so that it is likely to be used by residents of the development as determined in comparison to city park standards. Equipment in a private park shall comply with city standards applicable to the type of equipment. When private park land is also compensating open

space, these requirements prevail over any contrary requirements of section 42-185.

- b. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision generating the dedication requirement attributable to lots that are for the provision of low and moderate income single family housing as determined pursuant to section 47-319(2) of this Code. If credit is given on a subdivision plat for low and moderate income single family housing, the property owner shall certify prior to the issuance of a building permit for the house that the initial purchase price does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the then-current fee in lieu of dedication for a single family dwelling unit. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A&M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.
- c. Up to a maximum of 15 percent of the total requirement credit shall be given for each acre or portion thereof of park land provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development generating the dedication requirement, including improvements to a hike or bike trail that meet city standards.
- d. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land that links one or more parks.

(c) Credits are cumulative, but in no case other than as provided in parts b. and d. above shall credits given under this section exceed 75 percent.

**Sec. 42-255. Park and recreation dedication fund.**

(a) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this division, which fund shall be known as the 'Park and Recreation Dedication Fund.' Funds shall only be released from the Park and Recreation Dedication Fund upon approval by the city council of a plan to utilize the funds to build or enhance a park within the park sector from which the funds originated.

(b) The city shall account for all sums paid in lieu of land dedication under this division with reference to the individual subdivisions or developments that generate the dedication requirement. Any funds paid for such purpose must be obligated by the city within five (5) years after the completion of the contributing subdivision or development, or the completion of the final phase or section of the respective subdivision or development. If the funds cannot be encumbered within the initial five (5) year time period, the parks director may request from the city council a time extension for a period not to exceed an additional two (2) years for the expenditure of the funds. The extension request(s) shall be submitted in writing by the parks director sixty (60) days prior to the expiration period for the funds to be committed by the City, and shall include a detailed justification for the extension request(s). If not so extended, the owners of the property on the last day of the initial seven year period shall be entitled to a pro rata refund of the sum, computed on a dwelling unit basis. The owners of the property must request a refund within one (1) year of entitlement. Such request must be made in writing to the parks director, or such right shall be barred.

(c) Where funds or a dedication for a phased development have been made in accordance with section 42-254 of this Code, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment shall be applied to subsequent subdivision plats or development plats for the same land on a pro-rata basis by dwelling unit. Increased density shall require the dedication of additional parkland or payment of additional fees.

(d) Moneys in the park dedication fund shall be used for the acquisition and improvement of parks, and shall not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, engineering and design costs shall be limited to not more than five percent of total acquisition or improvement cost.

**Sec. 42-256. Park location standards.**

A goal of this article is to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks shall meet the following location standards:

- (1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.
- (2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.
- (3) Street or pedestrian connections to existing and future adjoining subdivisions, private park or park amenities are desirable to provide reasonable access to parks and private parks.
- (4) Where a proposed subdivision would block or limit access to a park, access ways of not less than 10 feet in width may be required through the private development to provide public access to the park. Any easement or private park provided for this purpose will be credited toward any land dedication requirement.
- (5) The land must comply with the Parks Master Plan.

**Sec. 42-257. Park land acceptance standards.**

(a) The city council reserves the right to accept or reject an offer of dedication, after consideration of the recommendation of the parks director, and to require the payment of fees in lieu of dedication as provided herein in section 42-254 of this Code.

(b) Land dedicated for park and recreational areas shall be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the requirements

of park facilities as identified for that geographic sector in the city's most current Parks Master Plan.

(c) Land proposed to be dedicated for parks generally shall meet the following requirements. The parks director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan.

(1) Minimum size and configuration standards

- a. Unless determined otherwise by the parks director pursuant to subsection (f) of section 251 of this Code, the minimum size of land dedicated for a park in the urban area shall be one acre.
- b. Unless determined otherwise by the parks director pursuant to subsection (f) of section 251 of this Code, the minimum size of land dedicated for a park in the suburban area shall be two acres.
- c. Land dedicated for a park shall constitute a contiguous piece of property of such dimensions that it can physically accommodate the types of improvements associated with the park type in the Parks Master Plan.

(2) Location and access standards.

- a. The land shall meet the applicable location requirements of section 42-256 of this Code.
- b. The land shall have connectivity to a public street appropriate for the size and use of the park.

(3) Physical characteristics standards

- a. The land shall be vacant and cleared of nonvegetative material and shall contain no conditions that could constitute a violation of chapter 10 of this Code.

- b. The land shall not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(4) Minimum environmental conditions standards

Unless provided otherwise in rules promulgated by the parks director, the land shall be reasonably free of recognized environmental conditions. If land is proposed to be dedicated by subdivision plat, prior to submittal of an application for final subdivision plat approval the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

- (d) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land of this section and any rules promulgated by the parks director.

**Sec. 42-258. Minimum park improvement standards.**

Prior to acceptance by the city and prior to the filing of the final subdivision plat, any park land dedicated to the city or developed as a private park for credit against park land dedication under this division shall meet the standards developed by the parks department. Any improvements provided by the developer to park land shall comply with applicable regulations and codes set forth for such improvements.

**Sec. 42-259. Administration.**

(a) This article shall be administered by the planning department as part of the subdivision process within the city limits, in cooperation with the parks department. The parks board shall have the authority to manage and expend funds in accordance with the city's adopted parks master plan, the capital improvements plan for parks, and related official documents to the extent authorized by the city council for that purpose.

(b) The parks director is authorized to promulgate guidelines for the administration of this article that are consistent with the requirements of this article."

**Section 6.** Each of the following shall be processed and considered by the Director of the Planning and Development Department or the Planning Commission, as appropriate, pursuant to the provisions of Chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this Ordinance, and the former provisions of Chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat that conforms to the details of a general plan which contains the information provided for in Subsection 42-24(c) of the Code of Ordinances, Houston, Texas, and which general plan was approved by the Planning Commission prior to the effective date of this Ordinance;
2. Any complete application for a subdivision plat or development plat that is filed with the Department of Planning and Development prior to the effective date of this Ordinance;
3. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the Planning Commission prior to the effective date of this Ordinance;
4. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.
5. Any complete application for a development plat for a development for which a waste water capacity reservation or stormwater capacity reservation letter was in effect on the effective date of this Ordinance and which letter has not expired or been amended.

**Section 7.** That the 17 sectors shown on the map attached hereto as Exhibit "A" are hereby adopted as the 17 park sectors as provided in the definition of "sector" in

Section 42-1 of the Code of Ordinances, Houston, Texas, as amended by this Ordinance and Exhibit "A" is hereby adopted for the purpose of establishing the sectors. The City Council may amend the map from time to time as part of, or incidental to, the approval of a Parks Master Plan.

**Section 8.** 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 of 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 be 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 9.** 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 that date and shall take effect at 12:01 a.m. on November 1, 2007.

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

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

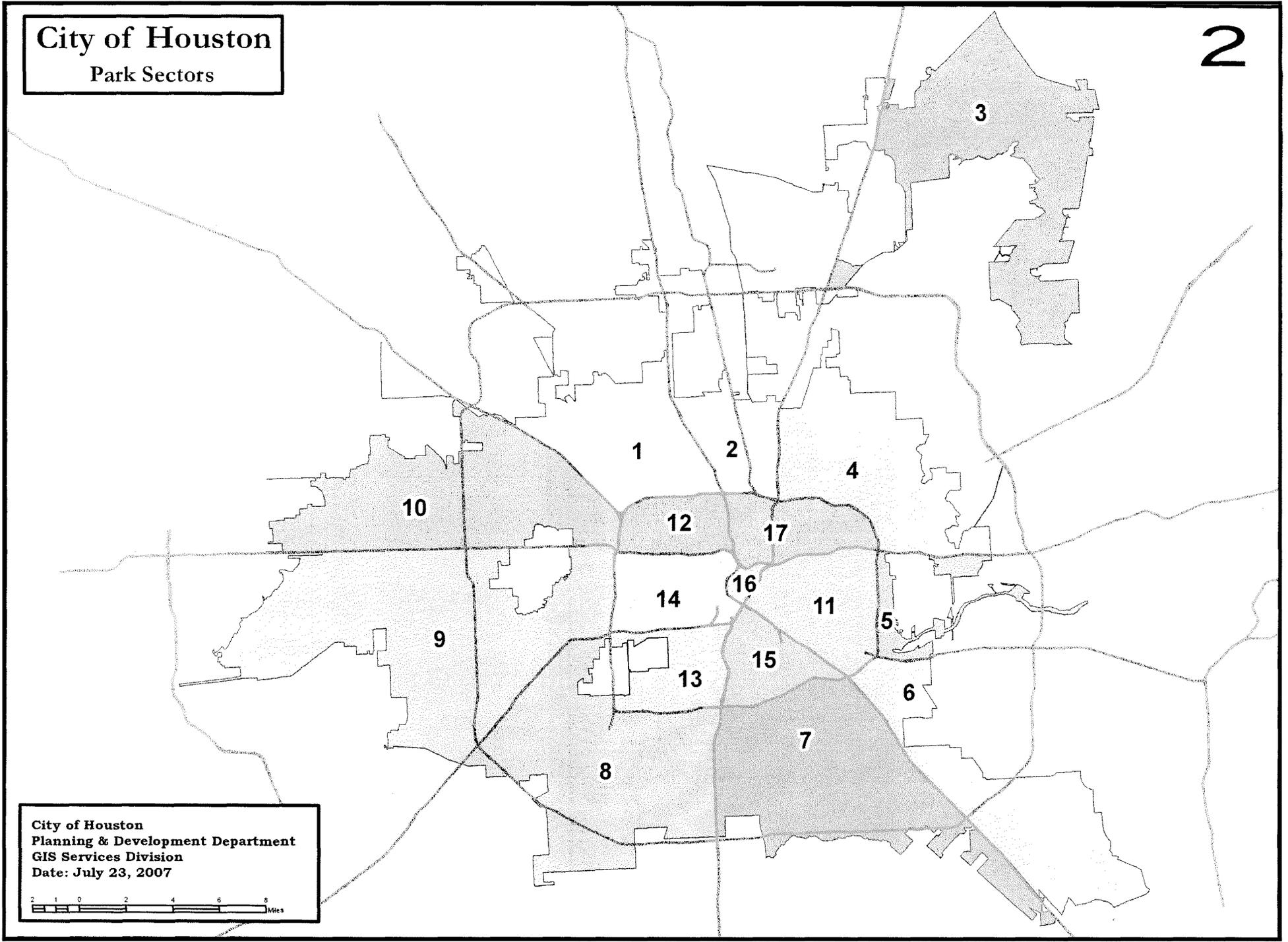
(Prepared by the Legal Dep't ~~DEBORAH F. ALLEN~~)  
(DFM:dfm September 28, 2007 Senior Assistant City Attorney)  
(Requested by Marlene L. Gafriok, Director, Planning and Development Department)  
(L.D. No. 0610700113001)  
H:\WPFILES\ORD\LAND\CH42\2007amends\parks\final.wpd

Exhibit "A"

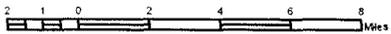
# City of Houston

## Park Sectors

2



City of Houston  
Planning & Development Department  
GIS Services Division  
Date: July 23, 2007



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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of a portion of Tavern Street, from Dow Road west ±271 feet to its dead end, located in Dow Acres Addition, out of the Richard Rowles Survey, A-670. <b>Parcel SY6-089</b>	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em;"><b>26</b></div>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  9-27-07	<b>Agenda Date</b>  OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <div style="font-family: cursive; font-size: 1.5em;">Michael S. Marcotte</div> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: A</b>  Key Map 450D
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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. 2006-0504 (6/21/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of a portion of Tavern Street, from Dow Road west ±271 feet to its dead end, located in Dow Acres Addition, out of the Richard Rowles Survey, A-670. **Parcel SY6-089**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 By Council Motion 2006-0504, City Council authorized the subject transaction. The Welkey 1996 Descendants' Trusts, the abutting property owner, plans to combine its property with the subject property to eliminate traffic and increase security.

The Welkey 1996 Descendants' Trusts has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to the Welkey 1996 Descendants' Trusts:

<b>Parcel SY6-089</b>	
16,293-square-foot street right-of-way	\$40,733.00
<b>TOTAL ABANDONMENT</b>	<b><u>\$40,733.00</u></b>

MSM:NPC:dob

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

s:\dob\sy6-089.rc2.doc CUIC #20DOB016

**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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MOTION by Council Member Lawrence 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 Jon Welkey, 5337 Dow Road, Houston, Texas, 77040, on behalf of the Welkey 1996 Descendents' Trusts (Greta Joanne Gaskill, Sheryl B. Johnson, and Nancy Jean Ludwig, Co-Trustees), for the abandonment and sale of a portion of Tavern Street, from Dow Road west  $\pm 271$  feet to its dead end, located in Dow Acres Addition, out of the Richard Rowles Survey, A-670, Parcel No. SY6-089, be adopted, as follows:

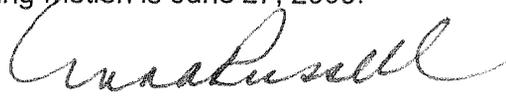
1. The City abandon and sell a portion of Tavern Street, from Dow Road west  $\pm 271$  feet to its dead end, located in Dow Acres Addition, out of the Richard Rowles Survey, A-670;
2. The applicant to eliminate the appearance of Tavern Street as a public street on the west side of Dow Road, by the removal of the pavement or the extension of a fence across the right of way, and notify the Traffic and Transportation Division when the abandonment is complete, in order to have any traffic signs removed, all at no cost to the City and under the proper permits;
3. 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;
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. Tom Kvinta and John Chambliss, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed \$25,000.00 and Patrick O'Connor is hereby appointed as alternate appraiser should one of the two appointed appraisers be unable to accept the assignment.

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson,  
Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia,  
Alvarado, Brown, Lovell, Sekula-Gibbs, Green and Berry  
voting aye  
Nays none

PASSED AND ADOPTED this 21st day of June, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is June 27, 2006.

  
City Secretary

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

<b>SUBJECT:</b> Ordinance designating the 1600 block of Harold Street, North and South sides, between Mandell and Dunlavy Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>27</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> 9/5/2007	<b>Agenda Date</b> OCT 03 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 1600 block of Harold Street, north and south sides, between Mandell and Dunlavy 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 42-194 of the Code of Ordinances, the property owner of Lot 13, Block 7, of the Mandell Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 58% of the area. Notification was mailed to the 30 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 thirty 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 Special Minimum Lot Size of 5,724sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum 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

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

## Special Minimum Lot Size Area No. 244

### Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1600 block of Harold Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>78% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 58% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and</i></p> <p><b>A minimum lot size of 5,724 sq ft exists on twenty (20) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special 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.</i></p> <p><b>The subdivision was platted in 1922. The houses originate from the 1920s. The establishment of a 5,724 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty (20) out of thirty (30) lots (representing 70.5% of the application area) are at least 5,724 square feet in size.</b></p>		

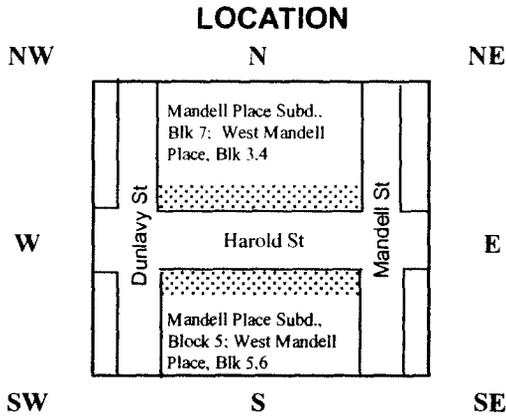
**The Special Minimum Lot Size Area meets the criteria.**


  
 \_\_\_\_\_

Marlene L. Gafrick, Director      Date

## SPECIAL MINIMUM LOT SIZE APPLICATION

To expedite this application, please complete entire application form.



COMPLETED

4-26-07

**1. BOUNDARY:**

Block #s	<u>Mandell Place 5,7; West Mandell Place 3,4,5,6</u>		
Lot #'s	<u>Lts 1-9 &amp; Tr 10A of Blk 5; Lts 11-20 of Blk 7; Lts 1,2,4 &amp; Trs 3,3A of Blk 3; Lts 2,3 of Blk 4; Lts 7,8 of Blk 5; Lts 1,4 of Blk 6</u>		
Subdivision Name	<u>Mandell Place &amp; West Mandell Place</u>		
Street Name & Side (s)	<u>South and North sides of Harold St</u>		
Lot (s) Address	<u>1600 Block Harold St</u>		
Odd/Even Addresses	<u>Odd &amp; Even Addresses</u>		

**2. CONTACTS:**

Applicant	<u>Arleen Znosko</u>	Phone #	<u>713.523.1882</u>
Address	<u>1610 Harold</u>	E-mail	<u>[REDACTED]</u>
City	<u>Houston</u>	State	<u>TX</u>
		Zip	<u>77006</u>
Other		Phone #	<u>                    </u>
Address	<u>                    </u>	E-mail	<u>                    </u>
City	<u>                    </u>	State	<u>                    </u>
		Zip	<u>                    </u>

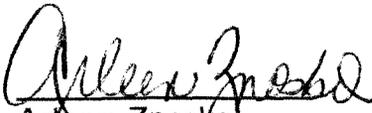
**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # <u>                    </u>	Census Tract <u>          4108          </u>
Lambert # <u>          5356          </u>	City Council District <u>          D          </u>
Key Map # <u>          492 V          </u>	
Super Neighborhood <u>          24          </u>	
TIRZ <u>                    </u>	

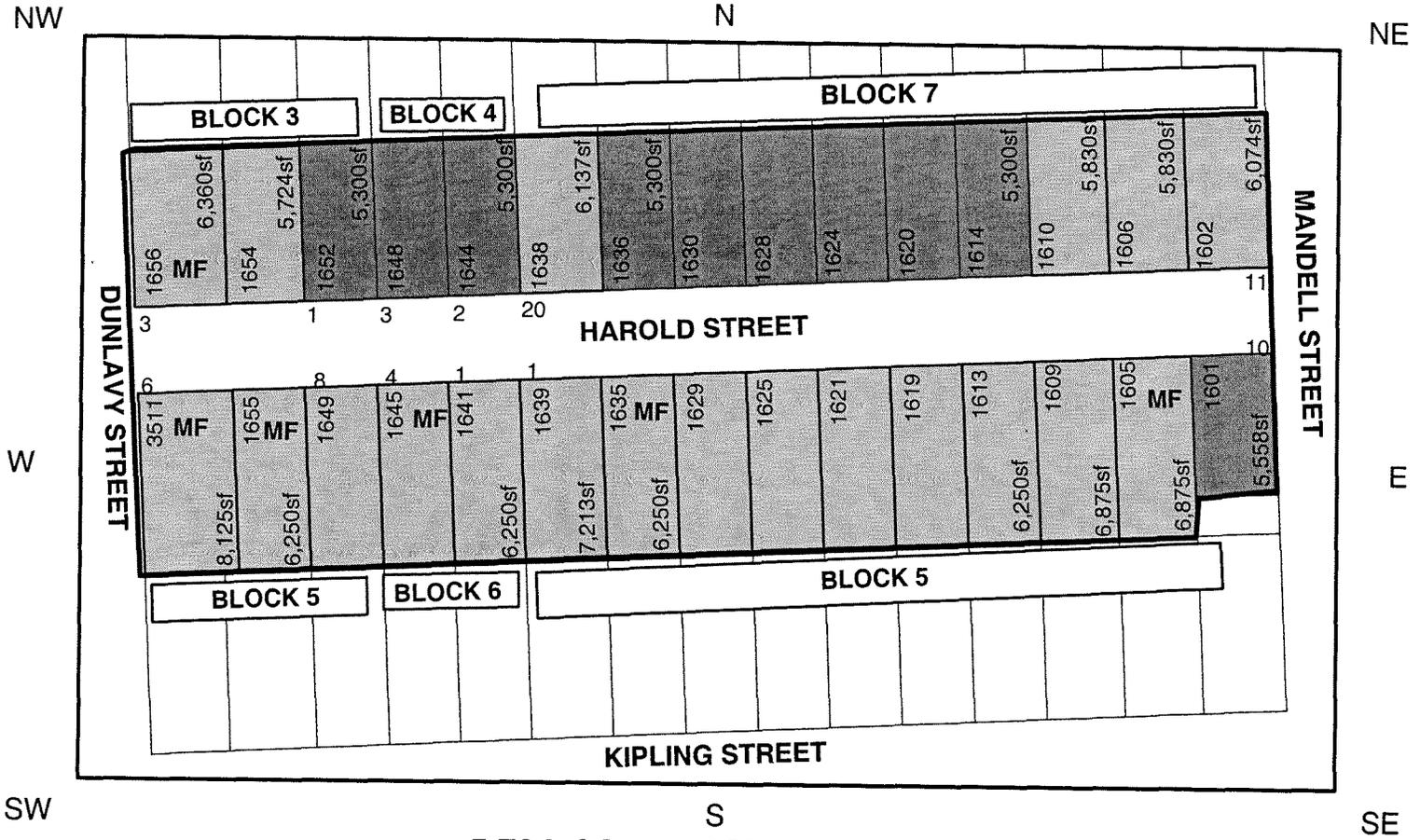
## PETITION

April 11, 2007

I, Arleen Znosko, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, **Block 7, Lot 13 of Mandell Place**, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for **Block 5, Lots 1-9 & Tract 10A and Block 7, Lots 11-20 of Mandell Place; Block 3, Lots 1,2,4 & Tracts 3,3A and Block 4, Lots 2,3 and Block 5, Lots 7,8 and Block 6, Lots 1,4 of West Mandell Place** through the application of and creation of a Special Minimum Lot Size Requirement Area.

  
Arleen Znosko  
Petitioner

# Mandell / West Mandell Place



5,724sf Special Minimum Lot Size

MAP/SKETCH

**SMLSA No. 244**

- Properties that meet the 5,724sf Special Minimum Lot Size
- Properties less than the 5,724sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

<b>SUBJECT:</b> Ordinance designating the 1700 block of Harold Street, north side, between Woodhead and Dunlavy Streets as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>28</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> 9/5/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MD Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Matthew Dease Phone: 713.837.7815	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 1700 block of Harold Street, north side, between Woodhead and Dunlavy Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing an 20'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-163 of the Code of Ordinances, the property owner of Tracts 14 & 15A, Block B of the Winlow Place Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 60% of the area. Notification was mailed to 14 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 thirty 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 an 20'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, 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  
 Linda Tarver, Public Works and Engineering  
 Gary Bridges, Public Works and Engineering

*MD*

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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*SA*

## Special Building Line Requirement Area No. 120

### Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1700 block of Harold Street, north side.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>81% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 60% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 20 ft exists on thirteen (13) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special 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.</i></p> <p><b>The subdivision was platted in 1923. Most of the houses originate from the 1920's and 1930's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p>		
<p><b>Thirteen (13) out of thirteen (13) developed properties (representing 93% of the application area) have a building line of at least Twenty (20) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**

*Marlene L. Gafrick* 9/5/07  
 Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

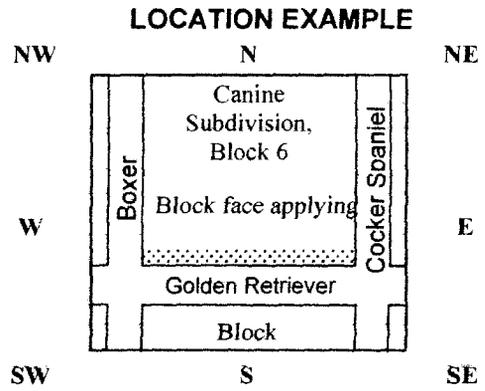
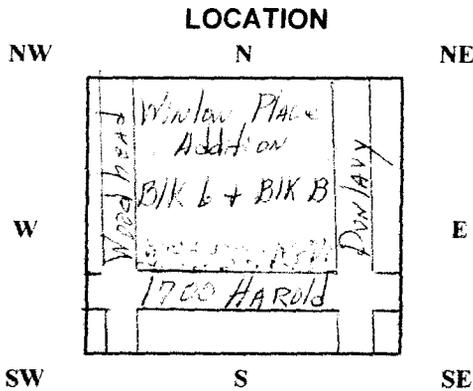
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.

*Complete  
1/26/07  
Annex  
Sedillo*



### 1. BOUNDARY:

Block # BIK 6 | BIK B  
 Lot #'s Lots 7-12 | Lots 10-18  
 Subdivision Name Winlow Place  
 Street Name & Side (s) North side of HAROLD  
 Lot (s) Address 1700 BIK of HAROLD  
 Odd/Even Addresses EVEN ADDRESSES

### BOUNDARY EXAMPLE:

Block # 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

### 2. CONTACTS:

Applicant JANET OSSMANN Phone # 713-529-3191  
 Address 1716 HAROLD E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City HOUSTON TX 77098 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Other e-mail [REDACTED] Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # MLS 260 / MBL 120  
 Lambert # 5356  
 Key Map # 492V  
 Super Neighborhood 24  
 TIRZ \_\_\_\_\_  
 Census Tract 4108  
 City Council District 12

PETITION FOR SPECIAL MINIMUM LOT SIZE  
AND SPECIAL MINIMUM BUILDING LINE

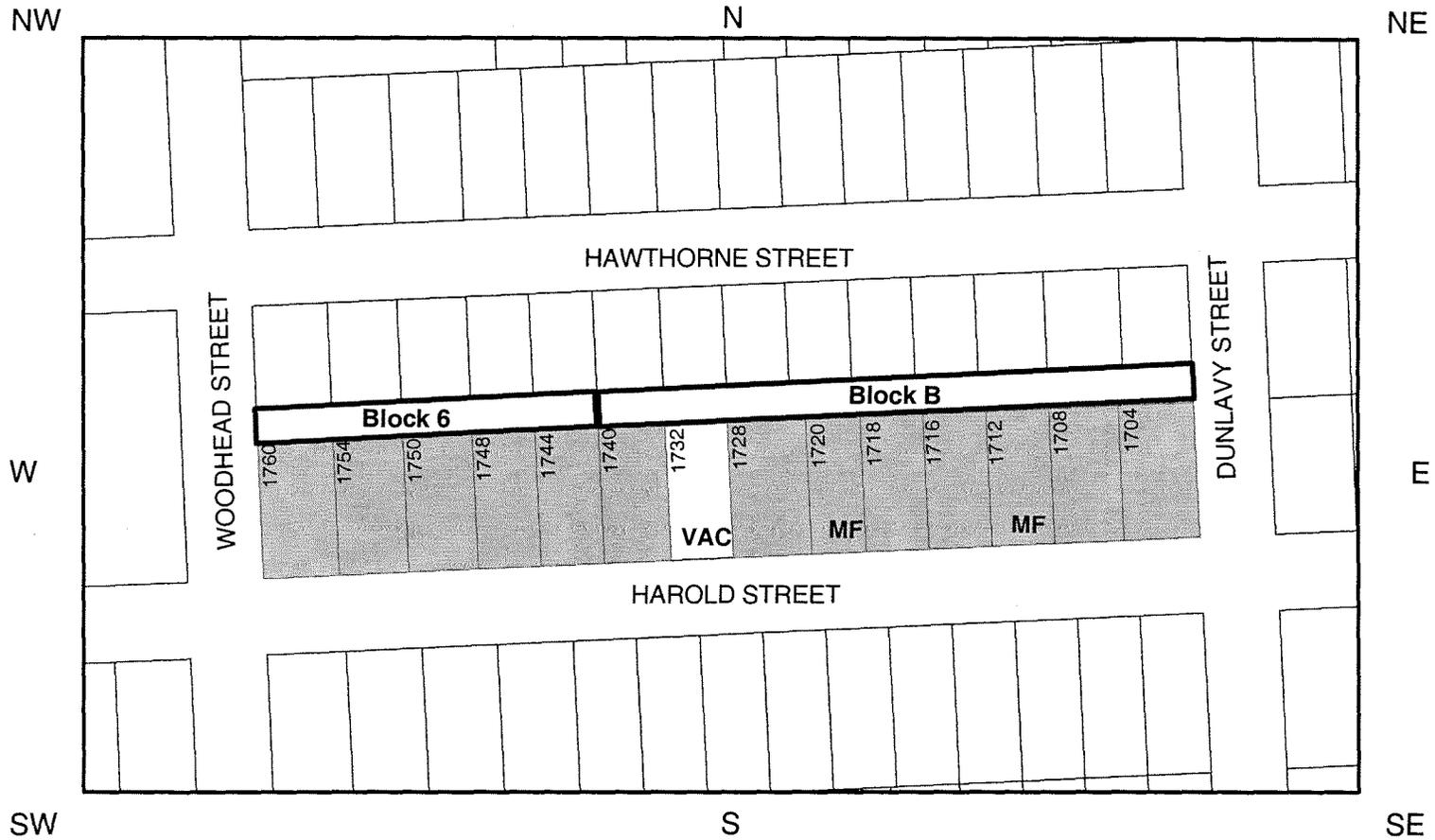
June 13, 2007

I, JANET OSSMANN, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically Block B - Lots 10 thru 18 and Block 6 – Lots 7 thru 12 of the Winlow Place Addition, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block B - Lots 10 thru 18 and Block 6 – Lots 7 thru 12 in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

  
Janet Ossmann, Petitioner



# WINLOW PLACE



## 18' Special Building Line

### MAP/SKETCH

**SBLRA No. 120**

-  Properties that meet the 18' Special Minimum Building Line
-  Properties less than the 18' Special Minimum Building Line
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

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

<b>SUBJECT:</b> Ordinance designating the 1700 block of Harold Street, north side, between Woodhead and Dunlavy Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>29</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> 9/5/2007	<b>Agenda Date</b> OCT 03 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 1700 block of Harold Street, north side, between Woodhead and Dunlavy 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 42-194 of the Code of Ordinances, the property owner of of Tracts 14 & 15A, Block B, of the Winlow Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 60% of the area. Notification was mailed to the 14 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 thirty 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 Special Minimum Lot Size of 5,300 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum 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 Area No. 260

### Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1700 block of Harold Street, north side.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>81% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 60% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,300 sq ft exists on thirteen (13) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special 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.</i></p> <p><b>The subdivision was platted in 1923. Most of the houses originate from the 1920's and 1930's. The establishment of a 5,300 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Thirteen (13) out of fourteen (14) lots (representing 94% of the application area) are at least 5,300 square feet in size.</b></p>		

**The Special Minimum Lot Size Area meets the criteria.**


9/5/07  
 Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

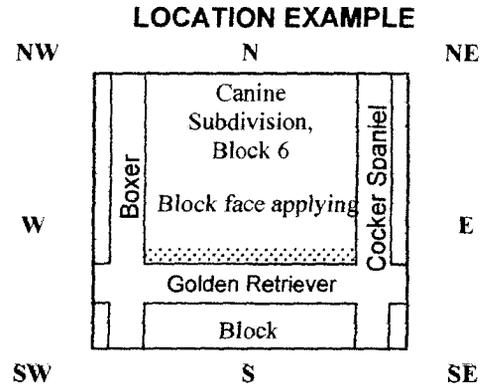
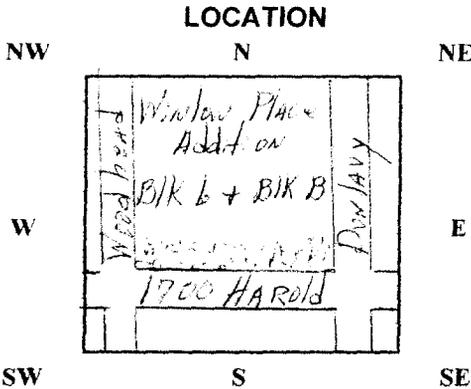
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.

*Complete  
6/26/07  
Annex 110  
Sec 110*



**1. BOUNDARY:**

Block # BIK 6 / BIK B  
 Lot #'s Lots 7-12 / Lots 11-18  
 Subdivision Name Window Place  
 Street Name & Side (s) North side of HAROLD  
 Lot (s) Address 1700 BIK of HAROLD  
 Odd/Even Addresses Even Addresses

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

**2. CONTACTS:**

Applicant JANET OSSMANN Phone # 713-529-3191  
 Address 1716 HAROLD E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City HOUSTON TX 77098 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Other e-mail [REDACTED] Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # MLS 260 / MBL 120  
 Lambert # 5356 Census Tract 4108  
 Key Map # 492V City Council District 12  
 Super Neighborhood 24  
 TIRZ \_\_\_\_\_

PETITION FOR SPECIAL MINIMUM LOT SIZE  
AND SPECIAL MINIMUM BUILDING LINE

June 13, 2007

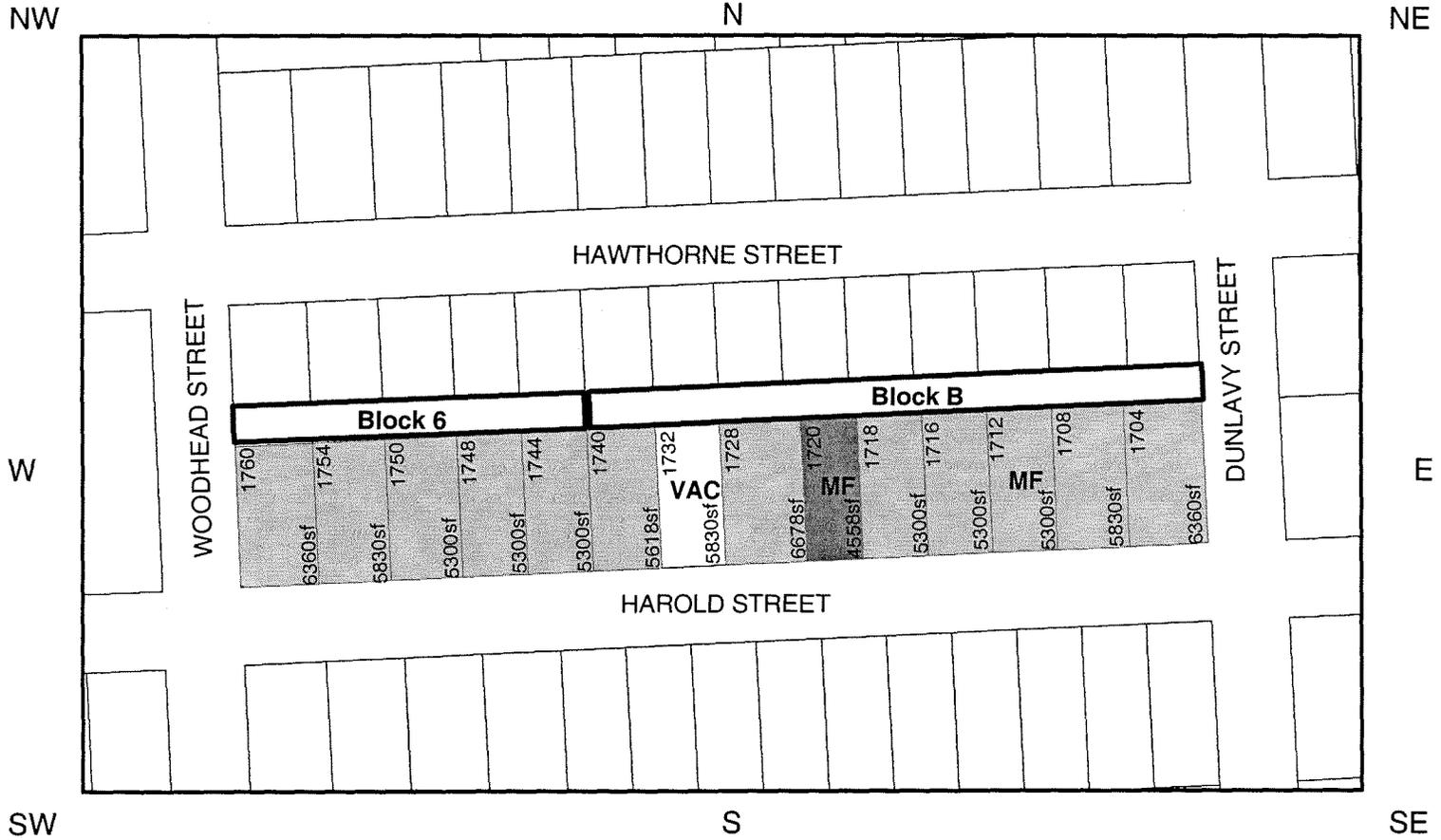
I, JANET OSSMANN, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically Block B - Lots 10 thru 18 and Block 6 – Lots 7 thru 12 of the Winlow Place Addition, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block B - Lots 10 thru 18 and Block 6 – Lots 7 thru 12 in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

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Janet Ossmann, Petitioner

# WINLOW PLACE



**5,300 sf Special Minimum Lot Size**

**MAP/SKETCH**

**SMLSA No. 260**

-  Properties that meet the 5,300 sf Special Minimum Lot Size
-  Properties less than the 5,300 sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1900 block of Harold Street, north side, between McDuffie and Hazard Streets as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>30</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> 09/12/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Matthew Dease Phone: 713.837.7815	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 1900 block of Harold Street, north side, between McDuffie and Hazard Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing an 23'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 10, Block 4, of the Winlow Place Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 70% of the area. Notification was mailed to 7 property owners indicating that the special building line requirement area application had been made. One written protest was filed. The Houston Planning Commission considered the protest on August 2, 2007 and voted to recommend that the City Council establish the Special Building Line Requirement Area.

It is recommended that the City Council adopt an ordinance establishing an 23'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Protest letter, 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  
 Linda Tarver, Public Works and Engineering  
 Gary Bridges, Public Works and Engineering

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# CITY OF HOUSTON

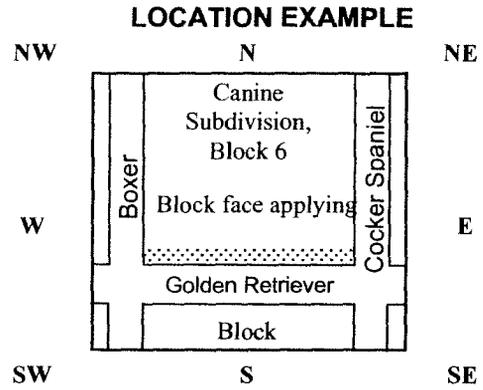
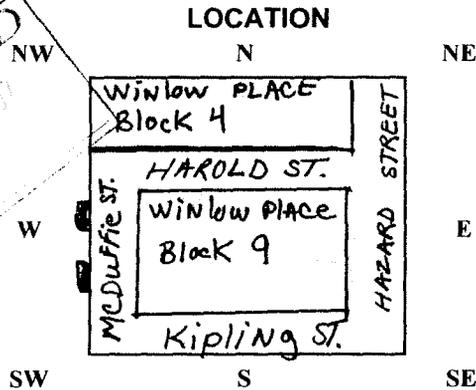
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

**COMPLETED**

To expedite this application, please complete entire application form.



### 1. BOUNDARY:

Block # Blocks 4, 9  
 Lot #'s LOT#s 8-14, 1-4, 6A, 5A, 5D  
 Subdivision Name WINLOW PLACE  
 Street Name & Side (s) Both Sides; HAROLD  
 Lot (s) Address 1900 BLOCK HAROLD ST.  
 Odd/Even Addresses BOTH (ALL)

### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

### 2. CONTACTS:

Applicant Jeff Grant Phone # 713 522 3699  
 Address 1920 HAROLD ST. E-mail [REDACTED] Fax # [REDACTED]  
 City HOUSTON TX. State TX Zip 77098  
 Other \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # 115/253  
 Lambert # 5356  
 Key Map # 1092V  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 Census Tract \_\_\_\_\_  
 City Council District \_\_\_\_\_

\* lot 5D above is the driveway for three town houses,  
 5A is the only townhome touching HAROLD

and 518102

5/18/2007

I, Jeff Grant, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically, **Block 4, Lots 8-14 & Block 9, Lots 1-4, Tr 5A, Tr 6A**, in Winlow Place, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for **Block 4, Lots 8-14 & Block 9 Lots 1-4, Tr 5A, Tr 6A** in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.



Jeff Grant  
Petitioner

**Nimene, James - PD**

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**From:** Brian Ammons [REDACTED]  
**Sent:** Friday, June 22, 2007 11:34 AM  
**To:** jason.holoubek@cityofhouston.net  
**Cc:** james.nimene@cityofhouston.net  
**Subject:** FW: Ojection to Special Building Line and Minimum Lot Size

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**From:** Brian Ammons  
**Sent:** Friday, June 22, 2007 10:30 AM  
**To:** 'james.nimene@cityofhouston.net'  
**Cc:** 'jeff Grant'  
**Subject:** Ojection to Special Building Line and Minimum Lot Size

Mr. Nimene -

I object to the Special Building Line Requirement Area Application for the 1900 Block of Harold Street, north side, between McDuffie and Hazard Streets.

In addition to the reasons noted in my original e-mail to the Applicant (below), I object on the grounds that my property 1902 Harold St is the only property on the block to be encumbered in fact by this Application, as every other property on the block is already subject to both a building line requirement and a prohibition on subdivision of lots by virtue of being covenant to the Winlow Place Deed Restrictions.

Please acknowledge that you have received my objection before the deadline of Friday June 22nd at 5pm.

Sincerely,

Brian Ammons  
1902 Harold

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**From:** jeff Grant [REDACTED]  
**Sent:** Thursday, June 21, 2007 3:10 PM  
**To:** Brian Ammons  
**Subject:** RE: COH Application

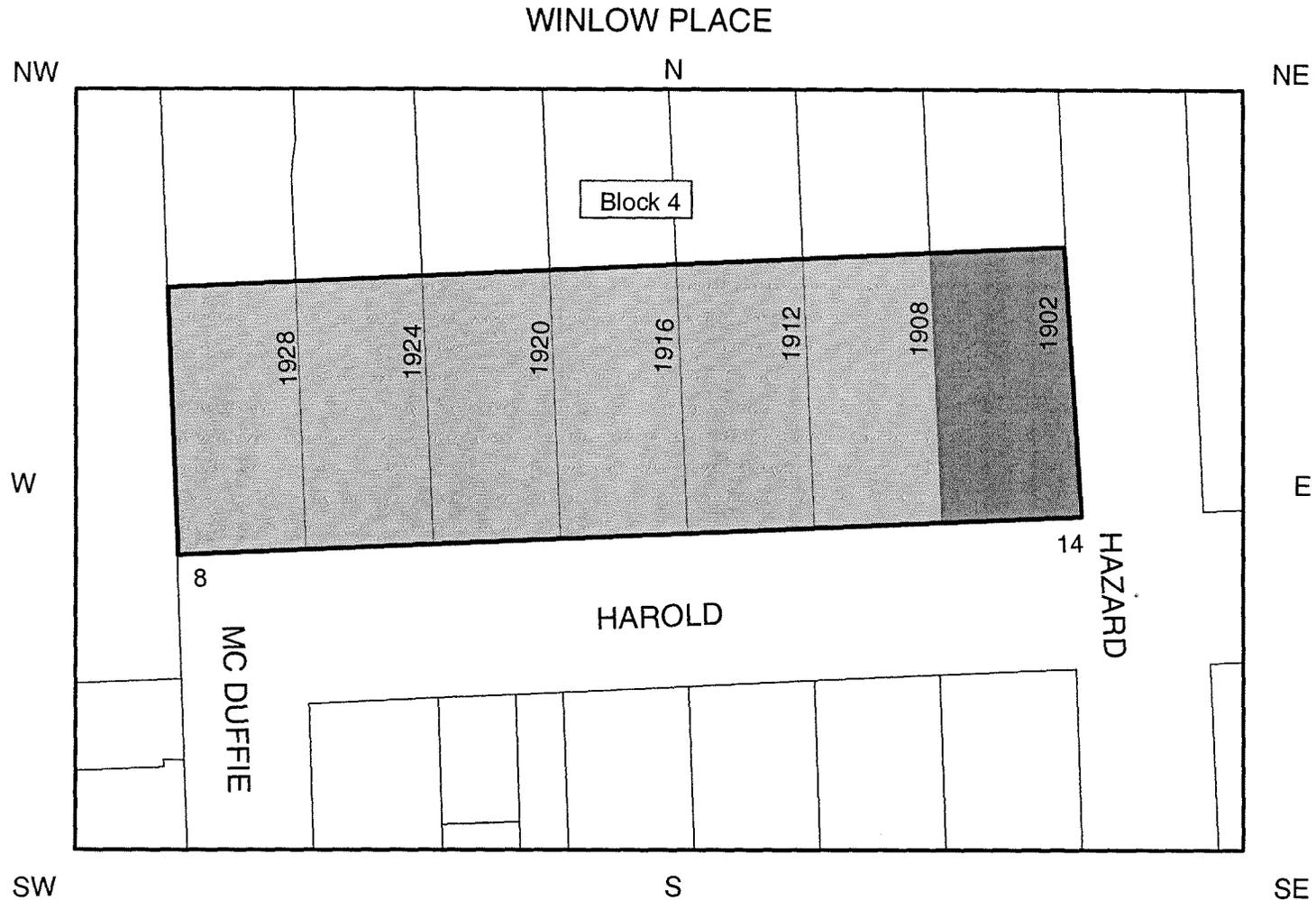
Brian  
The North Side of 1900 blk of Harold, you are the only unrestricted lot. I signed in 2002, George sometime after that, the other one's were earlier, except for 1928, that was recently.  
The 1800 Blk of Harold is all restricted, the 1700 Blk of Harold, has only one unrestricted lot 1720, that lot is only 42 ft wide, so he won't sign, he will be able to put the garage in front.  
Jeff

[REDACTED]

Jeff -

Per the plat (attached) there are a total of 7 lots on the North side of the 1900 block of Harold. How many of those 7 are Deed Restricted ?

6/26/2007



**23' Special Building Line  
MAP/SKETCH**

**SBLRA No. 115**

- Properties that meet the 23' Special Minimum Building Line
- Properties less than the 23' Special Minimum Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1900 block of Harold Street, north and south sides, between McDuffie and Hazard Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>31</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> 09/12/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MLG</i> <i>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 1900 block of Harold Street, north and south sides, between McDuffie and Hazard 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 42-194 of the Code of Ordinances, the property owner of Lot 10, Block 4, of the Winlow Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 68% of the area. Notification was mailed to 15 property owners indicating that the special lot size area application had been made. One written protest was filed. The Houston Planning Commission considered the protest on August 2, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,300 sf.

MLG:kw

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Protest letter, 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. 253

### Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1900 block of Harold Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>97% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 68% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,300 sq ft exists on eleven (11) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1923. The houses originate from the 1920's. The establishment of a 5,300 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Eleven (11) out of fourteen (14) lots (representing 88% of the application area) are at least 5,300 square feet in size.</b></p>		

**The Special Minimum Lot Size Requirement Area meets the criteria.**

\_\_\_\_\_  
Carol Lewis, Chair

\_\_\_\_\_  
Date

or



Mark A. Kilkenny,  
Vice-Chair

\_\_\_\_\_  
Date

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

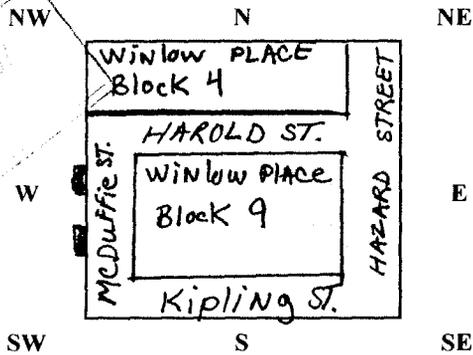
## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

**COMPLETED**

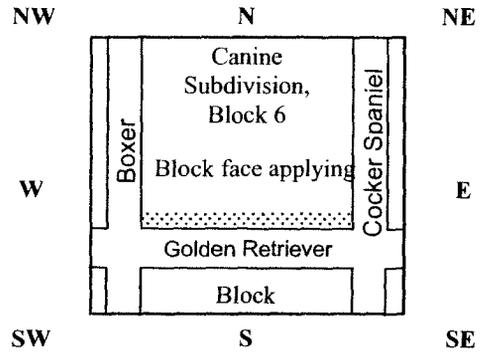
To expedite this application, please complete entire application form.

**RECEIVED**  
BY: \_\_\_\_\_

### LOCATION



### LOCATION EXAMPLE



### 1. BOUNDARY:

Block # Blocks 4, 9  
 Lot #'s Lot #'s 8-14, 1-4, 6A, 5A, 5D  
 Subdivision Name WINLOW PLACE  
 Street Name & Side (s) Both Sides; HAROLD  
 Lot (s) Address 1900 BLOCK HAROLD ST.  
 Odd/Even Addresses BOTH (ALL)

### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

### 2. CONTACTS:

Applicant Jeff GRANT Phone # 713 522 3699  
 Address 1920 HAROLD ST. E-mail [REDACTED] Fax # [REDACTED]  
 City HOUSTON TX. State TX Zip 77098  
 Other \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # 115/253  
 Lambert # 15354  
 Key Map # 11092V  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 Census Tract \_\_\_\_\_  
 City Council District \_\_\_\_\_

\* lot 5D above is the driveway for three town homes,  
 5A is the only town home touching HAROLD

and 5B is 2 town homes

5/18/2007

I, Jeff Grant, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically, **Block 4, Lots 8-14 & Block 9, Lots 1-4, Tr 5A, Tr 6A**, in Winlow Place, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for **Block 4, Lots 8-14 & Block 9 Lots 1-4, Tr 5A, Tr 6A** in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

A handwritten signature in cursive script that reads "Jeff Grant".

Jeff Grant  
Petitioner

**Nimene, James - PD**

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**From:** Brian Ammons [REDACTED]  
**Sent:** Friday, June 22, 2007 11:34 AM  
**To:** jason.holoubek@cityofhouston.net  
**Cc:** james.nimene@cityofhouston.net  
**Subject:** FW: Objection to Special Building Line and Minimum Lot Size

---

**From:** Brian Ammons  
**Sent:** Friday, June 22, 2007 10:30 AM  
**To:** 'james.nimene@cityofhouston.net'  
**Cc:** 'jeff Grant'  
**Subject:** Ojection to Special Building Line and Minimum Lot Size

Mr. Nimene -

I object to the Special Building Line Requirement Area Application for the 1900 Block of Harold Street, north side, between McDuffie and Hazard Streets.

In addition to the reasons noted in my original e-mail to the Applicant (below), I object on the grounds that my property 1902 Harold St is the only property on the block to be encumbered in fact by this Application, as every other property on the block is already subject to both a building line requirement and a prohibition on subdivision of lots by virtue of being covenant to the Winlow Place Deed Restrictions.

Please acknowledge that you have received my objection before the deadline of Friday June 22nd at 5pm.

Sincerely,

Brian Ammons  
1902 Harold

---

**From:** jeff Grant [REDACTED]  
**Sent:** Thursday, June 21, 2007 3:10 PM  
**To:** Brian Ammons  
**Subject:** RE: COH Application

Brian  
The North Side of 1900 blk of Harold, you are the only unrestricted lot. I signed in 2002, George sometime after that, the other one's were earlier, except for 1928, that was recently.  
The 1800 Blk of Harold is all restricted, the 1700 Blk of Harold, has only one unrestricted lot 1720, that lot is only 42 ft wide, so he won't sign, he will be able to put the garage in front.  
Jeff

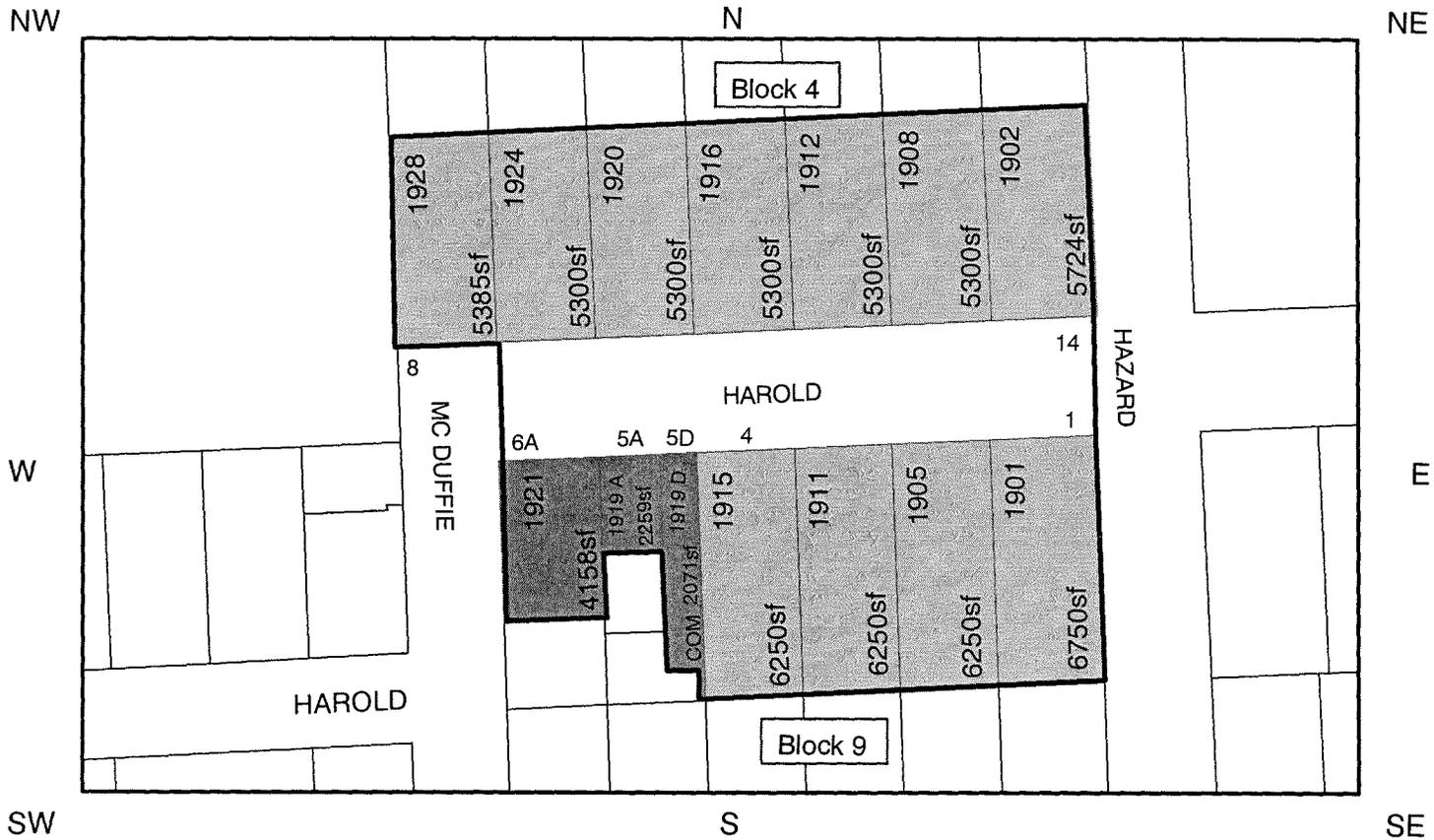
~~Per the plat (attached) there are a total of 7 lots on the North side of the 1900 block of Harold. How many of those 7 are Deed Restricted ?~~

Jeff -

Per the plat (attached) there are a total of 7 lots on the North side of the 1900 block of Harold. How many of those 7 are Deed Restricted ?

6/26/2007

# WINLOW PLACE



5300sf Special Minimum Lot Size

MAP/SKETCH

**SMLSA No. 253**

- Properties that meet the 5,300sf Special Minimum Lot Size
- Properties less than the 5,300sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

R

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1500 block of Hawthorne Street, North and South sides, between Mandell and Mulberry Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>32</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> 06/08/2007	<b>Agenda Date</b> <b>OCT 03 2007</b>
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Kevin Calfee Phone:713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 1500 block of Hawthorne Street, north and south sides, between Mandell and Mulberry 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 42-194 of the Code of Ordinances, the property owner of of Lot 6, Block 8, of the Mandell Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 55% of the area. Notification was mailed to the twenty (20) 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 thirty 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 Special Minimum Lot Size of 5,700 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum 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

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

## Special Minimum Lot Size Area No. 239

### Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1500 block of Hawthorne Avenue, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>74% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 55% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,700 sq ft exists on fourteen (14) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1922. The houses originate from the 1920's. The establishment of a 5,700 sq ft minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Fourteen (14) out of twenty (20) lots (representing 72% of the application area) are at least 5,700 square feet in size.</b></p>		

**The Special Minimum Lot Size Area meets the criteria.**

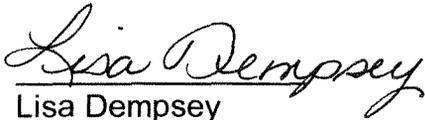

10/21/07  
 Marlene L. Gafrick, Director      Date



## PETITION

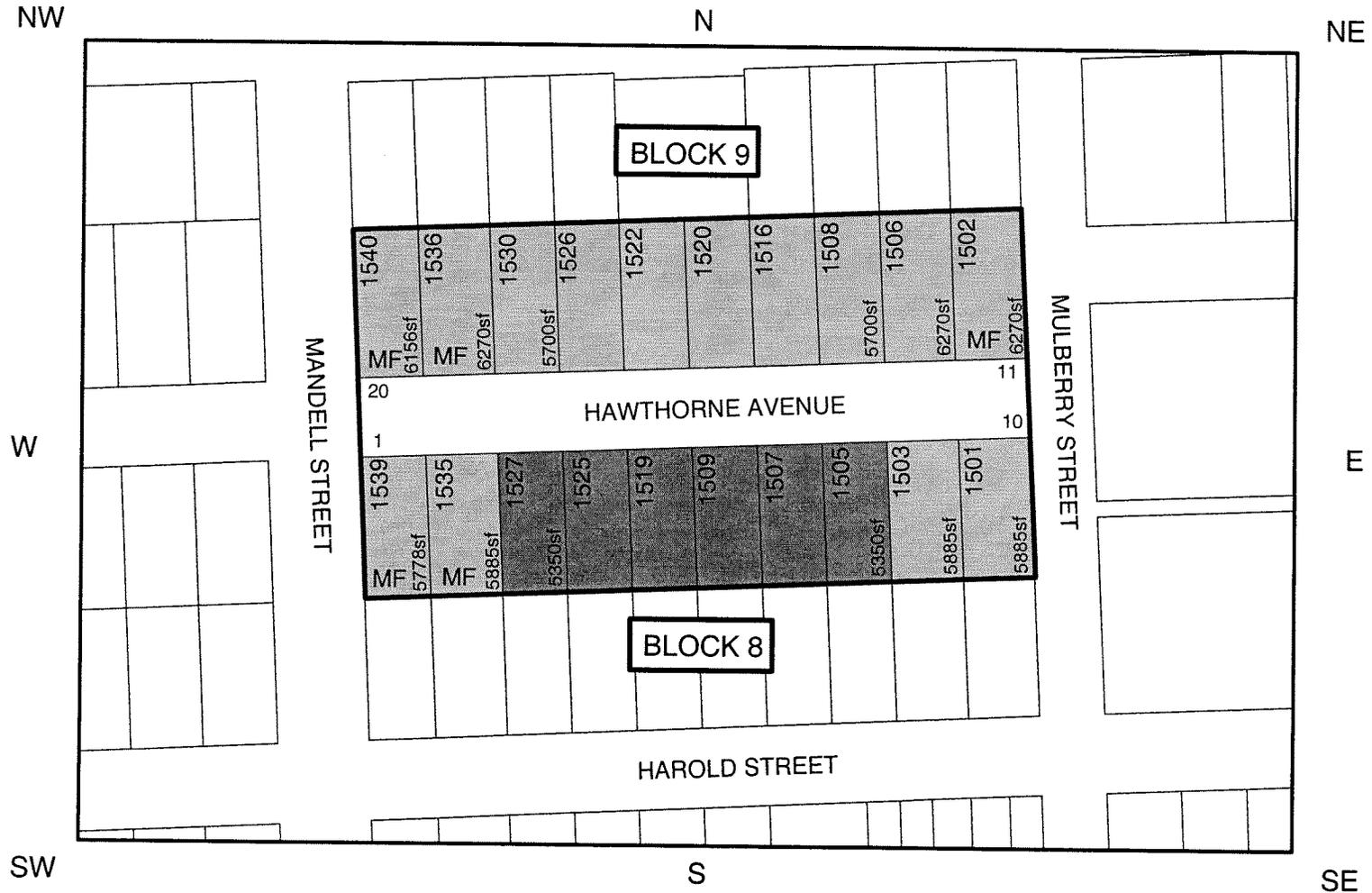
April 11, 2007

I, Lisa Dempsey, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, **Block 8, Lots 1-10 and Block 9, Lots 11-20 of Mandell Place**, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for **Block 8, Lots 1-10 and Block 9, Lots 11-20 of Mandell Place** through the application of and creation of a Special Minimum Lot Size Requirement Area.



Lisa Dempsey  
Petitioner

# MANDELL PLACE



5,700sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 239

- Properties that meet the 5,700sf Special Minimum Lot Size
- Properties less than the 5,700sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1700 block of Hawthorne Street, north and south sides, between Woodhead and Dunlavy Streets as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>33</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> 9/5/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
------------------------------------------------------------------------	----------------------------------------

<b>For additional information contact:</b> Matthew Dease Phone: 713.837.7815	<b>Date and identification of prior authorizing Council action:</b> N/A
---------------------------------------------------------------------------------	-------------------------------------------------------------------------

**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 1700 block of Hawthorne Street, north and south sides, between Woodhead and Dunlavy Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 1 & Tract 2A, Block A of the Winlow Place Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 57% of the area. Notification was mailed to 28 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 thirty 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 20'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, 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  
 Linda Tarver, Public Works and Engineering  
 Gary Bridges, Public Works and Engineering

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Building Line Requirement Area No. 116  
Planning Director's Approval**

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1700 block of Hawthorne Street, north and south sides.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>78% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 57% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 20 ft exists on twenty-eight (28) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special 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.</i></p> <p><b>The subdivision was platted in 1923. The houses mostly originate from the 1920's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty-eight (28) out of twenty-eight (28) developed properties (representing 100% of the application area) have a building line of at least twenty (20) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**

*Marlene L. Garfick*  
Marlene L. Garfick, Director

9/5/07  
Date

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 110

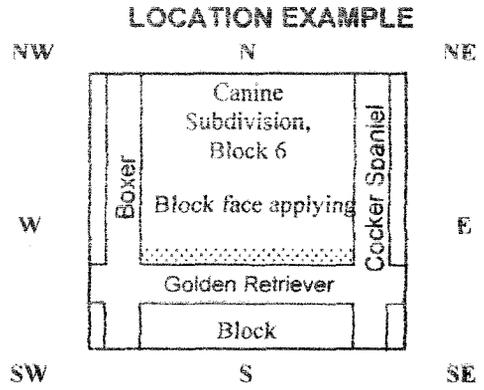
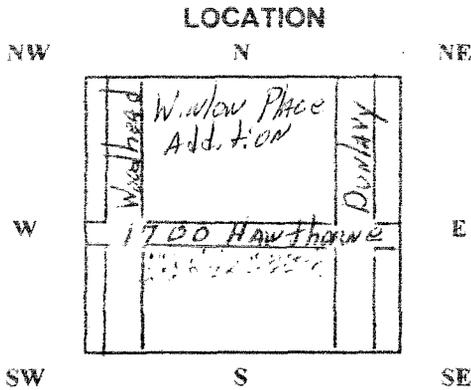
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



**1. BOUNDARY:**

Block # BIK B BIK 6  
 Lot #'s Lots 1-9 Lots 1-6  
 Subdivision Name Willow Place Addn.  
 Street Name & Side (s) South side of Hawthorne  
 Lot (s) Address 1700 BIK of Hawthorne  
 Odd/Even Addresses odd addresses

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

**2. CONTACTS:**

Applicant MARY Needham Phone # 713-521-7979  
 Address 1702 Hawthorne E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City Houston TX 77098 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Other mnrpti-hou.com Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

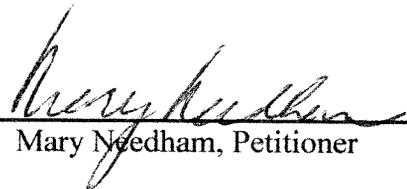
**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # \_\_\_\_\_  
 Lambert # \_\_\_\_\_  
 Key Map # \_\_\_\_\_  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 Census Tract \_\_\_\_\_  
 City Council District \_\_\_\_\_

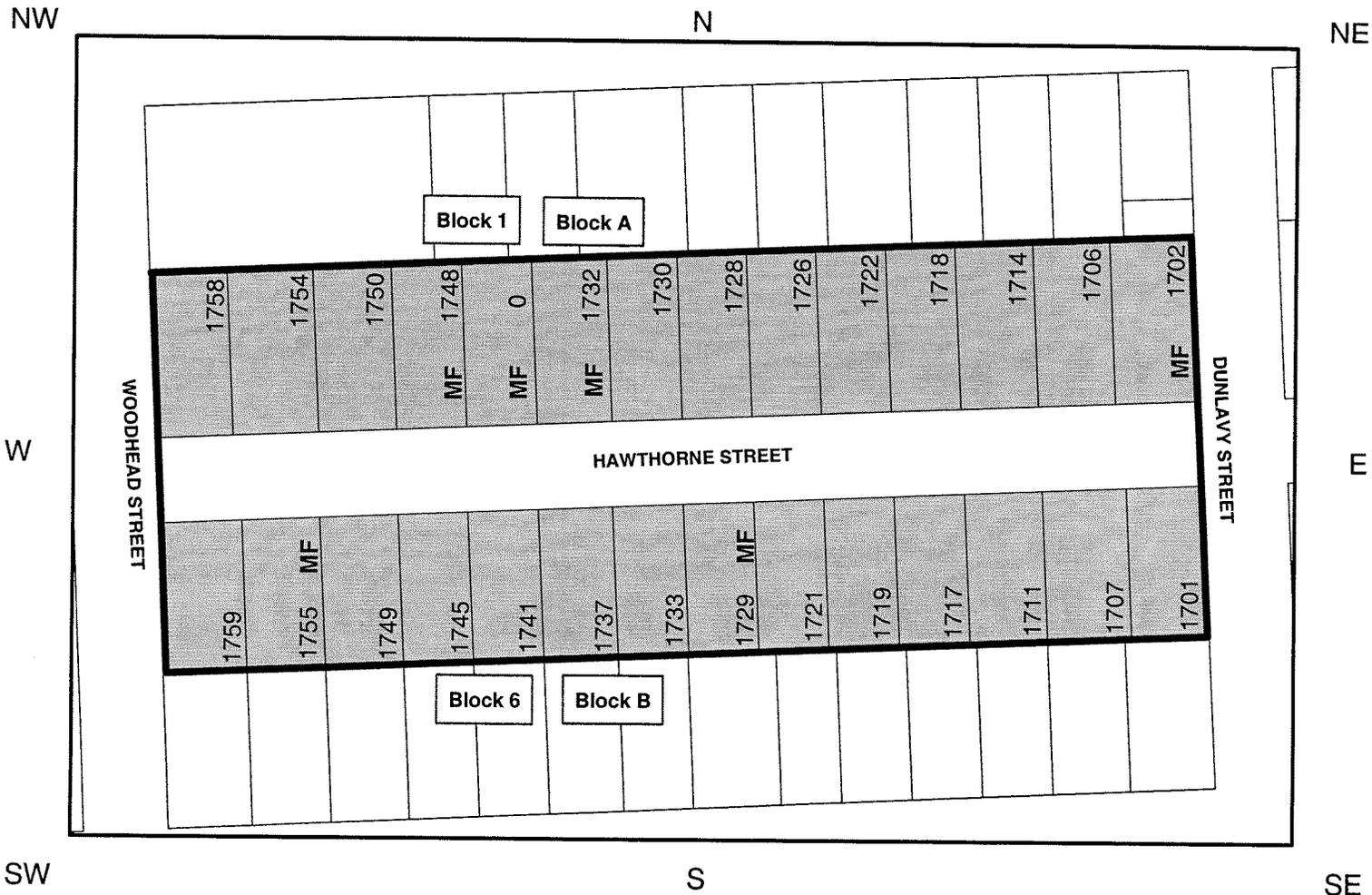
PETITION FOR SPECIAL MINIMUM LOT SIZE  
AND SPECIAL MINIMUM BUILDING LINE

May 31, 2007

I, MARY NEEDHAM, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically Block A - Lots 1, 3, 4, 5, 6, 7, 8, 9; Block B - Lots 2, 5, 6, 7, 8, 9; Block 6-B, Lots 2 and 3; Block 1, Lots 7, 8, 9, 10, 11, 12; Block 6, Lots 1 thru 6, of the Winlow Place Addition, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block A - Lots 1, 3, 4, 5, 6, 7, 8, 9; Block B - Lots 2, 5, 6, 7, 8, 9; Block 6-B, Lots 2 and 3; Block 1, Lots 7, 8, 9, 10, 11, 12; Block 6, Lots 1 thru 6, in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

/s/   
Mary Needham, Petitioner

# WINLOW PLACE



## 20' Special Building Line MAP/SKETCH

**SBLRA No. 116**

-  Properties that meet the 20' Special Building Line
-  Properties less than the 20' Special Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1700 block of Hawthorne Street, north and south sides, between Woodhead and Dunlavy Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>34</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> 9/5/2007	<b>Agenda Date</b> OCT 03 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 1700 block of Hawthorne Street, north and south sides, between Woodhead and Dunlavy 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 42-194 of the Code of Ordinances, the property owner of Lot 1 & Tract 2A, Block A of the Winlow Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from owners of 57% of the area. Notification was mailed to 28 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty 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 Special Minimum Lot Size of 5,850 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum 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  
Linda Tarver, Public Works and Engineering  
Gary Bridges, Public Works and Engineering

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Minimum Lot Size Area No. 255**  
**Planning Director's Approval**

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1700 block of Hawthorne Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>78% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 57% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,850 sq ft exists on twenty (20) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special 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.</i></p> <p><b>The subdivision was platted in 1923. The houses originate from the 1920's. The establishment of a 5,850 sq ft minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty (20) out of twenty-eight (28) lots (representing 74% of the application area) are at least 5,850 square feet in size.</b></p>		

**The Special Minimum Lot Size Area meets the criteria.**

*Marlene L. Garrick*      9/5/07  
 Marlene L. Garrick, Director      Date

123 255 ...

PL 116

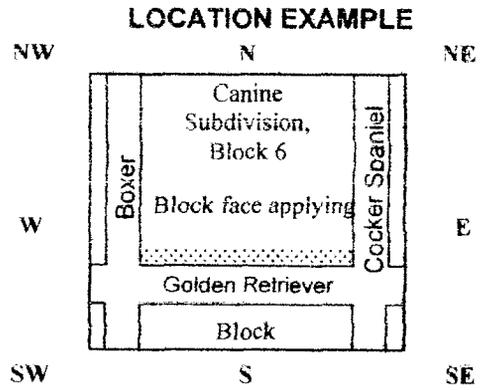
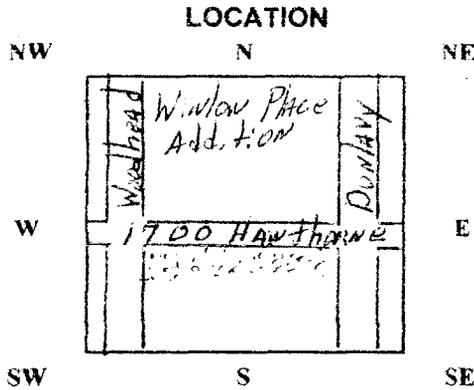
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



### 1. BOUNDARY:

Block # BIK B BIK 6  
 Lot #'s Lots 1-9 Lots 1-6  
 Subdivision Name WINDLOW PLACE ADD. DIV.  
 Street Name & Side (s) South side of Hawthorne  
 Lot (s) Address 1700 BIK of Hawthorne  
 Odd/Even Addresses Odd Addresses

### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

### 2. CONTACTS:

Applicant MARY NEEDHAM Phone # 713-521-7979  
 Address 1702 HAWTHORNE E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City HOUSTON TX 77098 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Other mny@yt-hou.com Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # \_\_\_\_\_  
 Lambert # \_\_\_\_\_  
 Key Map # \_\_\_\_\_  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 Census Tract \_\_\_\_\_  
 City Council District \_\_\_\_\_

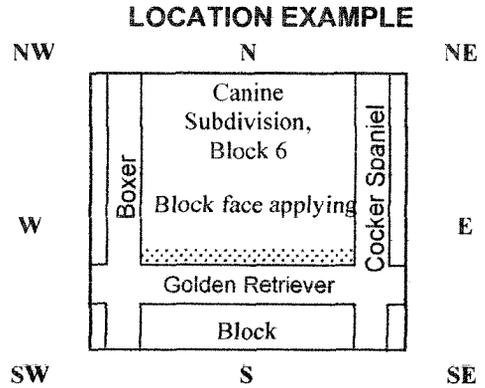
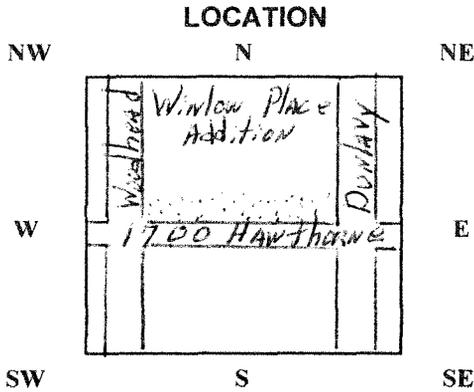
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



**1. BOUNDARY:**

Block # BIK A BIK 1  
 Lot #'s Lots 1-9 Lots 7-12  
 Subdivision Name Winlow Place Addn  
 Street Name & Side (s) North side of Hawthorne  
 Lot (s) Address 1700 BIK of Hawthorne  
 Odd/Even Addresses even addresses

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

**2. CONTACTS:**

Applicant MARY Needham Phone # 713-531-7279  
 Address 1702 Hawthorne E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City Houston TX 77098 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Other mndrti-hou.com Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

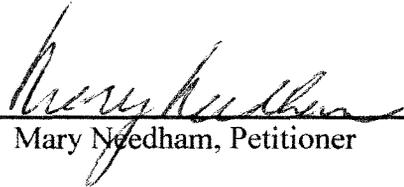
**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # \_\_\_\_\_  
 Lambert # 5356 Census Tract 4108  
 Key Map # 442V City Council District D  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_

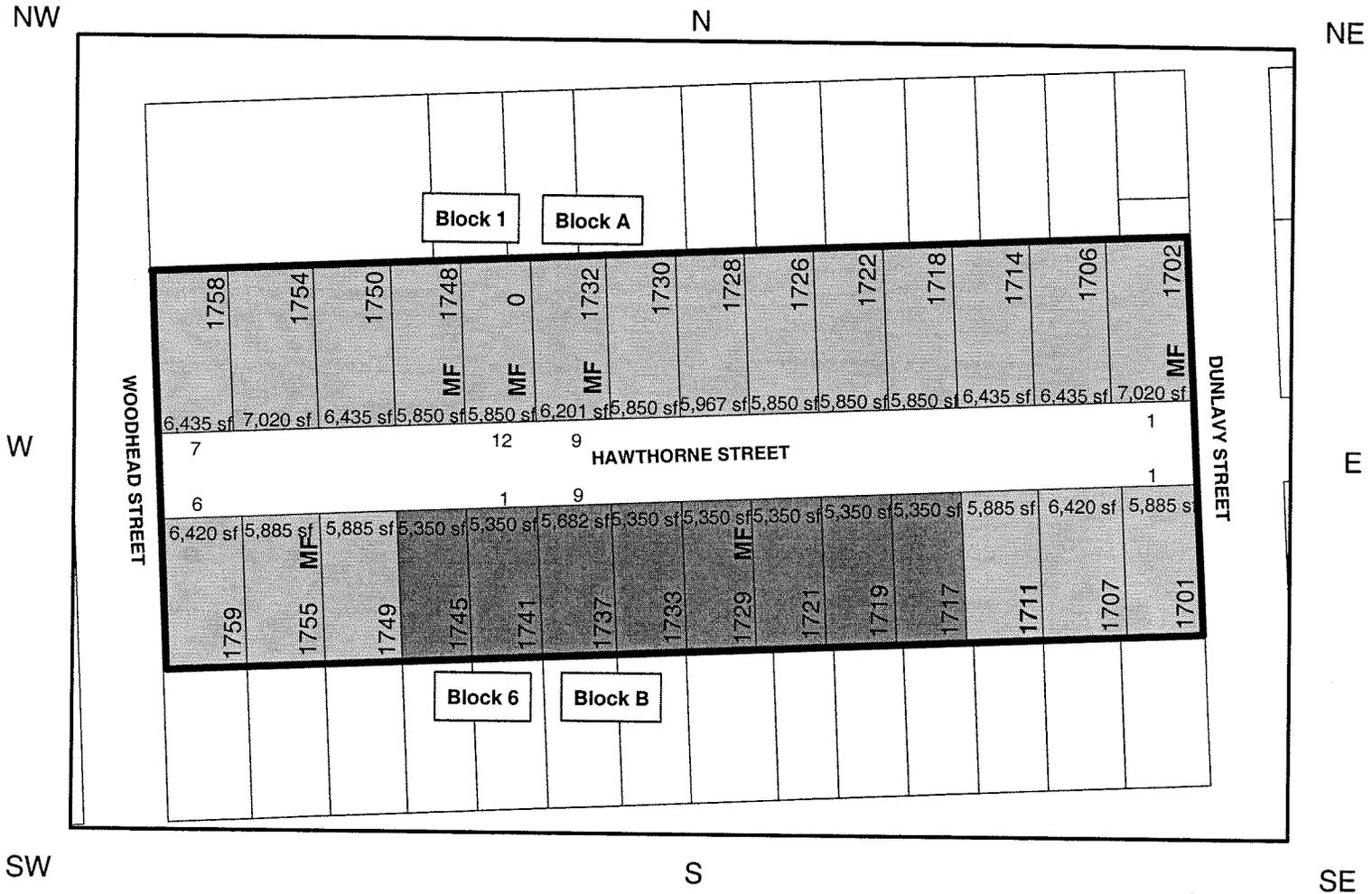
PETITION FOR SPECIAL MINIMUM LOT SIZE  
AND SPECIAL MINIMUM BUILDING LINE

May 21, 2007

I, MARY NEEDHAM, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically Block A - Lots 1, 3, 4, 5, 6, 7, 8, 9; Block B - Lots 2, 5, 6, 7, 8, 9; Block 6-B, Lots 2 and 3; Block 1, Lots 7, 8, 9, 10, 11, 12; Block 6, Lots 1 thru 6, of the Winlow Place Addition, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block A - Lots 1, 3, 4, 5, 6, 7, 8, 9; Block B - Lots 2, 5, 6, 7, 8, 9; Block 6-B, Lots 2 and 3; Block 1, Lots 7, 8, 9, 10, 11, 12; Block 6, Lots 1 thru 6, in Winlow Place through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

/s/   
Mary Needham, Petitioner

# WINLOW PLACE



5, 850 sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 255

-  Properties that meet the 5, 850 sf Special Minimum Lot Size
-  Properties less than the 5, 850 sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

<b>SUBJECT:</b> Ordinance designating the 1000 block of Nadine Street, north and south sides, between Norhill and Michaux Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <i>35</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> 7/5/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. 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 1000 block of Nadine Street, north and south sides, between Norhill and Michaux 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 42-194 of the Code of Ordinances, the property owner of Lot 3, Block 2, of the Stude Section 1 Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 60% of the area. Notification was mailed to the 17 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Four written protests were filed. The Houston Planning Commission considered the protests on June 21, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000sf.

MLG:mg:amm

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters

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. 238

## Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1000 block of Nadine Street, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>95% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 60% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,000 sq ft exists on twenty (20) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size of 5,000 square feet. The neighborhood is approximately 90 years old, with single-family residential development in the area dating as far back as 1917. Many of the structures were built in the 1930s and 1950s, and the architectural features of these structures are bungalow-style, reflecting the housing styles of this era.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty (20) out of twenty (20) lots (representing 100% of the application area) are at least 5,000 square feet in size.</b></p>		

**The Special Minimum Lot Size Requirement Area meets the criteria.**


6/28/07  
 Carol Lewis, Chair Date  
 or

\_\_\_\_\_  
 Mark A. Kilkenny, Date  
 Vice-Chair

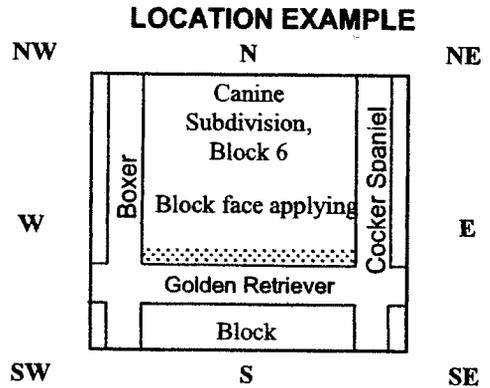
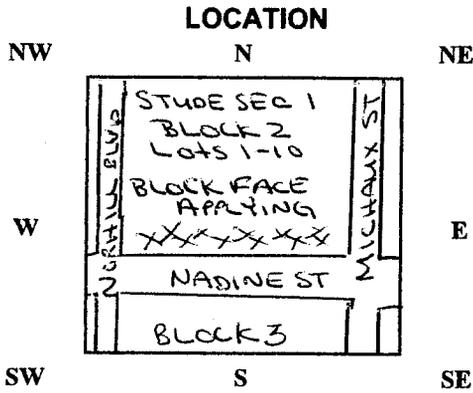
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



**1. BOUNDARY:**

Block # 2

Lot #'s 1-10

Subdivision Name STUDE SEC 1

Street Name & Side (s) NADINE ST. N. SIDE

Lot (s) Address 1000 BLOCK NADINE ST

Odd/Even Addresses EVEN ADDRESSES

**BOUNDARY EXAMPLE:**

Block 6

Lots 1-5

Canine Subdivision

North side of Golden Retriever Ln.

800 Block Golden Retriever Ln.

Odd Addresses

**2. CONTACTS:**

Applicant MARGARET LANDRUM Phone # 713-444-6230

Address 1032 NADINE ST E-mail landrummie@houston.tx.us Fax # N/A

City HOUSTON State Tx Zip 77009

Other E. A. CROCKER Phone # 713-854-6222

Address 1032 NADINE ST E-mail ecrocker@houston.tx.us Fax # \_\_\_\_\_

City HOUSTON TX State Tx Zip 77009

**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # 238

Lambert # 5359

Key Map # 453 S

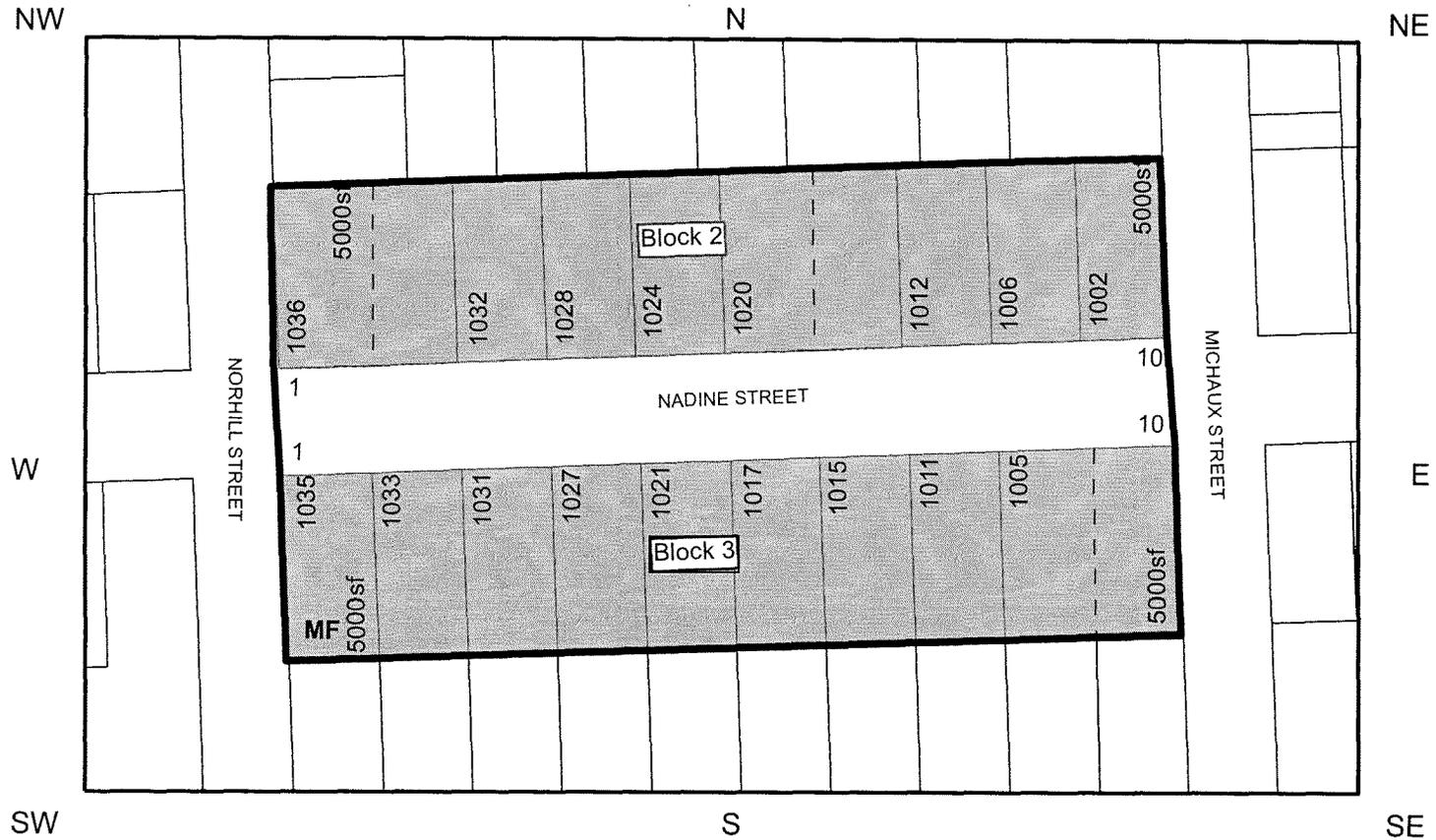
Super Neighborhood 15

TIRZ \_\_\_\_\_

Census Tract 5115

City Council District 14

# STUDE SEC. 1



5000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 238

- Properties that meet the 5,000sf Special Minimum Lot Size
- Properties less than the 5,000sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

**From:** Sanchez, Thelma [TSANCHEZ@houstonisd.org]  
**Sent:** Thursday, May 10, 2007 8:51 AM  
**To:** annette.mitchell@cityofhouston.net  
**Subject:** Special Minimum Lot size and special minimum building line requirement area application

Thelma Sanchez  
331 Terrace Drive  
Houston, TX 77007

Annette Mitchell  
City of Houston  
Planning and Development Department  
P.O. Box 1562  
Houston, TX 77251-1562

Re: Special Minimum Lot Size and Special Minimum Building Line Requirement Area Application, 1000 block of Nadine Street, north and south sides, between Norhill and Michaux

Ms. Mitchell:

As an owner of property on 1035 Nadine, between Norhill and Michaux, I would like to file a protest again the application you have received for creation of a Special Minimum Lot Size and Building Line Requirement Area. I would also like to protest both restrictions for a minimum lot size of 5,000 square feet and minimum building line of 16 feet.

Across the street of my property, which is the corner of lot Norhill and Nadine, a new development is already underway and two of the three structures are almost complete. There are other development completed or underway on the east side of Michaux. This, I believe has already increased the value of my property and the new restrictions would again reduce the value and would impede future development of the area.

Thank you in advance for your review of my protest.

Sincerely,

Thelma Sanchez

**From:** Christopher L. Carlson [chriscarlson@clclaw.net]  
**Sent:** Friday, May 18, 2007 4:05 PM  
**To:** annette.mitchell@cityofhouston.net  
**Cc:** jtucker@jamesmartinhome.com  
**Subject:** 1005 Nadine Houston, TX 77009 Protest of Minimum Lot Size and Minimum Building Line

Please be advised that I represent Felix N. Sabates who purchased 1005 Nadine Street (Lots 9 and 10, block 3 Stude's first addition) on 9/28/2006 with the intention of building multiple single family homes on the property. Mr. Sabates has retained my firm to file a protest to the application for Special Minimum Lot Size and Special Minimum Building Line Requirement Area for the 1000 block of Nadine Street, North and South sides, between Norhill and Michaux Streets. Please accept this email as our formal protest to such application. I will be out of town for June 8<sup>th</sup> through the 17<sup>th</sup> and I ask that the hearing on this matter not be set during those dates. Thank you for your assistance and please let me know if there is anything further you need from me in this matter.

Sincerely,

**CHRISTOPHER L. CARLSON**

---

*Christopher L. Carlson & Associates, P.L.L.C.  
70th Floor JPMorgan Chase Tower  
600 Travis, Suite 7070  
Houston, TX 77002*

*Phone: 713.651.1122  
Fax: 713.651.1222*

IMPORTANT/CONFIDENTIAL: This electronic transmission contains information from the law firm of Christopher L. Carlson & Associates, P.L.L.C. which may be confidential or privileged. The information is intended to be for the use of the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this information is prohibited. If you have received this transmission in error, please immediately notify us by telephone and delete this message.

May 20<sup>th</sup>, 2007

Annette Mitchell  
Planning and Development Dept.  
P.O. Box 1562  
Houston, Texas 77251-1562

Re: Special Minimum Lot Size and Special Minimum building Line  
Requirement Area Application, 1000 block of Nadine Street, North and  
South sides, between Norhill and Michaux.

Ms. Mitchell,

I would like to file a protest against the application you have received for creation of Special Minimum Lot Size and Line Requirement Area. And I would like to protest both restrictions for a minimum lot size of 5,0000 square feet and a minimum building line of 16 feet.

I believe the new restrictions would reduce property value in the area and unduly restrict future development. New buildings are under construction in the entire area and it would be unfair to restrict myself and other owners of the 1000 block of Nadine from the increased property value that would result from future development opportunities.

I own 1015 Nadine and my next-door neighbor's house sits almost on the sidewalk and has for many years. The increased property taxes are going to cause owners like myself to either sell or tear down and rebuild to pay the property taxes. This application with its restrictions would certainly limit the land value.

Thank you for your time,

Jo Walker

P.O. Box 681475  
Houston, Texas 77268  
Cell : 281-451-6948

Ruby A. Hord  
14562 Fair Knoll Way  
Houston, TX 77062

5/21/07

Annette Mitchell  
Planning and Development Department  
P.O. Box 1562  
Houston, TX 77251-1562

Re: Special Minimum Lot Size and Special Minimum Building Line Requirement Area  
Application, 1000 block of Nadine Street, north and south sides, between Norhill and Michaux

Annette,

We would like to repeal our protest of the Special Minimum Building Line. It is our understanding that the new building line requirement of 16 feet would only affect the front property line not the side.

However we would like to continue to protest Minimum Lot Size restriction of 5,000 square feet. We own a double lot on the corner of Nadine and Norhill at 1036 Nadine. The restrictions would reduce property value because we could no longer develop the property to maximize the number of homes. In the distant future (>10 years) we may want to develop the property ourselves. Attractive new town homes are under construction in the entire area. It would be unfair to restrict owners of the 1000 block from future development opportunities. Residents have filed this protest mainly because the town homes adjacent to us on the corner of Norhill and Nadine are unattractive in their present state. However, we believe the Minimum Building Line restriction is enough to keep new structures presentable.

An alternative proposal would be to restrict the minimum lot size to 3,000 square feet (~2/3 of the standard lot size). This restriction would prohibit the building of two homes on one lot, which is the configuration of the unattractive town homes on the corner of Norhill and Nadine. But this restriction would still allow the development of three homes on two lots. There are precedents for a minimum lot size of 3,000 square feet as there are other lots on Nadine of this size (ex. 928, 924, 922, 920, and 905). We would approve of a minimum lot size of 3,000 square feet.

We have owned our home at 1036 Nadine for almost 40 years. Previously we owned the property at 1031 Nadine. My husband Edwin M. Hord worked for the City of Houston Health Department for 35 years.

As I side note, I would like to appoint my daughter Diane Hord as my representative in this matter. Her address is the same as above.

Thank you,

Ruby A. Hord

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 2300 block of Prospect Avenue, north side, between Highway 288 (South Freeway) and Dowling Street as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>36</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> 9/5/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MLG</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Matthew Dease Phone: 713.837.7815	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 2300 block of Prospect Avenue, north side, between Highway 288 (South Freeway) and Dowling Street as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 19'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 12A, Block 21 of the Riverside Terrace Section 2 Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 100% of the area. Notification was mailed to one property owner 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 thirty 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 an 19'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, 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  
Linda Tarver, Public Works and Engineering  
Gary Bridges, Public Works and Engineering

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Building Line Requirement Area No. 118  
Planning Director's Approval**

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 2300 block of Prospect Avenue, north side.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>100% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 100% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 19 ft exists on one (1) property in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1925. The houses mostly originate from the 1920's. The establishment of a 19 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p>		
<p><b>One (1) out of one (1) developed property (representing 100% of the application area) has a building line of at least nineteen (19) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**

*Marlene L. Gafrick* 9/5/07  
 Marlene L. Gafrick, Director      Date

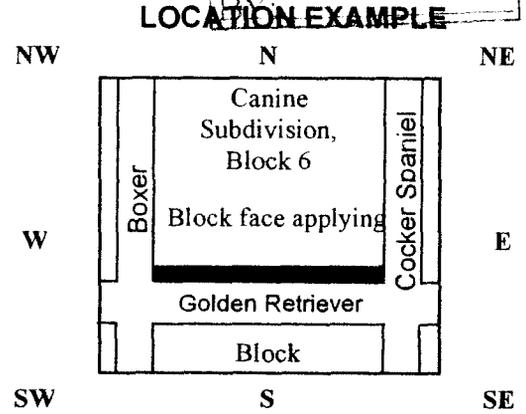
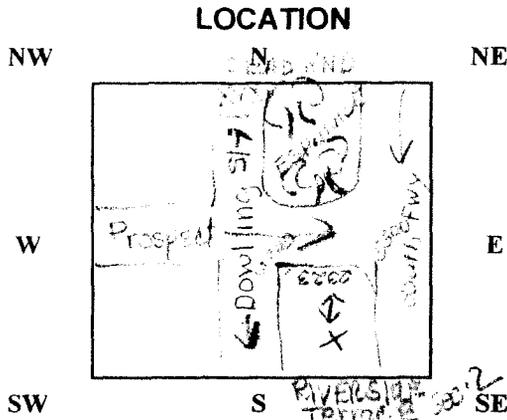
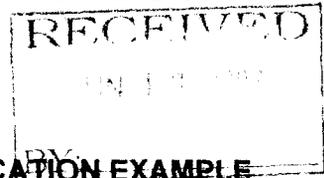
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



Block # Block - 21  
 Lot #'s 12A  
 Subdivision Name Riverside Terrace, Sec. 2  
 Street Name & Side (s) South side of Prospect St.  
 Lot (s) Address 2323 Prospect  
 Odd/Even Addresses odd

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

Applicant Earline T. Taylor Phone # 713-529-8240  
 Address 2323 Prospect E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City Houston, TX 77004 State TX Zip 77004  
 Other Martha R. King Phone # 713-529-1937 Cell (337) 549  
 Address 2501 Prospect E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City Houston, TX 77004 State TX Zip 77004

8 File # \_\_\_\_\_  
 5355 Lambert # \_\_\_\_\_  
 5338 Key Map # \_\_\_\_\_  
 83 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 3130 Census Tract \_\_\_\_\_  
 City Council District \_\_\_\_\_

PETITION  
SAMPLE

(Date)

I, Earlino T. Taylor, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically, Block (21), Lot (11), of (name of subdivision), do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block (21), Lot(s) (11) in (Riverside Terrace, Sec. 2) through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

(Signature of petitioner)

(Printed name of petitioner)

Petitioner

x Earlino T. Taylor  
(signature)

x KARLINE T. Taylor  
(Printed name of petitioner)

EVIDENCE OF SUPPORT  
SAMPLE

Listed below is evidence by the owners of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, or their authorized agent, who support the request to preserve the character of the existing lot sizes and building line setbacks for Block 21, Lot(s) 1, 4 in RIVERSIDE TERRACE, Sec. 2 through the application and creation of a special minimum lot size and special minimum building line.

x Earline J. Taylor  
Applicant Signature

x 6-4-2007  
Date

x EARLINE J. Taylor  
Applicant Printed name

x 2323 Prospect St  
Address

x ID# 11130958  
Texas Drivers License or I.D. Number



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 2300 block of Prospect Avenue, north side, between Hwy. 288 (South Freeway) and Dowling Street as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> 37
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 9/6/2007	<b>Agenda Date</b> OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> 	<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 2300 block of Prospect Avenue, north side, between Highway 288 (South Freeway) 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 42-194 of the Code of Ordinances, the property owner of Lot 12A, Block 21, of the Riverside Terrace Section 2 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 100% of the area. Notification was mailed to one property owner 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 thirty 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 Special Minimum Lot Size of 6,050 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum 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 Area No. 258

### Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 2300 block of Prospect Street, north side.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>100% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 100% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,050 sq ft exists on one (1) lot in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1925. The houses originate from the 1920's. The establishment of a 6,050 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>One (1) out of one (1) lots (representing 100% of the application area) are at least 6,050 square feet in size.</b></p>		

**The Special Minimum Lot Size Area meets the criteria.**


9/16/07  
 Marlene L. Gafrick, Director      Date

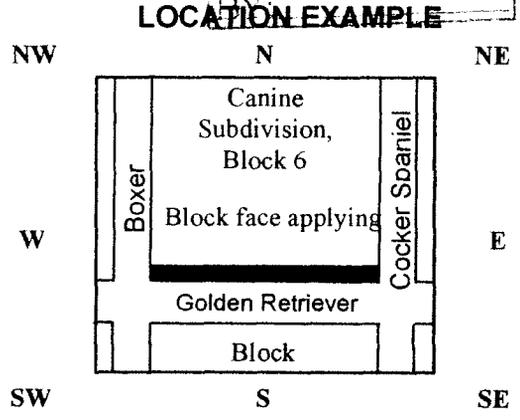
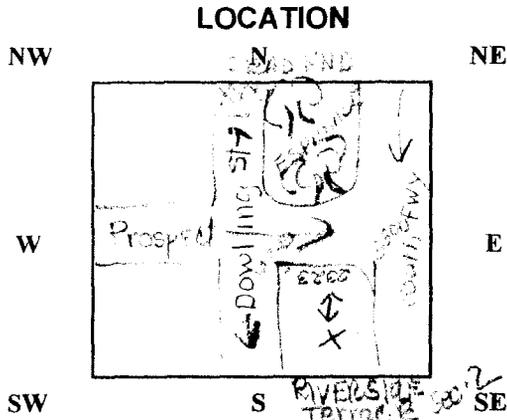
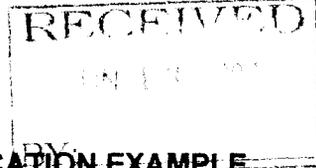
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



Block # Block - 21  
 Lot #'s 12 A  
 Subdivision Name Riverside Terrace, Sec. 2  
 Street Name & Side (s) South side of Prospect St.  
 Lot (s) Address 2323 Prospect  
 Odd/Even Addresses odd

Block 6  
 Lots 1-5  
 Subdivision Canine Subdivision  
 Street Name & Side (s) North side of Golden Retriever Ln.  
 Lot (s) Address 800 Block Golden Retriever Ln.  
 Odd Addresses                     

Applicant Earline T. Taylor Phone # 713-529-8240  
 Address 2323 Prospect E-mail                      Fax #                       
 City Houston, TX 77004 State TX Zip 77004  
 Other Martha R. King Phone # 713-529-1937 <sup>cell</sup>  
 Address 2501 Prospect E-mail                      Fax #                       
 City Houston, TX 77004 State TX Zip 77004

8 File #                       
5355 Lambert #                      3130 Census Tract                       
5338 Key Map #                      City Council District                       
33 Super Neighborhood                       
 TIRZ

PETITION  
SAMPLE

(Date)

I, Earline T. Taylor, owner of property within the proposed boundaries of the Special Minimum Lot Size and Special Minimum Building Line Requirement Area, specifically, Block (21), Lot (21) of Riverside Terrace, Sec. 2 (name of subdivision), do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block (21), Lot(s) (21) in (Riverside Terrace, Sec. 2) through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement Area.

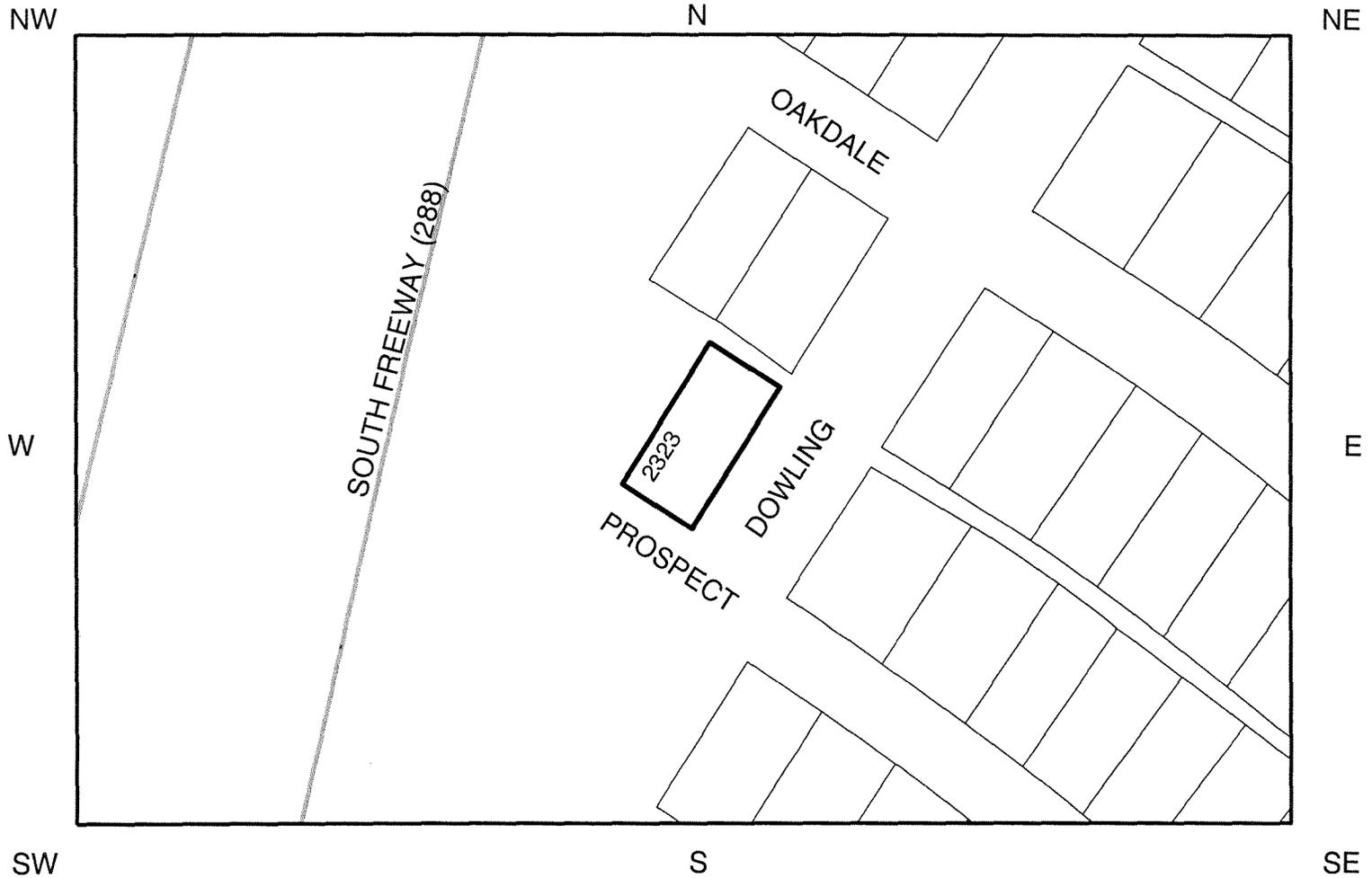
(Signature of petitioner)

(Printed name of petitioner)

Petitioner

X Earline T Taylor  
(Signature)  
X EARLINE T Taylor  
(Printed name of petitioner)

# RIVERSIDE TERRACE SECTION 2

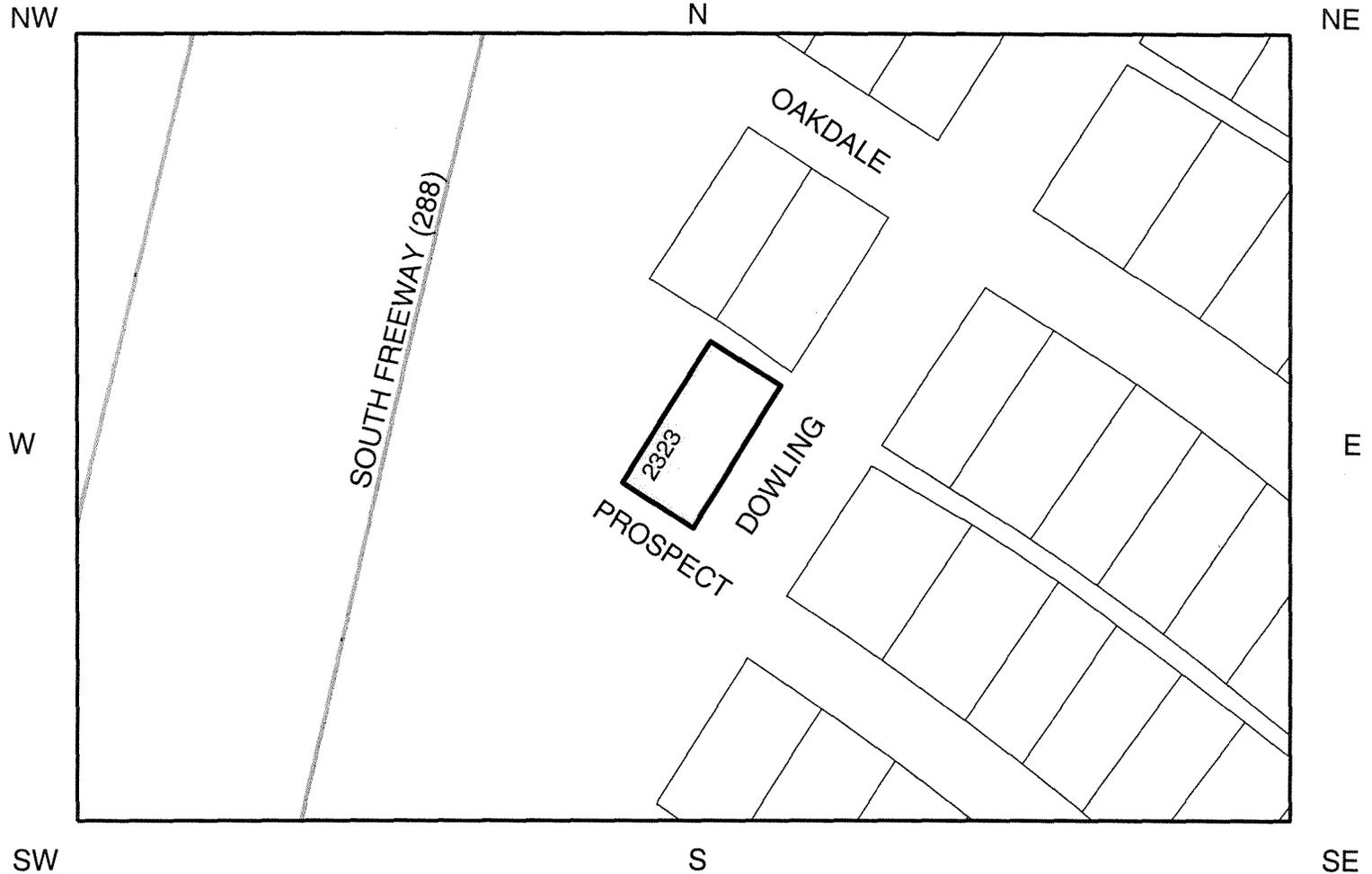


Conceptual Map

**SBLRA No. 118**

-  Property owner signed to support application
-  Property owner protesting application
-  Property owner did not protest and did not sign in support

# RIVERSIDE TERRACE SECTION 2



**19' Special Building Line  
MAP/SKETCH**

**SBLRA No. 118**

-  Properties that meet the 19' Special Minimum Building Line
-  Properties less than the 19' Special Minimum Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

<b>SUBJECT:</b> Ordinance designating the 2400 - 2500 block of Prospect Avenue, north and south sides, between Dowling and Live Oak 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> 09/12/2007	<b>Agenda Date</b> <b>OCT 03 2007</b>
---------------------------------------------------------------------------------------------------------------------------	---------------------------------------	------------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>MLG</i> 	<b>Council District affected:</b> D
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For additional information contact: Minz 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 2400 - 2500 block of Prospect Avenue, north and south sides, between Dowling and Live Oak 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>
--------------------------------------	--------------------------

**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 29, Block 26, and Tract 28 of the Riverside Terrace Section 3 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 54% of the area. Notification was mailed to the 36 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 thirty days of mailing. One protest was filed. The Houston Planning Commission considered the protest on August 16, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,050 sf.

MLG:kw

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Protest letter, 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. 214

## Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 2400 - 2500 block of Prospect Avenue, north and south sides.</b></p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>91% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 54% of the SMLSA.</b></p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,050 sq ft exists on twenty-three (23) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1925. The houses originate from the 1920's. The establishment of a 6,050 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Twenty-three (23) out of thirty-six (36) lots (representing 72% of the application area) are at least 6,050 square feet in size.</b></p>		

**The Special Minimum Lot Size Requirement Area meets the criteria.**

\_\_\_\_\_  
Carol Lewis, Chair

\_\_\_\_\_  
Date

or

  
Mark A. Kilkenny,  
Vice-Chair

\_\_\_\_\_  
Date

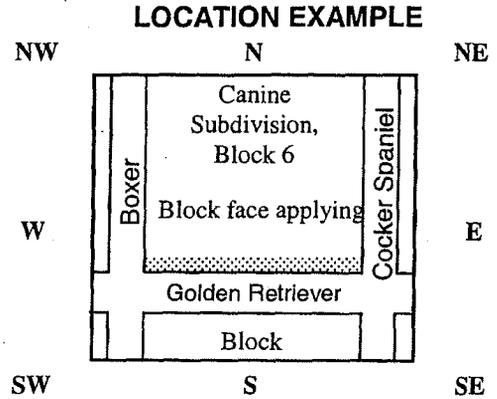
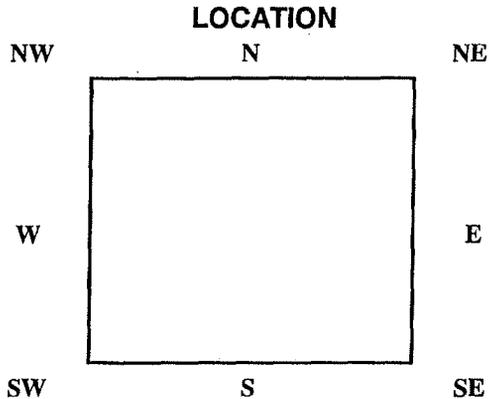
# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## SPECIAL MINIMUM LOT SIZE APPLICATION

To expedite this application, please complete entire application form.



**1. BOUNDARY:**

Block # Block 26 & Block 27  
 Lot #'s Lots 20-39 & Lots 1-20  
 Subdivision Name RIVERSIDE TERRACE  
 Street Name & Side (s) Prospect N-S sides  
 Lot (s) Address 2400 & 2500  
 Odd/Even Addresses ODD & EVEN

**BOUNDARY EXAMPLE:**

Block # Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Block Golden Retriever Ln.  
 Odd Addresses

**2. CONTACTS:**

Applicant Martha R. King Phone # 713-529-1937  
 Address 2501 Prospect St E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City Houston, 77004 State TX Zip 77004  
 Other \_\_\_\_\_ Phone # \_\_\_\_\_  
 Address \_\_\_\_\_ E-mail \_\_\_\_\_ Fax # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

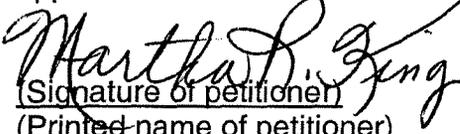
**3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):**

File # 214  
 Lambert # 5355  
 Key Map # 533B  
 Super Neighborhood \_\_\_\_\_  
 TIRZ \_\_\_\_\_  
 Census Tract \_\_\_\_\_  
 City Council District D

**PETITION  
SAMPLE**

May 10, 2007

I, Martha King, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, Block 26, Lot 29 and Tract 28, of Riverside Terrace Section 3, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for Blocks 26&27, Lot(s) (1-39) in Riverside Terrace Section 3 through the application of and creation of a Special Minimum Lot Size Requirement Area.



(Signature of petitioner)

(Printed name of petitioner)

Petitioner

**ERDOS & JURAVICH, L.L.P.**  
ATTORNEYS AT LAW

THE FAIRFIELD BUILDING, SUITE 220  
14100 SOUTHWEST FREEWAY  
SUGAR LAND, TEXAS 77478-3468

TELEPHONE 281-277-4100  
FACSIMILE 281-277-4111

THOMAS V. ERDOS, JR.  
J. CHRIS JURAVICH

June 14, 2007

*For Hand Delivery on June 15, 2007*

Ms. Marlene L. Gafrick  
Director  
Planning and Development Department  
City of Houston  
611 Walker, 6<sup>th</sup> Floor  
Houston, TX 77002



Re: *Notice of Protest*  
Special Minimum Lot Size Area Application  
2400 and 2500 Blocks of Prospect Street, North and South sides  
Between Dowling Street and Live Oak Street

Dear Ms. Gafrick:

We are writing on behalf of Mr. & Mrs. Karna and Samshi Homes, LLC, to protest the above-referenced application for special minimum lot size area pursuant to Section 42-194(d) of the Houston Code. The Karnas purchased the property at 2540 Prospect and in January 2007, conveyed title to their company, Samshi Homes LLC, who owns the property as of the date of this protest. The reasons for protest are enumerated and discussed below.

- 1. The application fails to include data for each lot within the proposed special minimum lot size area showing the actual size of each lot.**

Houston Code Section 42-194(d)(3) requires the application to include data for each lot within the proposed special minimum lot size area showing the actual size of each lot. The applicant failed to submit such data showing the actual size of each lot. Instead, the applicant has apparently submitted

THOMAS V. ERDOS, JR.

Ms. Marlene L. Gafrick, Director  
Planning and Development Department  
City of Houston  
June 14, 2007  
Page 2 of 4

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an appraisal district map showing the boundary line dimensions for the various appraised properties within the area.

Attached is a copy of the original plat for Riverside Terrace, Third Section. The plat reflects forty lots. However, the appraisal district map reflects only thirty-six properties. Most of the residences in the proposed area were built across lot lines. There are only a few residences that are built exclusively on one lot. For the most part, the development of this proposed area ignored the lot lines.

The submission of HCAD data did not comply with the lot size data requirement and the application should not have been accepted by the Department.

**2. It is doubtful that the owners of 51 percent or more of the area proposed to be included within the special minimum lot size area signed in support of the petition.**

Houston Code § 42-194(e)(2) requires that the petition should be signed by the owners of 51% or more of the area proposed to be included within the special minimum lot size area. There are thirty-six residences in the proposed area. From the review of the application, there are only nineteen residential addresses represented. While there are more than nineteen signatures, some people signed twice and some properties were signed for more than once. For the nineteen addresses included in the petition, only seventeen names match the owners as shown on the most recent tax rolls. The two that do not match the tax rolls are: 2402 Prospect St., owned by Wells Fargo Bank NA, and 2529 Prospect, owned by James A. Campbell. If either one of these has been signed by someone who is not the owner or not authorized by the owner to sign the petition, the petition lacks 51% approval.

**3. 2540 Prospect should not be included in the proposed minimum lot size area.**

Prior to the filing of application for the minimum lot size area, the Karnas had already filed a subdivision plat application to subdivide Lot 20 and the east 54 feet of Lot 19, Block 27 (2540 Prospect). The Samshi Prospect Subdivision was approved in January, 2007, and recorded on February 7, 2007, under Film Code No. 608196 of the Map Records of Harris County, a true and correct copy of which is attached for reference. Pursuant to Houston Code § 42-194(j)(1), the Samshi Prospect Subdivision is not subject to the minimum lot size and should be excluded from the proposed area.

THOMAS V. ERDOS, JR.

Ms. Marlene L. Gafrick, Director  
Planning and Development Department  
City of Houston  
June 14, 2007  
Page 3 of 4

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**4. There is no lot size character that can be preserved by the establishment of a minimum lot size.**

Two of the findings that must be made to approve the special minimum lot size character are set forth in Houston Code § 42-194(g)(4) & (5):

- (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, 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 development of Section Three of Riverside Terrace never followed the lot lines set forth on the 1925 plat. There is no lot size character to preserve. Even in 1949, when restrictive covenants for Riverside Terrace were approved, it is obvious that the lot scheme had been disregarded. Attached is a copy of the approval of these restrictive covenants recorded under Volume 1987, Page 224, of the Real Property Records of Harris County. Even at that time only 5 residences out of 75 comprised only a single lot.

The residence that the Karnas purchased at 2540 Prospect certainly had a lot of character, but it was not good character. The attached photos show the deplorable condition of the property at the time of purchase. It had apparently been allowed to deteriorate over a number of years. The Karnas have since removed these improvements and replatted the property for new development.

**5. The current minimum lot size determination of 6,105 square feet is incorrect.**

On June 7, 2007, the Planning and Development Department issued an update that it had reduced its calculation of the minimum lot size from 6,270 square feet to 6,105 square feet. According to Houston Code § 42-194(e), seventy percent of the lots in the proposed area must equal or exceed this square footage.

THOMAS V. ERDOS, JR.

Ms. Marlene L. Gafrick, Director  
Planning and Development Department  
City of Houston  
June 14, 2007  
Page 4 of 4

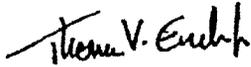
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The Department is apparently relying upon the HCAD data submitted in the application, and not the actual lot sizes from the 1925 plat. It rank ordered the 36 properties shown in the HCAD data and determined that 25 of them equaled or exceeded 6105 square feet, the square footage for 2501 Prospect and 2533 Prospect. Coincidentally, the petition happened to be filed by the owner of 2501 Prospect, which is built on Lot 29 and part of Lot 28 of Block 26.

The total square footage reported by HCAD for all thirty six residences is 242,765 square feet, but there are forty lots. The average lot size ( $242,765 / 40$ ) is therefore 6,069,125. Attached for reference is the worksheet used to determine these calculations. That means that only 50% of the lots can be larger than 6,069 square feet. Consequently, the seventy percent mark must be even lower than that proposed by the Department on June 7, 2007.

Finally, please include me in your notification of the hearing on this protest.

Very truly yours,



Thomas V. Erdos, Jr.

TVE:cbj  
Enclosures

cc: Mr. & Mrs. Karna (w/encls)  
Samshi Homes, LLC

\\ERDOS\CA\ERDOS\CLIENTS\G to L\KARV\KARV.006\Gafrick Letter.wpd\2007-06-14.21:42:30

THOMAS V. ERDOS, JR.

RIVERSIDE TERRACE SEC 3  
SAMSHI PROSPECT

NW

N

NE

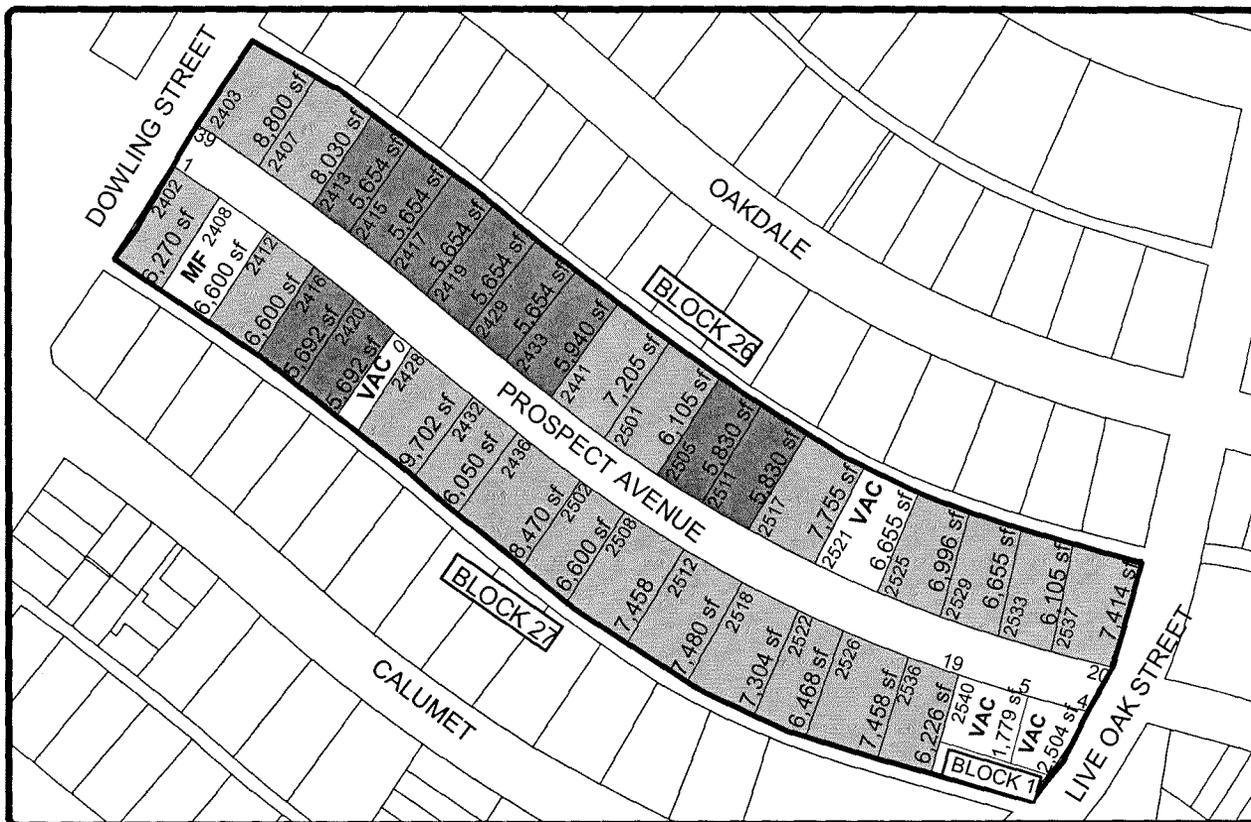
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6,050 sf Special Minimum Lot Size

MAP/SKETCH

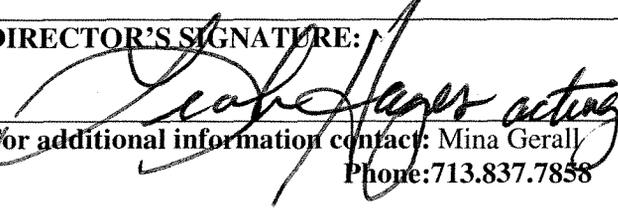
SMLSA No. 214

- Properties that meet the 6,050 sf Special Minimum Lot Size
- Properties less than the 6,050 sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

<b>SUBJECT:</b> Ordinance designating the 1700 block of Sul Ross Street, north and south sides, between Woodhead Street and a dead end as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>39</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> 8/03/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<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 1700 block of Sul Ross Street, north and south sides, between Woodhead Street and a dead end 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 42-194 of the Code of Ordinances, the property owner of of Tract 10 & Tract 11A, Block 10, of the Lancaster Place, Extension 3 Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 67% of the area. Notification was mailed to the 12 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on June 7, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250 sf.

MLG;jh

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest letter

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 Area No. 237**  
**Planning Commission Approval**

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
<b>X</b>		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1700 Sul Ross Street, north and south sides.</b></p>
<b>X</b>		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>73% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
<b>X</b>		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 67% of the SMLSA.</b></p>
<b>X</b>		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 6,250 sq ft exists on eleven (11) lots in the blockface.</b></p>
<b>X</b>		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1923. The houses originate from the 1920's. The establishment of a 6,250 sf minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Eleven (11) out of twelve (12) lots, representing 92% of the application area are at least 6,250 square feet in size.</b></p>		

**The Special Minimum Lot Size Area meets the criteria.**

  
 Carol Lewis, Chair \_\_\_\_\_ Date \_\_\_\_\_  
 or

\_\_\_\_\_  
 Mark A. Kilkenny, \_\_\_\_\_ Date \_\_\_\_\_  
 Vice-Chair

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

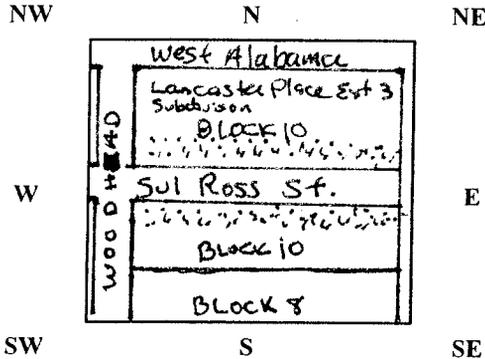
## PREVAILING LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

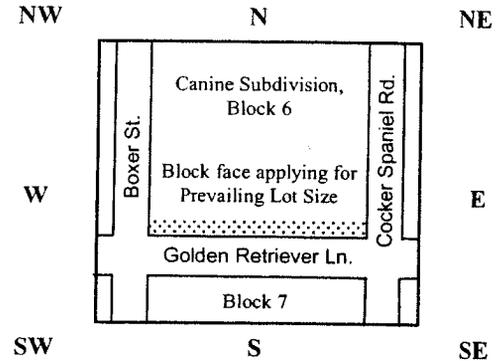
Staff will complete shaded items.

MAR 27 2007

### LOCATION



### LOCATION EXAMPLE



#### 1. BOUNDARY:

Block no.: Block 10 (both faces)

Lot nos.: 1-12

Subdivision name: Lancaster Place, Extension 3

Street name & side: Sul Ross St. North+South sides

Lot(s) Address: 1756-1737

Odd/Even Addresses: 1755, 1753, 1749, 1741, 1745, 1737  
1756/1754, 1752, 1750, 1746, 1740, 1738

#### 2. PROJECT INFO.:

File no.: 237

Lambert: 5356

Key Map: 492V

SN: 24

TIRZ:

Census Tract:

Zip Code: 77098

School Dist.: 27-Houston

City Council Dist.:

Co. Comm. Prct.:

#### 3. CONTACTS:

Applicant: R. Kipp Miller robertokippmiller@yahoo.com  
Address: 1750 Sul Ross Phone: 713 582 5355 Fax: 713 527 9586  
City: Houston, TX State: TX Zip: 77098

Other: Sandeep Bhaktri  
Address: 1737 Sul Ross Phone: 713.545.2268 Fax: ---  
City: Houston State: TX Zip: 77098

#### 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:** jason.holoubek@cityofhouston.net

**Subject:** 1700 Block of Sul Ross: Proposed building restrictions

Jason,

Thanks very much for the opportunity to comment on the proposed deed restrictions or ordinances regarding the 1700 block of Sul Ross.

I own property on the street at 1749 Sul Ross.

I would like to formally protest both proposed ordinances for the 1700 block -the required building setback ordinance, and the minimum lot size ordinance.

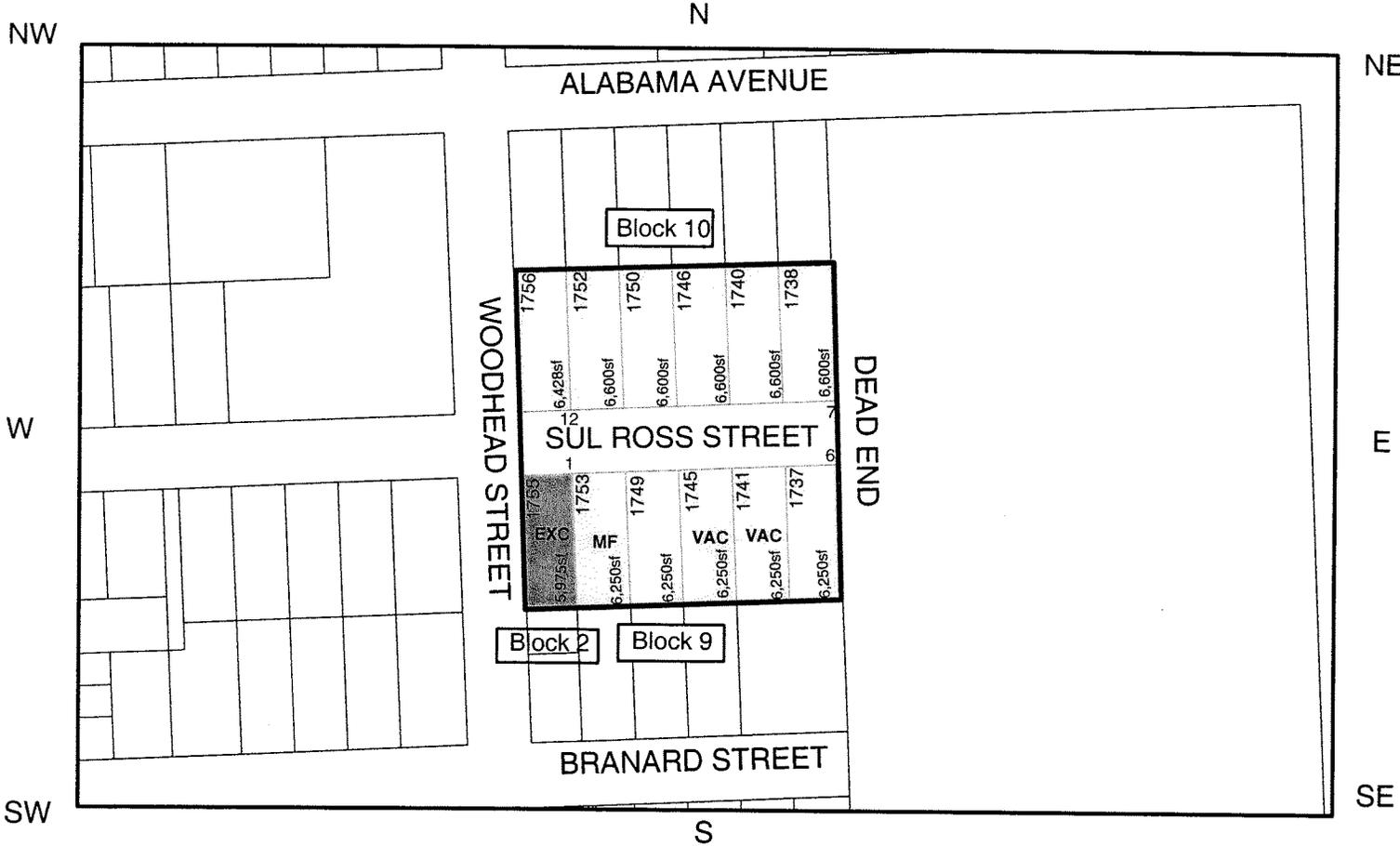
These proposed ordinances will substantially impair the value of my home and the many other homes on the street that trade at "lot value."

Thank You,  
James Sivco  
1749 Sul Ross Street  
Houston, TX 77098

James Sivco | 713-993-4023  
Director  
Salient Partners  
4265 San Felipe, Suite 900  
Houston, TX 77027

713-993-4023 (direct)  
713-927-6255 (mobile)  
713-629-0379 (fax)

**LANCASTER PLACE EXTENSION NO. 3 & WEST LANCASTER**



**6,250 Sf Special Minimum Lot Size**

**MAP/SKETCH**

**SMLSA No. 237**

- Properties that meet the 6,250sf Special Minimum Lot Size
- Properties less than the 6,250sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

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

<b>SUBJECT:</b> Ordinance designating the 2300 block of Wordsworth Boulevard, north and south sides, between Morningside Drive and Greenbriar Drive 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> 05/31/2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> C
-----------------------------------------------------------	----------------------------------------

<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 2300 block of Wordsworth Boulevard, north and south sides, between Morningside Drive and Greenbriar Drive 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 42-194 of the Code of Ordinances, the property owner of Lot 16, Block 3, of the Windermere Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 50% of the area. Notification was mailed to the twenty (20) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Four written protests were filed. The Houston Planning Commission considered the protests on May 24, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 7,320 sf.

MLG:jh

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters

- 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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PREVAILING LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

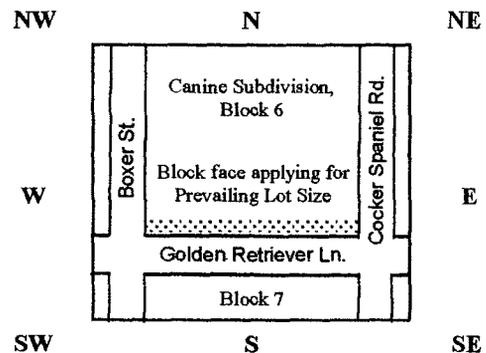
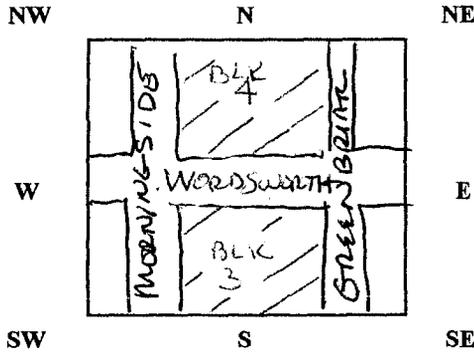


Staff will complete shaded items.

COMPLETED

LOCATION

LOCATION EXAMPLE 3/26/01



1. BOUNDARY:

Block no.: 3 & 4
Lot nos.: BLK 3 LTS 13-21 BLK 4 LTS 1-9
Subdivision name: WINDERMERE
Street name & side: WORDSWORTH
Lot(s) Address: 2300 BLOCK
Odd/Even Addresses: ODD AND 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.: 236
Lambert: 5255
Key Map: 5326
SN: 28
TIRZ:
Census Tract:
Zip Code: 77030
School Dist.:
City Council Dist.: 6
Co. Comm. Prct.:

3. CONTACTS:

Applicant: LISA RISOLI
Address: 2323 WORDSWORTH
City: HOUSTON
Phone: 713-660-8035
State: TX
Zip: 77030
Other: DAVID MORRIS
Address: 2514 WATTS
City: HOUSTON
Phone: 713-812-2615
State: TX
Zip: 77030
Fax: 713-680-2614

4. SUBMITTAL REQUIREMENTS

PVL BL

- 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

# PETITION

(Date) 1-21-07

I, LISA RISOLI, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block (3), Lot (16), of (WINDERMERE BLVD), do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block (3 AND 4), Lot (13-21 AND 1-9), in (WINDERMERE), through the application of and creation of a special minimum lot size requirement area.

Lisa M. Risoli  
(Signature of petitioner)

LISA RISOLI  
(Printed name of petitioner)

2323 WORDSWORTH BLVD  
(Address)

HOUSTON, TEXAS 77030



# A G Manufacturing Company

P.O. Box 20408 Houston, TX 77225-0408 713/666-2646

April 3, 2007

Marlene L. Gafrick  
City of Houston  
Planning and Development Dept.  
611 Walker, 6<sup>th</sup> Floor  
Houston, Texas 77002

Subject: Protest Notification Letter

Dear Planning & Development Dept.,

This letter is my Official Protest Letter, regarding: Minimum Lot Size Requirements Application 2300 block of Wordsworth Blvd, north and south side. For your reference, my HCAD account # is 0600430030021. Please contact me for hearing date and time.

Sincerely,

A handwritten signature in black ink that reads 'Tom Ray'.

Tom Ray  
Direct Line (713) 666-2647



PS: Letter for reference attached.

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From: Sujoy Ghose  
Romi Ghose  
2322 Wordsworth St  
Houston, TX 77030

Date: April 9, 2006

To: Marlene L. Gaffrick, Director  
Planning & Development Department  
P.O. Box 1562  
Houston, TX 77251-1562

**RE: Protest Against Ordinance for Minimum Lot Size Requirement Application  
2300 Block of Wordsworth Blvd, north and south side,  
between Morningside Drive and Greenbriar Drive**

Dear Marlene,

We wish to inform you that we would like to file a protest against the application that has been filed to create a minimum lot size requirement area in our neighborhood. Our property is one of the four existing properties on this street that does not meet this requirement currently. Since we have not reviewed the actual application we are unaware as to how this ordinance will affect our situation. As a result we have no choice but to file a protest until we are better informed.

Please contact us by phone at 713-664-9908 or 281-415-4918 or by email at [sughose@rocketmail.com](mailto:sughose@rocketmail.com) if you have any questions. Thank you.

Sincerely,

*Sujoy Ghose*  
Sujoy Ghose

*Romi Ghose*  
Romi Ghose

CRAIN  
CATON  
— & —  
JAMES

TELEPHONE: 713.658.2323  
FACSIMILE: 713.658.1921  
DIRECT LINE: 713.752.8613

CHARLES D. MAYNARD, JR.  
SHAREHOLDER

A PROFESSIONAL CORPORATION  
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17<sup>TH</sup> FLOOR  
FIVE HOUSTON CENTER  
1401 MCKINNEY STREET  
HOUSTON, TEXAS 77010-4035

EMAIL: CMAYNARD@CRAINCATON.COM

April 12, 2007

*Via Hand Delivery*

Marlene L. Gafrick  
Director, Planning and Development Department  
City of Houston  
811 Walker, 6<sup>th</sup> Floor  
Houston, Texas 77002

And mail to P.O. Box 1562  
Houston, Texas 77251-1562

Mr. Jason Holoubek  
[Jason.holoubek@cityofhouston.net](mailto:Jason.holoubek@cityofhouston.net)

RE: Minimum Lot Size Requirement Application  
2300 Block of Wordsworth Blvd., North and South Side (sic) between  
Morningside Drive and Greenbriar Drive

Dear Ms. Gafrick and Mr. Holoubek:

I am writing on behalf of my clients, Michael I. Wheeler, et al., who are the owners of two lots located in the referenced blocks of Wordsworth Blvd., to wit: 2326 Wordsworth Blvd. and 2330 Wordsworth Blvd., containing four residential units, free standing garages and a shared driveway and swimming pool.

My clients object to the referenced minimum lot size requirement application and ask that you either reject the application or not recommend that it be adopted for the reasons set forth below.

1. The application was filed under the prior version of Section 42-213, which has been superseded and thus may no longer be of legal effect. If it is the City's position that it is still of legal effect, please so advise.
2. There are a total of twenty (20) lots fronting on Wordsworth Blvd. in the referenced block, many of which do not match the lot lines of the original plat either because they include portions of more than one lot as originally platted or

have since been subdivided, e.g. both corner lots on the west end of the block have been subdivided to create additional lots facing Morningside, the cross street, three other lots consist of portions of two of the lots as originally platted and two of the originally platted lots have been subdivided to create four lots fronting on Wordsworth. Therefore, the character of the street has already been significantly modified by modification of the original plat, subdivision and construction.

3. Your notification correspondence dated March 28, 2007 recites that "Staff review of the application and map has indicated that the minimum lot size for this application would be (8,400) square feet." This conclusion is erroneous and is not consistent with the requirements of the Code section in the following respects:

In order to recommend adoption of a minimum lot size area, the department must determine that the area "has a prevailing lot size." In determining whether there is a prevailing lot size, the Code section requires that

"seventy-five percent of the lots **exclusive of corner lots** in the proposed special minimum lot size area have a size that does not vary by more than ten percent from the average size of the lots with the proposed special minimum lot size area."

We are unable to calculate or verify the calculation of the "average size of the lots within the proposed special minimum lot size area" because the information contained in the application, showing certain handwritten marginalia which appear to be calculations, excludes and does not disclose the area of the corner lots. For this additional reason alone, the application is incomplete, does not comply with the requirements of the Code and should be rejected.

Notwithstanding, it is evident from the information provided that there is not a "prevailing lot size" in the subject block and the purported 8,400 square foot minimum lot size area would violate the requirements of the Code. It is not manifestly clear whether the fifth criterion is referring to all lots, inclusive of corner lots, or all lots, exclusive of corner lots, when it talks about the "average size of the lots within the proposed special minimum lot size area." However, as noted above, the size of the corner lots either was not included with or has been redacted from the application and thus it appears that the area of those lots was not considered in the calculation. Disregarding the corner lot as required by the criterion set forth in subsection 42-213(g), there are sixteen lots facing the street in the referenced block. Under the fifth criterion, 75% of those sixteen lots must "have a size that does not vary by more than 10% from the average size of the lots within the proposed special minimum lot size area." The total area of those sixteen lots is 112,320 square feet. The average size of those lots is 7,020 square feet. In other words, the area of twelve of the sixteen lots (75%) must contain no more than 7,722 square feet and no less than 6,318 square feet. Only four of

April 12, 2007

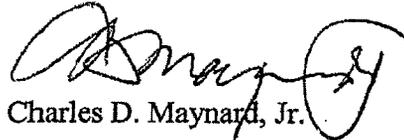
Page 3

those sixteen lots lie within these parameters and thus, not only is the criterion not met, but it is so far from the mark that it is difficult to believe that the application was submitted in good faith.

If, on the other hand, the area of the corner lots is to be included in the calculation, that information is not available in the application and thus could not have been considered and cannot be verified. For reasons which are not evident, the notification lists 8,400 square feet as the "prevailing lot size". If the area of the corner lots was somehow considered by the department, notwithstanding the missing data which should have been included with the application, and the result was a prevailing lot size no larger than 8,400 square feet (in keeping with the requirement that the "minimum lot size established ... shall not be ... greater than the prevailing lot size of the area to be designated"), then the relevant parameters would be a minimum of 7,560 square feet and a maximum of 9,340 square feet. Only nine of the sixteen lots lie within those parameters (56.25%) and thus there could be no finding of a prevailing lot size.

For the foregoing reasons, the application clearly fails on its face and should have been rejected. There is nothing in the Code section authorizing the department either to waive criteria established and required by the Code or to exercise any discretion in approving a non-compliant application. Therefore, my client requests that the application be promptly referred to the Houston Planning Commission as required under subsection (f) without a favorable recommendation.

Respectfully submitted,



Charles D. Maynard, Jr.

CDM:jr



**Dr. Ferro**

2302 Wordsworth st. Houston, Texas 77030

April 11, 2007

City of Houston  
Planning and Development Department  
P.O. Box 1562  
Houston, Texas 77251-1562  
611 Walker, 6<sup>th</sup> Floor  
Houston, Texas 77002

Dear Planning and Development Department:

Subject: Minimum Lot Size Requirement Application  
2300 block of Wordsworth Blvd, north and south side,  
between Morningside Drive and Greenbriar Drive

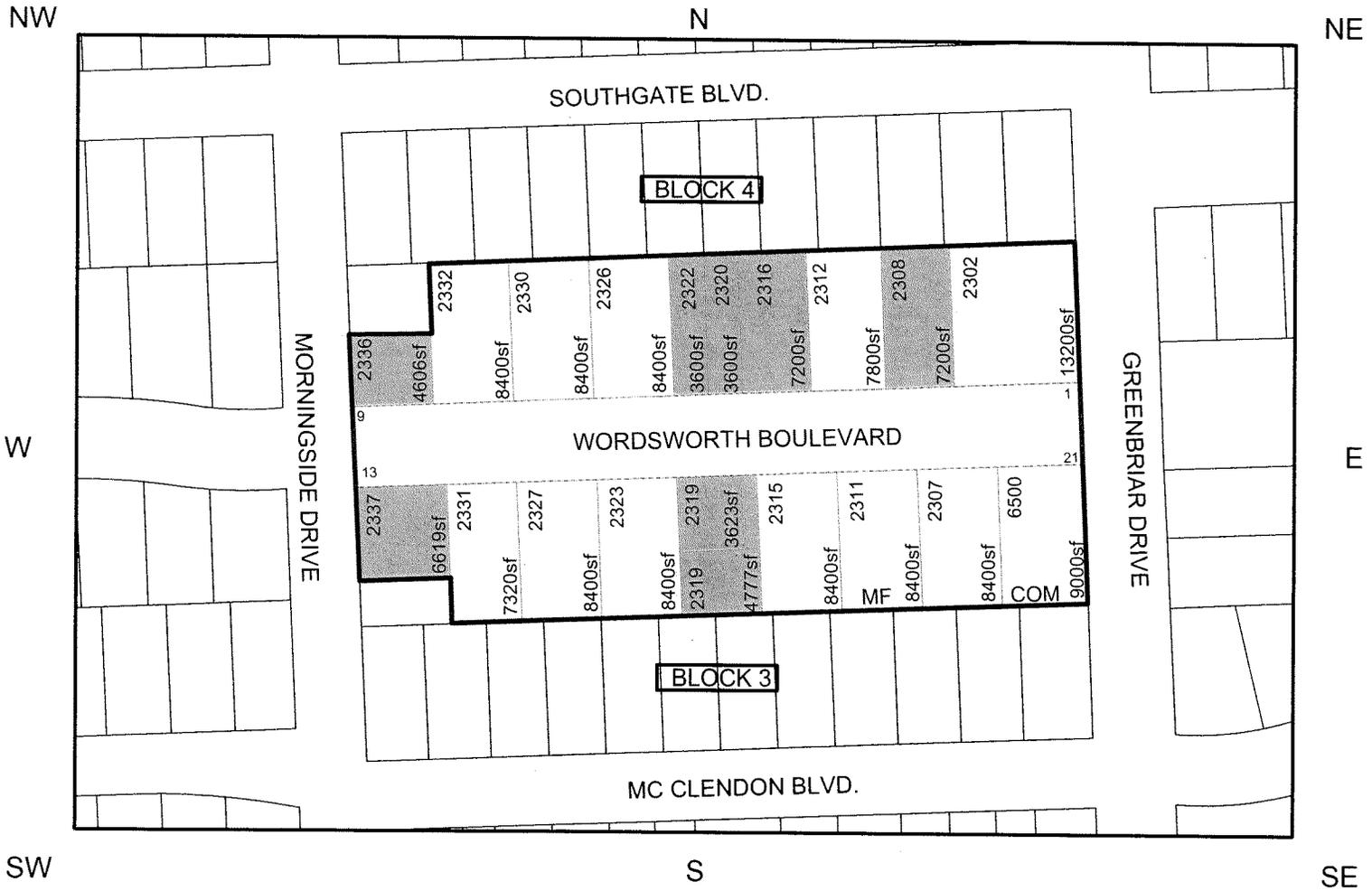
This letter is to serve as protest against this minimum lot size requirement application for the 2300 block of Wordsworth Blvd., north and south side, between Morningside Drive and Greenbriar Drive.

Sincerely,

Dr. Ferro  
2302 Wordsworth st.  
Houston, Tx. 77030



# WINDERMERE

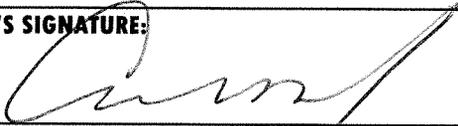


7,320sf Special Minimum Lot Size

## MAP/SKETCH

**SMLSA No. 236**

- Properties that meet the 7,320sf Special Minimum Lot Size
- Properties less than the 7,320sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

<b>SUBJECT:</b> An ordinance appointing the presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and voting precincts for the City of Houston General Election to be held on November 6, 2007, and any required Runoff Election; and prescribing the number of election clerks for each voting precinct.		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  41
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 09.21.07	<b>Agenda Date</b>  OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b>  		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Larry w. Schenk Phone: 713.247.2770		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance appointing the presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and voting precincts for the City of Houston General Election to be held on November 6, 2007, and any required Runoff Election, and prescribing the number of election clerks for each precinct and their rates of pay.				
<b>Amount of Funding:</b> N/A		<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>  As required by the Texas Election Code, the proposed ordinance appoints presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and City election precincts for the General Election to be held on November 6, 2007. The proposed ordinance also establishes the maximum number of election clerks for each City election precinct and their rates of pay.				
<b>REQUIRED AUTHORIZATION</b>				
<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> Lease Agreements – Jack in the Box Eastern Division L.P. – William P. Hobby Airport (HOU)	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <i>420</i>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> September 11, 2007	<b>Agenda Date</b> OCT 03 2007
------------------------------------------------------------------------------	-----------------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> <i>Jae</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Janet Schafer <i>JS</i> Phone: 281/233-1796 Lucy S. Ortiz	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> REVENUE: \$5,077.59 per year (\$423.13* monthly)	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**

Enact an ordinance approving and authorizing a lease agreement between the City of Houston and Jack in the Box Eastern Division L.P. for certain premises at William P. Hobby Airport (HOU).

**SPECIFIC EXPLANATION:**

In exchange for the consideration listed below, Jack in the Box Eastern Division L.P. ("Lessee") wishes to lease an adjacent greenbelt area and drive access between the north property line of William P. Hobby Airport and Airport Boulevard to support Lessee's restaurant located in the Meadowbrook Retail Center at 8111 Airport Boulevard.

The pertinent terms and conditions of the lease agreement are as follows:

1. Leased Premises: Approximately 10,578.33 square feet (approximately 0.243 acres) of improved land located adjacent to the Jack in the Box restaurant at 8111 Airport Boulevard.
2. Term: Ten consecutive years from date of countersignature, unless otherwise terminated in accordance with the terms of the agreement.
3. Option: Subject to the Director's consent, two 5-year option periods exercised by giving the Director prior written notice.

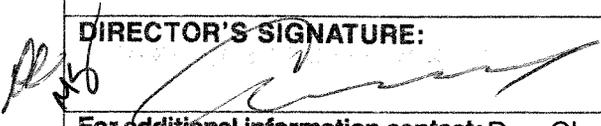
<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> September 11, 2007	<b>Subject:</b> Lease Agreements – Jack in the Box Eastern Division L.P. – William P. Hobby Airport (HOU)	<b>Originator's  Initials</b>	<b>Page  2 of 2</b>
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4. Use: Only as a greenbelt and for driveway access to Lessee's adjacent property from Airport Boulevard. No automobile parking is permitted; however, Lessee has erected one Department approved Jack in the Box pylon sign and sign related utilities.
5. Rental: Based on appraisals effective on countersignature date until the end of the first five consecutive years of term \$5,077.59 annually (\*\$423.13 monthly, which shall be adjusted at year end to reconcile with the annual rate). The rental amount increases by 15 percent at the end of the initial five years of term and if exercised, at the beginning of each option period.
6. Performance Security: Upon the first occurrence of a late rental payment, Director may require Lessee to provide performance security in the total amount of \$846.26 which represents two month's rent.
7. Maintenance and Utilities: Lessee shall assume the entire responsibility, cost and expense for all repairs and maintenance of the Leased Premises and shall be responsible for all utilities furnished to the Leased Premises.
8. Indemnification and Insurance: Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the agreement.
9. Environmental Matters and Airport Rules: Lessee shall comply with all federal, state and local environmental laws and all airport policies and procedures.
10. Other: Lessee agrees to comply with all rules and regulations adopted by the airport and/or the FAA, and/or the TSA, and to comply with all federal, state and local statutes, ordinances, regulations and policies.

RMV:lso

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo Michel  
Ms. Kathy Elek  
Mr. Dave Arthur  
Mr. Richard Fernandez  
Mr. Charles Wall  
Ms. Mary Case  
Mr. Brian Rinehart  
Ms. Janet Schafer  
Ms. Ellen Erenbaum  
Mr. Randy Rivin

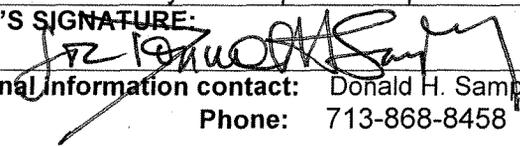
<b>SUBJECT:</b> Amend Ordinance 2007-1001 to correct a typographical error		<b>Category</b> # 6	<b>Page</b> 1 of _____	<b>Agenda Item</b> # <b>43</b>
<b>FROM (Department or other point of origin):</b> Legal Department		<b>Origination Date</b> 09/17/2007	<b>Agenda Date</b> OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Don Cheatham Phone: 713.437.6738		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2007-1001 9-5-07		
<b>RECOMMENDATION: (Summary)</b> Approve this Ordinance				
<b>Amount and Source of Funding:</b> N/A			<b>F&amp;A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  On September 5, 2007, City Council approved Ordinance No. 2007-1001, amending several provisions of Chapter 10 of the City Code of Ordinances. Unfortunately, Section 5 of the Ordinance, which was intended to make a change to a provision of the junked motor vehicles ordinance in Sec. 10-533, referred to Sec. 10-553, instead. This Ordinance would correct the erroneous reference in Ord. 2007-1001, so that the amendment is made to the right section of the Code.  PRB:asw H:\WPFILES\R\CAS\asw20334.wpd				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCO 071557-NHH

R  
Revised

<b>SUBJECT:</b> An Ordinance authorizing an Agreement between the City of Houston and Houston Area Community Development Corporation.		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 44
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date</b> 08/8/07	<b>Agenda Date</b> OCT 03 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> District "I" - Alvarado		
<b>For additional information contact:</b> Donald H. Sampley Phone: 713-868-8458		<b>Date and identification of prior authorizing Council action:</b>		

**RECOMMENDATION: (Summary)**  
 The Department recommends approval of an Ordinance authorizing an Agreement between the City of Houston and Houston Area Community Development Corporation to acquire and rehabilitate a single room occupancy housing facility.

<b>Amount of Funding:</b> \$9,264,198	<b>F&amp;A Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) **HOME FUNDS**

**SPECIFIC EXPLANATION:**  
 Houston Area Community Development Corporation (HACDC), a nonprofit Texas corporation under Section 501(c)(3) has been certified by HCDD as a Community Housing Development Organization (CHDO). HACDC is a subsidiary of New Hope Housing, Inc., an independent nonprofit 501(c)(3) corporation committed to the development and operation of affordable, single room occupancy (SRO) housing.

NHH at Brays Crossing, L.L.C. is the sole General Partner, FDI-Houston SRO, LTD (FDI), a Texas limited partnership that is the proposed owner and developer of NHH at Brays Crossing SRO. NHH at Brays Crossing, L.L.C. and Houston Area CDC both have New Hope Housing, Inc. as their sole member. As proposed, HACDC will make a loan to FDI, secured by a lien on the property and an assignment of the excess proceeds from the sale of the limited partnership interests, using loan proceeds from the subject 0% PBL from The City of Houston. As collateral for the City HOME loan, Houston Area CDC will grant a security interest in all of their rights and interest in the note from the partnership and lien against the property as well as its interest in the equity proceeds. HACDC will include all City of Houston restrictions and obligations required in the security agreement securing the lien between FDI and HACDC. The covenants ensure that the property will be restricted in such a way as to fulfill HOME compliance.

NHH at Brays Crossing SRO is a 149-unit rehabilitation of the HouTex Apartments located at 6311 Gulf Freeway. The project applied for and was awarded \$680,000 in tax credits by the TDHCA per year for the next 10 years for a total of \$6,800,000. The equity from the tax credits comes in the sale of limited partnership interests on 99.9% of the ownership of the partnership. The equity proceeds will be paid by the partnership to reduce its loan from HACDC. HCDD will treat these proceeds as CHDO sales proceeds and will not require that its loan be repaid. The funds, subject to the satisfactory completion of the project and the approval of the Director of HCD, will be used by HACDC to develop additional SRO facilities (HOME eligible costs only) future SRO projects within the City of Houston.

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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NHH at Brays Crossing has obtained support from an impressive coalition of neighborhood organizations and community leaders. The board members of the Houston Area CDC 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 Performance Based Loan (PBL) will have an interest of 0% and a term of 15 years. The PBL will be forgiven at the end of the 15-year period so long as the Borrower complies with all City loan agreement terms and conditions, and the property is in compliance with all HUD and City requirements.

**Total Source of Funds:**

City of Houston / PBL	\$ 9,264,198	\$62,176 per unit
Private Grants	200,000	
Deferred Developer Fee	26,181	
Equity Sale (non HOME eligible costs)	<u>434,991</u>	
<b>Total</b>	<b>\$ 9,925,370</b>	<b>\$66,613 per unit</b>

**Uses of Funds:**

Acquisition	\$ 1,500,000	\$10,067 per unit
Hard Costs	6,318,198	\$42,404 per unit
Soft Costs	<u>2,107,172</u>	\$14,142 per unit
<b>Total</b>	<b>\$ 9,925,370</b>	

Upon completion of the rehabilitation, the project will have 149 efficiency units as well as a common area building. All units will be restricted to tenants with income of 60% of AMI or less.

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 will contribute to the goal of increasing the number of affordable rental housing units for individuals with special needs.

The Housing and Community Development Committee reviewed this item on August 14, 2007, and recommended for full Council consideration.

RC:DS:db

cc: Finance & Administration  
 Legal Department  
 City Secretary  
 Mayor's Office

<b>SUBJECT:</b> Approve an Ordinance for a One-Year Joint Funding Agreement with the United States Geological Society for water resource investigation and monitoring.	Category 1	Page 1 of 1	Agenda Item # 45
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<b>FROM (Department or other point of origin):</b> Public Works and Engineering Department	<b>Origination Date:</b> August 17, 2007	<b>Agenda Date:</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Michael S. Marcotte, P.E., DEE Director <i>[Signature]</i>	<b>Council District Affected:</b> ALL
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<b>For additional information contact:</b>  Dannelle Belhateche Phone: 713-837-0847	<b>Date and identification of prior authorizing Council Action:</b> Ord. No. 2001-0998, dated 10/31/01 Ord. No. 2006-0927, dated 09/06/06
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**RECOMMENDATION: (Summary)**  
Adopt an ordinance for a One-Year Joint Funding Agreement with the United States Geological Society for water resource investigation and monitoring.

<b>Amount of Funding:</b> \$1,172,420.00	<b>F&amp;A Budget:</b>
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<b>Source of Funding:</b>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input checked="" type="checkbox"/> Enterprise Fund
<input type="checkbox"/> Other (Specify)	Water and Sewer System Operating Fund (8300)		

**SPECIFIC EXPLANATION:**

It is requested that City Council approve a new One-Year Joint Funding Agreement between the City of Houston and the Geological Survey Division of the United States Department of the Interior (USGS). Ordinance No. 2001-0998, adopted in October 2001, approved a Multi-Year Joint Funding Agreement with the USGS for water resources investigation and monitoring for the Public Works and Engineering Department which will expire in October 2007.

This new One-Year Agreement will provide for continuation of ongoing services for analysis and monitoring of Lake Houston's water quality (surface water supply), the monitoring of the levels of the aquifer that supplies our groundwater, and the monitoring and analysis of streams and bayous that are affected by our wastewater treatment plant discharges. Under the agreement, USGS will provide approximately 27% of the cost of the services provided to the City.

The original scope provided for the USGS to collect ground water samples from approximately 200 wells. In September 2005, expanded sampling of Lake Houston was added in order to monitor the sole source of raw water for the Northeast Water Purification Plant. A new agreement is being negotiated between the City and the USGS that will be for five (5) one year periods renewable annually. The contract provides for joint funding from year to year with the City designating sites and monitoring parameters based on the City's needs and changing environmental regulations. However, the new five-year agreement cannot be finalized prior to the October 2007 expiration date of the current agreement. Therefore, a single one-year agreement has been prepared that will maintain the services provided by the USGS at their current level, while a second long term agreement is prepared. This agreement will be executed prior to expiration of the one-year agreement in October 2008. In the final year of the agreement, scope will be expanded to include continuous real-time monitoring and evaluation new in-lake treatment technologies. The USGS contributes matching funds for the research conducted under the joint funding agreement.

xc: Michael S. Marcotte, P.E., DEE  
 Jeff Taylor  
 Marty Stein  
 Dannelle H. Belhateche, P.E.  
 Waynette Chan  
 Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20DHB59
<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>[Signature]</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>[Signature]</i> Dannelle H. Belhateche, P.E. Senior Assistant Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract with Applied Biosystems North American Sales and Service for the Repair and Preventive Maintenance on Crime Lab Analytical Instruments for the Houston Police Department	<b>Category #</b> 4	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 46
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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> September 27, 2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected: All</b>
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<b>For additional information contact:</b> Irma Rios, Assistant Director Phone: 713-308-2636	<b>Date and identification of prior authorizing Council action:</b>
<b>Approved by:</b> Joseph A. Fenninger, Deputy Director Phone: 713-308-1708	

**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing a contract with Applied Biosystems North American Sales and Service in an amount not to exceed \$169,759.26 for the Repair and Preventive Maintenance on Crime Lab Analytical Instruments for the Houston Police Department.

<b>Amount and Source of Funding:</b> \$169,759.26 General Fund (FY08 \$28,406.60 Out Years \$141,352.66)	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The Chief of Police recommends that City Council approve a five-year contract with Applied Biosystems North American Sales and Service for repair and preventive maintenance services on crime lab analytical instruments for the Houston Police Department.

The scope of work requires the contractor to furnish all labor, materials, supplies, equipment, transportation and supervision necessary to maintain the genetic analyzers, sample modules and sequence detection systems of the Houston Police Department's Crime Lab. This five-year maintenance agreement includes preventive maintenance, on-call emergency site visits and parts and labor. The Preventative Maintenance of HPD Crime Lab equipment is mandated under HPD Crime Lab Standard Operating Procedures and helps maintain compliance with the FBI DNA Quality Assurance Audit Document, Standard 10 and The American Society of Crime Lab Directors – Lab Accreditation Board and helps ensure continued participation in the Combined DNA Index System (CODIS) databasing program.

This recommendation is made pursuant to Section 252.022 (a) (2) of the Texas Local Government Code for exempted procurements. The department originally purchased the equipment from Applied Biosystems and they are the most qualified to service and maintain the integrity of the crime lab equipment.

Attachment: M/WBE Zero-Percentage Goal Document approved by the Affirmative Action Division.

HLH:JAF:tkc

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

<b>SUBJECT:</b> Purchase and Sale Agreement between Avenue Community Development Corporation (Purchaser) and the City of Houston (Seller) for purchase of the Former Fire Station No. 6, located at 901 Henderson Street, Houston, Texas, <b>Parcel SY6-115</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b>  <b>47</b>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 9/20/07	<b>Council District(s) affected:</b> H	
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> <b>Phone:</b> (713) 247-1814	<b>Date and identification of prior authorizing Council Action:</b> Resolution No. 2006-5; May 10, 2006 Motion No. 2007-0111; January 31, 2007	
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**RECOMMENDATION:** Approve and authorize a Purchase and Sale Agreement between Avenue Community Development Corporation (Purchaser) and City of Houston (Seller) for purchase of the former Fire Station No. 6, 901 Henderson Street, **Parcel SY6-115**.

<b>Amount and Source of Funding:</b> Revenue: \$111,000.00	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** By Resolution No. 2006-5 and Motion No. 2007-0111, respectively, City Council designated Parcel SY6-115, the Former Fire Station No. 6, located at 901 Henderson Street, as a Protected Landmark and authorized its sale as surplus property. The property consists of 7,123 square feet of land, being Lots 6 and the East 20 feet of Lot 5, Block 405, W. R. Baker Addition NSBB.

The Avenue Community Development Corporation, a Texas nonprofit corporation, desires to purchase the former Fire Station No. 6 for a purchase price of \$111,000.00, and convert the improvements into affordable rental housing serving low-income residents, in a manner that will adhere to the building's historic character. The City believes that the development of affordable housing serves a municipal and public purpose that materially benefits the citizens of Houston.

The sale is in accordance with Section 272.001(g) of the Texas Local Government Code, which permits a political subdivision to sell real property to an entity for the development of low income or moderate-income housing, and is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.

Therefore, the General Services Department recommends that City Council approve and authorize a Purchase and Sale Agreement with Avenue Community Development Corporation to purchase the above-described property at a purchase price of \$111,000.00, which represents the appraised value, less a credit of \$60,000 for environmental remediation. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to the Avenue Community Development Corporation.

The sale proceeds will be directed to the General Fund. City Council will be requested to create the Historic Property fund under a separate RCA and the subject funds will be transferred.

IZD:BC:JLN:FA:fa

**REQUIRED AUTHORIZATION**

CUIC #25 FA 09

<b>General Services Department:</b> <i>[Signature]</i> Forest R. Christy, Jr., Director Real Estate Division	<b>Other Authorization:</b>
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7475**

**Subject:** Formal Bids Received for Lighting Maintenance Services for the Houston Airport System  
S30-L22308

Category #  
4

Page 1 of 2

Agenda Item

**48**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

August 29, 2007

**Agenda Date**

OCT 03 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

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

**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 an ordinance awarding a contract to Jomar Contractors, Inc. on its low bid in an amount not to exceed \$4,446,891.63 for lighting maintenance services for the Houston Airport System.

Estimated Spending Authority: \$4,446,891.63

**F & A Budget**

\$4,446,891.63 - Airport Revenue Fund (8001)

**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 Jomar Contractors, Inc. on its low bid in an amount not to exceed \$4,446,891.63 for lighting maintenance services for the Houston Airport System. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract will be used to maintain the interior and exterior lighting systems at the City's three airports (George Bush Intercontinental, William P. Hobby and Ellington Field).

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

	<u>Company</u>	<u>Total Amount</u>
1.	Jomar Contractors, Inc.	\$4,446,891.63
2.	TAG Electric Company	\$6,090,569.00
3.	ERMC - Aviation Services	\$7,812,651.25

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of Jomar Contractors, Inc., the current contractor, to discuss the scope of work for this project. Jomar Contractors, Inc.'s representative stated that its bid includes all costs associated with performing the work called for in the published scope of work and subsequently provided a letter to Strategic Purchasing confirming the same. Based on the aforementioned, Strategic Purchasing is confident that the recommended company can perform the specified work for the price bid.

The scope of work requires the contractor to provide all supervision, equipment, parts, tools and transportation necessary to replace lamps, ballasts, and other fixture components, install additional or replace damaged and obsolete fixtures, and maintain emergency lighting systems.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*ng*

*MA*

Date: 8/29/2007	Subject: Formal Bids Received for Lighting Maintenance Services for the Houston Airport System S30-L22308	Originator's Initials RM	Page 2 of 2
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**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level. Jomar Contractors, 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>
Energy Electric Supply, Inc.	Provide Electrical Supplies	\$489,158.07

The Affirmative Action Division will monitor this award.

Buyer: Richard Morris

<b>Estimated Spending Authority</b>			
<u>DEPARTMENT</u>	<u>FY 2008</u>	<u>OUT YEARS</u>	<u>TOTAL</u>
Houston Airport System	\$711,502.66	\$3,735,388.97	\$4,446,891.63

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7439

Subject: Formal Bids Received for Bus and Van Rental Services for the Parks & Recreation Department S30-L22229

Category # 4

Page 1 of 2

Agenda Item

49-50

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

August 01, 2007

Agenda Date

OCT 03 2007

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected

All

For additional information contact:

Daniel Pederson Phone: (713) 845-1248  
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve ordinances awarding various contracts, as shown below, in a total amount not to exceed \$1,241,355.00 for bus and van rental services for the Parks & Recreation Department.

Estimated Spending Authority: \$1,241,355.00

F & A Budget

\$1,241,355.00 Park Special Revenue Fund (2100)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve ordinances awarding two two-year contracts, with three one-year options to extend, for a total five-year term, as shown below, in a total amount not to exceed \$1,241,355.00 for bus and van rental services for the Parks & Recreation Department. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractor.

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

**Heights Transportation, Inc.:** Award on its low bid for rental of school buses (Item Nos. 1, 5 and 6) in an amount not to exceed \$825,750.00.

<u>Company</u>	<u>Total Amount</u>
1. GBJ, Inc. dba AFC Transit	\$ 78,000.00 (Partial Bid)
2. Heights Transportation, Inc.	\$825,750.00

**GBJ Inc. dba AFC Transit:** Award on its low bid for rental of coach buses, mini-buses and vans (Item Nos. 13, 21, 29, 33, 34, 35) in an amount not to exceed \$415,605.00.

<u>Company</u>	<u>Total Amount</u>
1. Height Transit, Inc.	\$ 45,760.00 (Partial Bid)
2. GBJ, Inc. dba AFC Transit	\$415,605.00
3. Coach America	\$471,260.00

These contracts will be used to provide transportation for youth and senior citizens that will travel on field trips and to sports tournaments throughout Harris County and the surrounding region. The Department's community center programs utilizing these services include Afterschool and Summer Enrichment Program,

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Date: 8/1/2007	Subject: Formal Bids Received for Bus and Van Rental Services for the Parks & Recreation Department S30-L22229	Originator's Initials RM	Page 2 of 2
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youth baseball and softball, youth basketball, junior golf, soccer, and flag football. The Department will also use these services to transport citizens to various events and venues such as Miller Outdoor Theatre, Houston metropolitan sport tournaments and special events, Street Olympics, Senior Health Fitness Event, Houston Zoological Gardens, Museum of Fine Arts, Museum of Natural Science, and the Houston Arboretum and Nature Center. Vans, mini-buses and school buses will be used to transport youth to community center-sponsored events and sport events. Motor coaches will be used to transport senior citizens and tournament participants. There is no other commercial transportation available for these types of activities, including Metro. School buses will be used for all other activities.

Item Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, and 32, will not be awarded.

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level.

**Heights Transportation, Inc.** has designated the following company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Alamo Bus Service	Bus Service	\$90,832.50

**GBJ Inc. dba AFC Transit** has designated the following company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Huerta Bus Service	Bus Service	\$45,716.55

The Affirmative Action Division will monitor this award.

Buyer: Richard Morris

<b>Estimated Spending Authority</b>			
<b>Department</b>	<b>FY 2008</b>	<b>Out Years</b>	<b>Total</b>
Parks & Recreation	\$100,000.00	\$1,141,355.00	\$1,241,355.00

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7557

**Subject:** Formal Bids Received for Fuel Dispenser Repair & Automated Network Systems and Maintenance Services for Various Departments S29-L22483

Category #  
4

Page 1 of 2

Agenda Item

**51**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

September 05, 2007

**Agenda Date**

OCT 03 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Karen Dupont Phone: (713) 859-4934  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Dups Inc. on its low bid in an amount not to exceed \$1,542,180.00 for fuel dispenser repair & automated network systems and maintenance services for various departments.

Maximum Contract Amount: \$1,542,180.00

**F & A Budget**

- \$ 15,000.00 - HAS Revenue Fund (8001)
- \$ 150,000.00 - Fleet Management Fund (1005)
- \$ 235,000.00 - Water & Sewer System Operating Fund (8300)
- \$ 1,142,180.00 - General Fund (1000)
- \$ 1,542,180.00 - Total Amount

**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 Dups Inc. on its low bid in an amount not to exceed \$1,542,180.00 for fuel dispenser repair & automated network systems and maintenance services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. Dups Inc.	\$ 1,542,180.00
2. UST Services, Inc.	\$ 1,798,500.00

The scope of work requires the contractor to provide all labor, supervision, materials, equipment, tools, and transportation necessary to provide emergency repair, remedial and preventative maintenance services for approximately 221 fuel tanks, as well as detection, removal and disposal of trash and water in underground fuel tanks and lines. The contract requires that the contractor respond to all routine notices for repair within 24 hours and provide a 30-day warranty for materials and workmanship. Additionally, the contractor is required to respond to emergency requests for repair within four hours.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

8-9-07

*AG*

*19*

Date: 9/5/2007	Subject: Formal Bids Received for Fuel Dispenser Repair & Automated Network Systems and Maintenance Services for Various Departments S29-L22483	Originator's Initials DM	Page 2 of 2
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**M/WBE Subcontractor:**

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level. Dups Inc. has designated the below-named companies as its certified M/WBE subcontractors:

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Acu Vac Remediation	Environmental Parts & Service	\$ 124,639.80	8.08
A & B Environmental Serv.	Soil, H <sub>2</sub> O, Fuel Analysis	\$ 15,000.00	0.97
Holcomb Envir. Waste Oil	Waste Disposal	\$ 30,000.00	<u>1.95</u>
			<b>11.00%</b>

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on September 17, 2007 and was recommended for approval. This contract will be monitored by the Affirmative Action Division.

**Estimated Spending Authority**

<u>Department</u>	<u>FY2008</u>	<u>Out Years</u>	<u>Total</u>
Fire	\$200,000.00	\$220,900.00	\$420,900.00
Police	\$250,000.00	\$170,900.00	\$420,900.00
Public Works & Engineering	\$132,500.00	\$288,400.00	\$420,900.00
Solid Waste Management	\$35,000.00	\$140,000.00	\$175,000.00
Health & Human Services	\$7,900.00	\$31,600.00	\$39,500.00
Parks & Recreation	\$9,996.00	\$39,984.00	\$49,980.00
Houston Airport System	\$2,250.00	\$12,750.00	\$15,000.00
<b>Grand Total</b>	<b>\$637,646.00</b>	<b>\$904,534.00</b>	<b>\$1,542,180.00</b>

Buyer: Douglas Moore

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7588

Subject: Emergency Purchase of Mold Remediation Services and Professional Air Quality Assessment and Air Monitoring for the General Services Department S25-N22545

Category # 1 & 4

Page 1 of 2

Agenda Item

52

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

September 27, 2007

Agenda Date

OCT 03 2007

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected

A

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 authorizing the appropriation of \$46,807.68 out of the General Improvement Consolidated Construction Fund (Fund 4509) for emergency mold remediation services and professional air quality assessment and air monitoring for the General Services Department.

Funding Amount: \$46,807.68

F & A Budget

\$46,807.68 General Improvement Consolidated Construction Fund (4509) WBS D-000073-0083-4-01, D-000073-0083-3-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$46,807.68 out of the General Improvement Consolidated Construction Fund (Fund 4509) for emergency mold remediation services and professional air quality assessment and air monitoring at the Fifth Ward Multi-Service Center library, located at 4014 Market Street.

The total appropriation of \$46,807.68 includes funding of \$35,807.68 for mold remediation services and \$11,000.00 for professional air quality assessment and air monitoring during remediation performed by Terracon Consulting Engineers & Scientists.

On June 15, 2007, the General Services Department requested assistance with mold remediation at the Fifth Ward Multi-Service Center library. The Strategic Purchasing Division issued a purchase order to address the emergency.

Informal bids were solicited in accordance with current City policies and procedures, and five bids were received as itemized below:

<u>Company</u>	<u>Total Amount</u>
1. Arrow Services, Inc.	\$35,807.68
2. Hazard Assessment Leaders, Inc.	\$42,300.00
3. Basic Industries, Inc.	\$43,300.00
4. LVI Facility Services, Inc.	\$53,550.00
5. AAR Incorporated	\$57,160.00

The scope of work required the contractor to provide all labor, materials, equipment, supervision and transportation necessary to remove and properly dispose of mold-infested ceiling tiles, and clean the ceiling grid system, vent diffusers, drywall and exposed studs. The contractor also removed approximately 50 linear

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Date: 9/27/2007	Subject: Emergency Purchase of Mold Remediation Services and Professional Air Quality Assessment and Air Monitoring for the General Services Department S25-N22545	Originator's Initials TS	Page 2 of 2
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feet of drywall wall (to a height of approximately 24" from the floor). Additionally, the contractor provided 12 negative air machines and 8 dehumidifiers for the duration of the project.

Buyer: Tom Smyer

<b>SUBJECT:</b> Developer Participation Contract between City of Houston and El Tesoro Development, Ltd., for the construction of water, sanitary sewer and storm sewer lines. S-000800-0101-4/ R-000800-0101-4/ M-000800-0101-4		<b>Page</b> 1 of 2	<b>Agenda Item #</b>  53
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 9-27-07	<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> E	
<b>For additional information contact:</b>  Jun Chang, P.E. <sup>dc</sup> Phone: (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>	
<b>Recommendation: (Summary)</b> Approve a Developer Participation Contract between the City and El Tesoro Development, Ltd for the City to pay 70% of the cost to construct approximately 3,107 linear feet of water line, 2,857 linear feet of sanitary sewer line and 100% of the cost to construct 1,882 linear feet of storm sewer line in El Tesoro Section 2, and appropriate funds.			
<b>Amount &amp; Source of Funding:</b> \$242,108.00 Water & Sewer System Consolidated Construction Fund No. 8500 \$243,714.00 Homeless & Housing Consolidated Fund 4501 \$485,822.00 Total Appropriation			
<b>Specific Explanation:</b>  Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.  El Tesoro Development, Ltd proposes to construct approximately 3,107 linear feet of water line, 2,857 linear feet of sanitary sewer line and 1,882 linear feet of storm sewer line to serve the 93-lot subdivision, El Tesoro Section 2. The maximum amounts to be reimbursed are as follows:			
<b>Required Authorization:</b>		<b>CUIC# 20JZC235</b> <span style="float: right;">MOT</span>	
<b>F &amp; A Budget:</b> <i>Michael S. Marcotte</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning & Development Services	

<b>Date:</b>	<b>Subject:</b> Developer Participation Contract between City of Houston and El Tesoro Development, Ltd, for the construction of water, sanitary sewer and storm sewer lines.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$72,829.00
design cost:	<u>\$13,861.00</u>
total:	\$86,690.00

Wastewater

70% of construction cost (including interest & 5% contingency):	\$130,568.00
design cost:	<u>\$24,850.00</u>
total:	\$155,418.00

Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$215,331.00
design cost:	<u>\$28,383.00</u>
total:	\$243,714.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
 Craig Foster  
 John Sakolosky



# VICINITY MAP

N.T.S.

KEY MAP #574-K&L

ZIP 77048

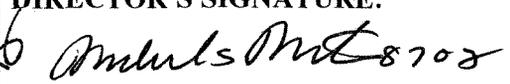
GIMS 5552-A,C

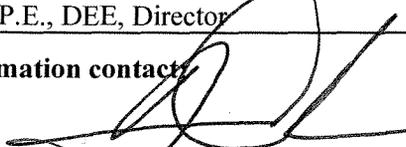
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Construction Management and Inspection Services Contract between the City and Project Surveillance, Inc. for Street and Bridge Projects. WBS No. N-000780-0001-4.	Page 1 of 2	Agenda Item # <b>54</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-16-07	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> G
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<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> N/A
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**RECOMMENDATION: (Summary)** Approve Professional Construction Management and Inspection Services Contract with Project Surveillance, Inc. and appropriate funds.

<b>Amount and Source of Funding:</b> \$5,000.00 from the Metro Project Commercial Paper Series E Fund No. 4027. <i>Pre/Ke</i>	<b>F &amp; A Budget:</b> <i>07/26/07</i> <i>all 50</i>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Capital Improvement Program (CIP) and is required to improve traffic flow and capacity and reduce congestion in the area.

**PROJECT DESCRIPTION/SCOPE:** This contract provides Construction Management and Inspection Services for the subject projects designed and contracted by the Engineering and Construction Branch of the Department of Public Works.

**LOCATION:** The project area includes Hayes Street Paving from Briar Forest to Lakeside Place located in Key Map grids 489P and 489T.

**SCOPE OF CONTRACT AND FEE:** This Contract will provide construction management and inspection services including constructability reviews, contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project close-out, and other tasks requested by the Director.

Project funding for Construction Management and Inspection Services will be appropriated with the contract award. The requested appropriation of \$5,000 will provide for limited pre-construction reviews and project preparation as required.

**REQUIRED AUTHORIZATION** CUIC ID # 20JAK600 *MT*

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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Date

**SUBJECT:** Professional Construction Management and Inspection Services Contract between the City and Project Surveillance, Inc. for Street and Bridge Projects. WBS No. N-000780-0001-4.

Page  
2 of 2

**M/WBE PARTICIPATION:**

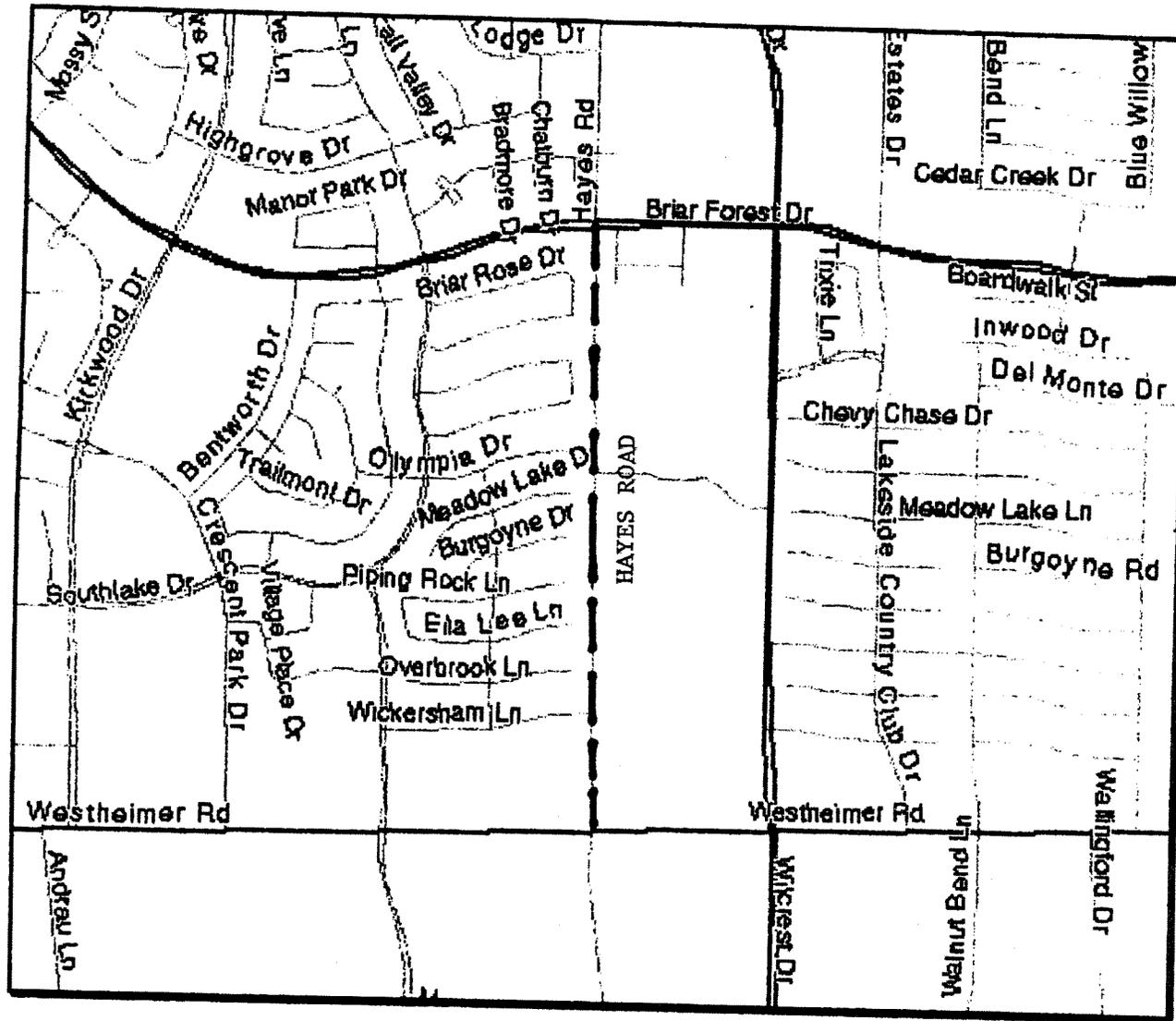
M/WBE goal for this project is set at twenty four percent (24%). Project Surveillance, Inc. has proposed the following firm to achieve this goal.

<u>Name of Firm</u>	<u>Work Description</u>	<u>Percentage</u>
Zarinkelk Engineering Serv., Inc.	Inspection Services	24%

MSM:DWK:JTL:AK:ce

S:\constr\Admin\CONST\Consultants\SW CM\N-0780-02-3-ProjectSurveillance\RCA

- cc: Daniel W. Krueger, P.E.  
Marty Stein  
Susan Bandy  
Velma Laws  
Waynette Chan  
Gary Norman  
Michael Ho, P.E.  
Craig Foster  
File No. Admin. SB9057



**VICINITY MAP**  
**HAYES STREET**  
**RECONSTRUCTION PROJECT**  
**GFS No. N-0780-01-1**  
**(Key Map 489P & 489T)**  
**Council District G**

<b>SUBJECT:</b> Interlocal Agreement Geo-Technology Research Institute Sustainable Development Program Design for Homes and Buildings in Houston, Texas		Page 1 of 1	Agenda Item 55
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 9/28/07	<b>Agenda Date</b> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E.		<b>Council District(s) affected:</b> All	
<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 713-247-1814		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Approve Interlocal Agreement with Geo-Technology Research Institute, set a maximum contract amount of \$2,000,000.00, and allocate funds for the project.			
<b>Amount and Source of Funding:</b>  <b>Initial allocation:</b> \$200,000 Central Service Revolving Fund (1002)  <b>Maximum contract amount:</b> \$2,000,000 (public and private sources to be identified)		<b>F&amp;A Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> The City of Houston is embarking on an initiative to establish the foundation for sustainable development of high performance energy-efficient homes and City-owned buildings in Houston. The Energy and Building Solutions Group of the Geo-Technology Research Institute (GTRI) will assist the City in implementing a Sustainable Development Program. The initial allocation of \$200,000 will fund these activities related to City buildings. Future allocations of private funds, as they are identified, would fund program development for residential homes in the City.</p> <p>The General Services Department recommends that City Council approve an Interlocal Agreement with GTRI, a state agency operating under the Houston Advanced Research Center (HARC), and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$2,000,000.</p> <p><b>PROJECT LOCATION:</b> Citywide</p> <p><b>SCOPE OF CONTRACT AND FEE:</b> Under the terms of the contract, GTRI will perform task orders on a reimbursable basis.</p> <p>IZD:WTH:JLN:KDS:FCJ:kds</p> <p>c: Issa Dadoush, Jacquelyn L. Nisby, Marty Stein, Velma Laws, Joseph Kurian, James Tillman, IV, Kelton Sams, Michael Shannon, File</p>			
<b>REQUIRED AUTHORIZATION</b>			CUIC 25KDS08
(Empty space for required authorization details)			

<b>SUBJECT:</b> Contract Award for Monroe Paving from Fuqua to Alameda Genoa W.B.S. No. N-000574-0001-4, W.B.S. No. S-000500-0060-4	Page 1 of 2	Agenda Item #  <span style="font-size: 2em;">56</span>
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 9-6-07	<b>Agenda Date:</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b>  E <i>NR</i>
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: 713-837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** \$8,171,386.83 Metro Project Commercial Paper Series E Fund No. 4027;  
 \$511,130.17 Water and Sewer System Consolidated Construction Fund No. 8500

*PK* 08/07/07

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Capital Improvement Plan program and required to improve traffic flow circulation, drainage and reduce neighborhood traffic congestion.

**DESCRIPTION/SCOPE:** This project consists of removal of existing two lane asphalt roadway with open ditch drainage and replacement with a four-lane divided boulevard with a closed storm sewer section. The Contract duration for this project is 450 calendar days. This project was designed by Lin Engineering, Inc.

**LOCATION:** The project area is generally bound by Alameda Genoa on the north, Fuqua on the south, Moers on the east and Wingtip on the west. The project is located in Key Map Grids 575 Q& U.

**BIDS:** Bids were received on May 17, 2007. The six bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Texas Sterling Construction, LP	\$7,414,153.29
2. W.W. Webber, LLC	\$7,695,356.86
3. Triple B Services, L.L.P.	\$7,907,742.92
4. Pace Services, L.P.	\$8,629,777.37
5. Total Contracting Limited	\$10,283,752.22
6. ISI Contracting Inc.	\$10,303,724.62

**REQUIRED AUTHORIZATION** 20MR56 NDT

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>Subject:</b> Contract Award for Monroe Paving from Fuqua to Almeda Genoa W.B.S. No. N-000574-0001-4	<b>Originator's Initials</b> MR	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to Texas Sterling Construction, LP with a low bid of \$7,414,153.29 and that Addendum Number 1 and 2 be made part of the contract.

**PROJECT COST:** The total cost of this project is \$8,682,517.00 to be appropriated as follows:

•	Bid Amount	\$7,414,153.29
•	Contingencies	\$370,707.66
•	Engineering and Testing Services	\$255,000.00
•	Project Management	\$148,283.05
•	Construction Management	\$494,373.00

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

Construction Management Services will be provided by United Engineers, Inc. under a previously approved contract.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. N. Garza Trucking	Trucking	\$366,521.00	4.94%
2. Mesa Contractors	Sidewalks, Ramps	\$314,872.00	4.25%
3. Work Zone Products, Inc.	Traffic, Markings	\$76,497.00	1.03%
4. Maintenance To Go, Inc.	Tree Protection	\$15,150.00	0.20%
5. GMJ Paving Company General Partnership	HMAC	\$73,042.00	0.99%
6. Tricon Precast, Ltd	Barriers	\$191,900.00	2.59%
	<b>TOTAL</b>	<b>\$1,037,982.00</b>	<b>14.00%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Willow City Sign & Rail, Inc.	Guard Fence	\$19,500.00	0.26%
2. Paradigm Outsourcing Services	Flagmen	\$55,620.00	0.75%
3. Earth Material Services, LLC.	Trucking	\$110,479.00	1.49%
4. Choctaw Pipe & Equipment, Inc.	Pipe Supply	\$185,353.66	2.50%
	<b>TOTAL</b>	<b>\$370,952.66</b>	<b>5.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. El Dorado Paving Company, Inc.	Driveways	\$64,375.00	0.87%
2. Reliable Signal & Lighting Solution, LLC	Signal/Electrical	\$136,778.00	1.84%
3. Environmental Allies, L.P.	Hydro mulch/Fence	\$30,027.60	0.41%
	<b>TOTAL</b>	<b>\$231,180.60</b>	<b>3.12%</b>

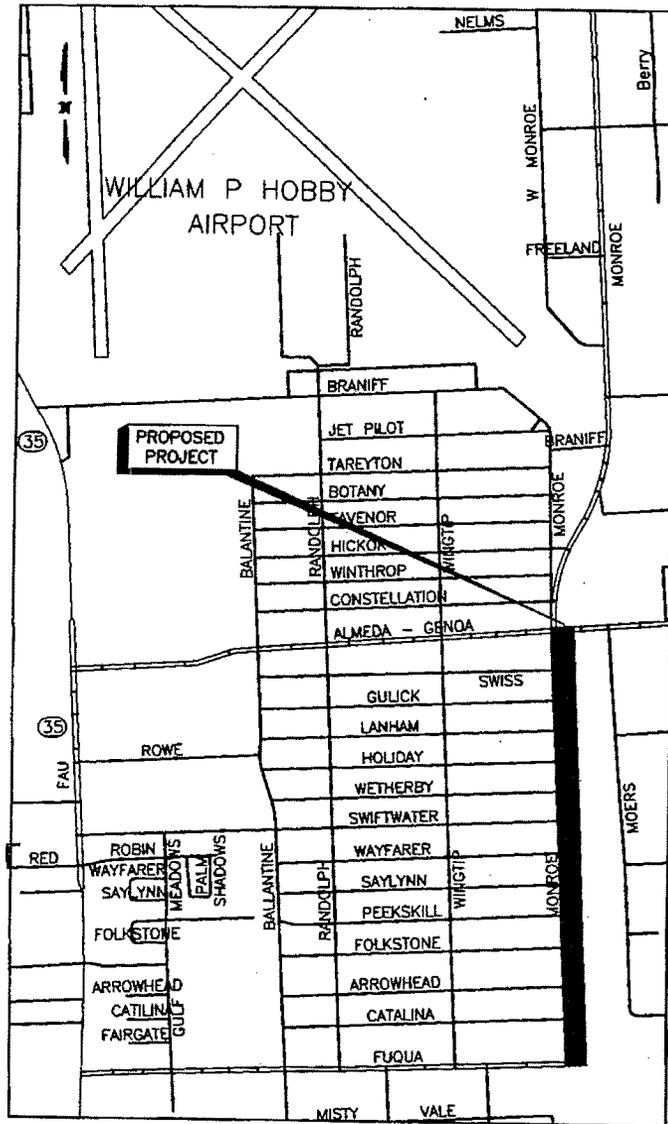
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DWK:RKM:MLL:MR:cd

S:\design\A-sw-div\WPDATA\MR\Monroe-III\Construction Doc\Const. RCA\Monroell -Construction Contract Award.DOC

**c:**  
Marty Stein Susan Bandy Michael Ho, P.E.  
Daniel W. Krueger, P.E Velma Laws  
File No. N-000574-0001-4 (3.7 Const\_RCA)

Mar 13, 2007 - 2:17pm R:\DWG\_90\9886\1973 COH DATUM\100% March-2007\9888-CS-8x11.dwg



VICINITY MAP  
 KEY MAP 575 P, Q, T & U  
 GIMS MAP NO. 5651B, D  
 5652D  
 (N.T.S.)

 <b>Lin Engineering, Inc.</b> 11806 WILCREST DRIVE, SUITE 200 HOUSTON, TEXAS (281) 530-3168	
<b>CITY OF HOUSTON</b> DEPARTMENT OF PUBLIC WORKS AND ENGINEERING	
<b>MONROE ROAD          IMPROVEMENTS          FROM FUQUA STREET          TO          ALMEDA-GENOA ROAD</b>	
VICINITY MAP	
WBS NO. N-000574-0001-4	
FILE NO.	
DRAWING SCALE: N.T.S.	
CITY OF HOUSTON PM	
MICHELLE RANDON, P.E.	
COUNCIL DISTRICT E	

**SUBJECT:** Contract Award for the Paving Improvements of Long Point Road at Wirt Road Intersections and Approaches; WBS No. N-000674-0001-4 **Page 1 of 2** **Agenda Item # 59**

**FROM: (Department or other point of origin):** Department of Public Works and Engineering **Origination Date:** 8/30/07 **Agenda Date:** OCT 03 2007

**DIRECTOR'S SIGNATURE:** *Michael S. Marcotte 82707*  
Michael S. Marcotte, P.E., DEE, Director **Council District affected:** *[Signature]*

**For additional information contact:** *Reid K. Mrsny*  
Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director **Date and identification of prior authorizing Council action:**

**RECOMMENDATION: (Summary)**  
Accept Low Bid, Award Construction Contract and Appropriate Funds.

**Amount and Source of Funding:** Total of \$ 3,727,719.00 to be appropriated as follows:  
\$3,484,684.00 Metro Project CP Series E Fund No. 4027; \$243,035.00 Water and Sewer System Consolidated Construction Fund No. 8500. (WBS No. S-000500-0059-4) **F&A Budget:** *2/2/08 06/19/07*

**PROJECT NOTICE/JUSTIFICATION:** This project is a part of the Street and Traffic Control Improvement Program and is required to improve the traffic flow/circulation, reduce congestion and eliminate potential hazards within the service area.

**DESCRIPTION/SCOPE:** This project consists of the construction of approximately 4,000 LF of four lane concrete roadway with raised median, underground storm sewers and necessary utilities. The contract for this project is 224 calendar days. This project was designed by Cobb Fendley & Associates.

**LOCATION:** The project is located on Long Point Road at the intersection of Wirt Road including approximately 1,800 linear feet of approach roadway and is located in Key Map Grids 451 S & T. The project area is bound by Hammerly Blvd. on the north, Westview Dr. on the south, Bingle Road on the east and Antoine Dr. on the west.

**BIDS:** Bids were received on May 17, 2007. The six (6) bids are as follows:

Bidder	Bid Amount
1. ISI Contracting Inc.	\$ 3,198,496.60
2. Texas Sterling Construction, L.P.	\$ 3,685,857.85
3. Conrad Construction Co., LTD	\$ 3,824,714.10
4. Total Contracting, LTD	\$ 3,847,137.26
5. Reytec Construction Resources, Inc.	\$ 4,091,516.80
6. Huff & Mitchell, Inc.	\$ 4,280,265.50

**REQUIRED AUTHORIZATION** **CUIC ID # 20JFM0002** *MDT*

**F&A Budget:** *[Signature]* **Other Authorization:** *[Signature]* **Other Authorization:** Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

<b>Date</b>	<b>SUBJECT:</b> Contract Award for the Paving Improvements of Long Point Road at Wirt Road Intersections and Approaches; WBS No. N-000674-0001-4	<b>Originator's Initials MLL</b>	<b>Page 2 of 2</b>
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**AWARD:** It is recommended that this Construction Contract be awarded to ISI Contracting, Inc. with the low bid of \$3,198,496.60 and that Addenda Numbers 1, 2, and 3 be made a part of this contract.

**PROJECT COST:** The total cost of this project is \$3,727,719.00 to be appropriated as follows:

- Bid Amount \$ 3,198,496.60
- Contingencies \$159,924.83
- Engineering and Testing Services \$80,000.00
- Project Management \$63,970.57
- Construction Management \$225,327.00

Engineering and Testing Services will be provided by A & R Testing, Inc. under a previously approved contract. Construction Management services will be provided by Pierce, Goodwin, Alexander & Linville, Inc. under a previously approved contract.

Bonus for early completion is \$36,000 maximum. This represents the number of days between the contract substantial completion date and early completion date, 30 calendar days maximum, multiplied by \$ 1,200 per day. The actual amount, if applicable will be based upon the early completion date.

**M/WBE INFORMATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE and the 3% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Environmental Allies, LP	Sodding, SWPPP	\$25,702.00	0.80 %
2. Perez Construction Company	Driveway, Curb, Sidewalk	\$115,000.00	3.60 %
3. Traf-Tex, Inc	Signals	\$136,726.00	4.27 %
4. Gube Trucking	Trucking	\$135,000.00	4.22 %
5. Statewide Tree Services	Trees	\$38,400.00	1.20%
<b>TOTAL</b>		<b>\$450,828.00</b>	<b>14.09%</b>

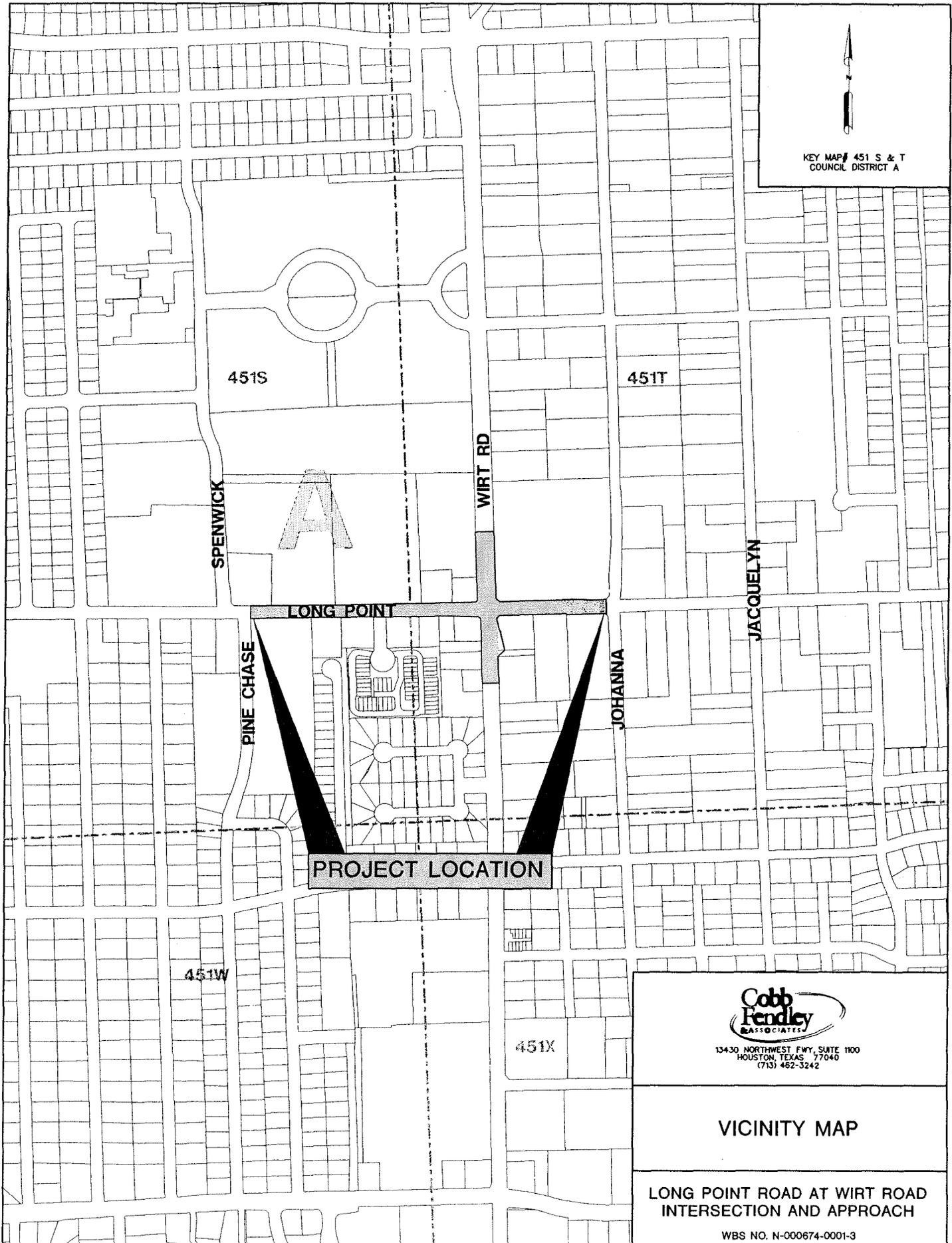
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Access Data Support Services	Concrete	\$85,000.00	2.66%
2. Deanie Hayes, Inc.	Cement Stabilized Sand	\$80,000.00	2.50%
3. Highway Pavement Specialties	Sawing & Sealing	\$25,000.00	0.78%
<b>TOTAL</b>		<b>\$190,000.00</b>	<b>5.94%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Contractors Paving Supply, LLP	Expansion Joints & Paving Accessories	\$6,500.00	0.20 %
2. Two-way Barricade, Equipment Sales & Rentals	Sign, Barricades, Striping	\$61,121.00	1.91 %
3. Mickie Service Company	TS & V, Water	\$19,400.00	0.61 %
<b>TOTAL</b>		<b>\$87,021.00</b>	<b>2.72 %</b>

MSM:DWK:RKM:MLL:JFM:aj

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c: Marty Stein Craig Foster File No. N-000674-0001-4 (3.7\_Const RCA)  
 Velma Laws Susan Bandy  
 Daniel W. Krueger, P.E. Michael Ho, P.E.



KEY MAP # 451 S & T  
COUNCIL DISTRICT A



13430 NORTHWEST FWY, SUITE 1100  
HOUSTON, TEXAS 77040  
(713) 462-3242

### VICINITY MAP

LONG POINT ROAD AT WIRT ROAD  
INTERSECTION AND APPROACH

WBS NO. N-000674-0001-3



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Repair of Elevated Parking Garage Structure Located at 4200 Leeland Street. WBS No. S-000955-0002-4	<b>Page</b> 1 of 2	<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> 9-27-07	<b>Agenda Date:</b> OCT 03 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> 1 <i>AKM</i>
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<b>For additional information contact:</b> <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> Motion No. 2003-0307; Passed March 26, 2003 Ord No. 2005-1356; passed December 14, 2005
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** \$840,400.00 from the Water & Sewer System Consolidated Construction Fund No. 8500 *PK. 09/13/07*

**PROJECT NOTICE/JUSTIFICATION:** This project provides for repairs to the Parking Garage for the Water Customer Services Facilities at 4200 Leeland Street. Hermes-Reed Architects designed the structure; Construction, LTD, built the structure; and Lockwood, Andrews & Newnam provided construction management and inspection. The contractor's work was accepted with Council Motion 2003-307. However, while the construction contractor built the project in accordance with contract documents, the adequacy of the structure for its intended use is deficient due to design issues.

**DESCRIPTION/SCOPE:** This project consists of structural augmentation of the elevated parking garage structure located at 4200 Leeland Street. Walter P. Moore and Associates, Inc. were contracted in 2005 to provide consulting engineering services for design of rehabilitative work on the garage. The bidding/construction documents for the repairs were reviewed and approved by the City's Code Enforcement Division to ensure that the repaired Parking Garage can be used for its intended purpose. Drilled piers, steel columns and steel beams will be installed to ensure parking garage will be structurally secure for vehicular parking on its upper deck. The Contract duration for this project is 120 calendar days. This project was designed by Walter P. Moore and Associates, Inc.

**LOCATION:** The project area is generally bound by Sidney Street on the east and Ingeborg Street on the west. The project is located in Key Map Grids 494-S.

*MSJ*

<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID #20SMC20</b>		
<b>F&amp;A Budget:</b> <i>MSJ</i>	<b>Other Authorization:</b> <i>Susan Bandy</i> Susan Bandy Deputy Director Resource Management Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

<b>Date</b>	<b>Subject:</b> Contract Award for Repair of Elevated Parking Garage Structure Located at 4200 Leeland Street. WBS No. S-000955-0002-4.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**BIDS:** Bids were received on June 21, 2007. The six (6) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Boyer, Inc.	\$730,410.00
2. Resicom, Inc.	\$732,000.00
3. Epoxy Design Systems, Inc.	\$736,850.00
4. NBG Constructors, Inc.	\$804,000.00
5. LEM Construction Company, Inc.	\$812,000.00
6. Millsap Waterproofing, Inc.	\$982,000.00

**AWARD:** It is recommended that this construction Contract be awarded to Boyer, Inc. with a low bid of \$730,410.00 and that Addenda Number 1 made part of this Contract.

**PROJECT COST:** The total cost of this project is \$840,400.00 to be appropriated as follows:

•	Bid Amount	\$730,410.00
•	Contingencies	\$36,520.00
•	Engineering and Testing Services	\$15,000.00
•	Project Management	\$58,470.00

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

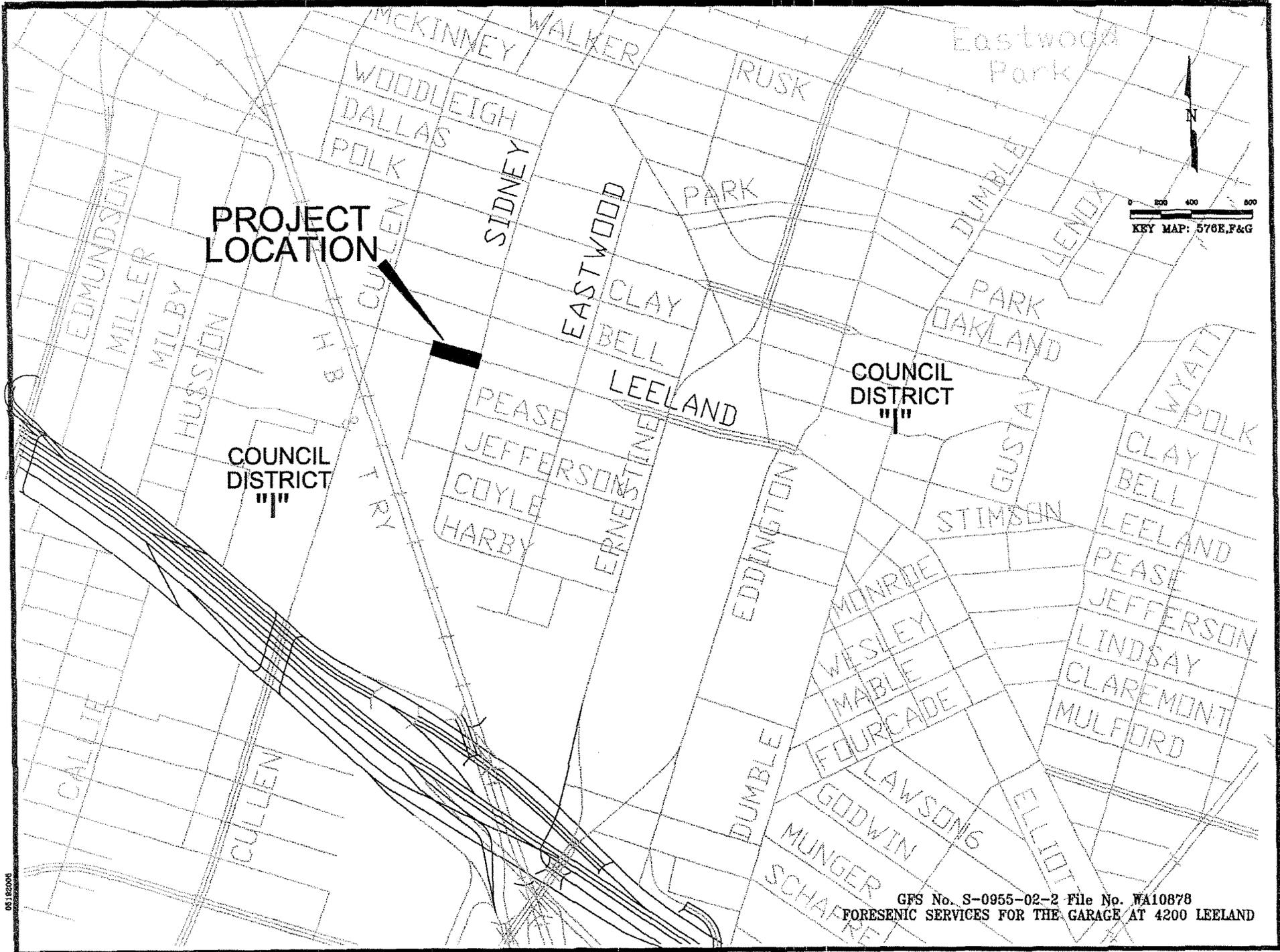
**M/WBE PARTICIPATION:** This contract has no MWBE or SBE goal.

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

MSM:DWK:RKM:MLL:SMC

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c: Marty Stein  
 Susan Bandy  
 Velma Laws  
 Michael Ho, P.E.  
 Craig Foster  
 File No. S-000955-0002-4 (3.7 CONST\_RCA)



06182005

Drawn By: A. Watts

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance appropriating: (a) \$5,562,499.00 in tax increment revenue from Harris County; (b) \$97,859.36 from Aldine and Spring Independent School Districts (ISD)'s and authorizing the transfer of tax increment revenues from the various TIRZ Funds pursuant to Tri-Party Agreements and Interlocal Agreements to the Redevelopment Authorities, Harris County, and the City for administrative costs.	<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-weight: bold;">59</div>
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<b>FROM: (Department or other point of origin):</b> Finance and Administration	<b>Origination Date</b> September 7, 2007	<b>Agenda Date</b> OCT 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> Districts "B","C","D","E","H","I"
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<b>For additional information contact:</b> Julia Gee Phone: 7-7828 Randell M. Naquin Phone: 7-9646	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**  
 An ordinance appropriating: (a) \$5,562,499.00 in tax increment revenue from Harris County; (b) \$97,859.36 for Aldine and Spring ISD's and authorizing the transfer of tax increment revenues from the various Tax Increment Funds pursuant to Tri-Party Agreements and Interlocal Agreements.

**Amount of Funding:** \$5,660,358.36 | F & A Budget

**Source of Funding:** ) [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other (Specify)  
 Tax Increment Reinvestment Zone Funds (TIRZ) (see attached analysis)

**Specific Explanation:**  
 The appropriation of \$5,660,358.36 results from tax increment revenue (Tax Year 2006) from Harris County, Spring ISD, and Aldine ISD received in August 2007.

- As set forth in the attached analysis:
- \$88,281.67 will be transferred to the Harris County Affordable Housing fund pursuant to our Interlocal Agreement;
  - \$236,412.92 will be transferred to the General Fund for TIRZ Administrative costs;
  - \$5,335,663.77 will be paid to various redevelopment authorities (see attached).

cc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo Michel, City Attorney  
 Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b> 
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CITY OF HOUSTON TAX INCREMENT REINVESTMENT ZONES  
TAX INCREMENT CALCULATIONS FOR HARRIS COUNTY - TAX YEAR 2006 as of 08/15/07

#	TIRZ	Fund # (SAP)	(A) County Payments Received	(B) Harris County Affordable Housing Fund (col A/3) <sup>(2)</sup>	(C) Administrative Fee Transfer to General Fund 1000 (col A-B) x 5%	Harris County Net Increment due to Redevelopment Authority (col A-B-C)	Payee
1	Lamar Terrace (East and West)	7512	\$ 89,550.00	\$ 29,850.00	\$ 2,985.00	\$ 56,715.00	St. George Place RA
2	Midtown (Original)	7550	2,596,117.00		129,805.85	\$ 2,466,311.15	Midtown RA
3	Market Square <sup>(3)</sup> (Original)	7551	267,713.00		13,385.65	\$ 254,327.35	Main Street/Market Square <b>RA</b>
	Original		239,702.00		11,985.10		
	Annexed		28,011.00		1,400.55		
4	Village Enclave	7552	N/A			N/A	
5	Memorial Heights	7553	673,969.00		33,698.45	\$ 640,270.55	Memorial Heights RA
6	Eastside	7554	N/A			N/A	
7	OST/Alameda	7555	309,553.00		15,477.65	\$ 294,075.35	OST Alameda RA
	Original		221,291.00		11,064.55		
	Annexed		88,262.00		4,413.10		
8	Gulfgate	7556	148,814.00		7,440.70	141,373.30	Gulfgate RA
	Original		148,814.00		7,440.70		
	Annexed				-		
9	South Post Oak	7557	162,984.00		- <sup>(1)</sup>	\$ 162,984.00	South Post Oak RA
10	Lake Houston (Original)	7558	555,529.00		27,776.45	\$ 527,752.55	Special Pay Instructions #1
11	Greenspoint	7559	582,975.00		- <sup>(1)</sup>	\$ 582,975.00	Greater Greenspoint RA
12	CityPark	7560	N/A			N/A	
13	Old Sixth Ward	7561	175,295.00	58,431.67	5,843.17	\$ 111,020.16	Old Sixth Ward RA
14	Fourth Ward	7562	N/A			N/A	
15	East Downtown	7563	N/A			N/A	
16	Uptown	7564	N/A			N/A	
17	Memorial City	7565	N/A			N/A	
18	Fifth Ward	7566	N/A			N/A	
19	Upper Kirby	7567	N/A			N/A	
20	Southwest Houston	7568	N/A			N/A	
21	Hardy Yards	7569	N/A			N/A	
22	Leland Woods	7570	N/A			N/A	
<b>Total</b>			<b>\$ 5,562,499.00</b>	<b>\$ 88,281.67</b>	<b>\$ 236,412.92</b>	<b>\$ 5,237,804.41</b>	

Notes:

- (1) County does not contribute to the Administration Fee per the Interlocal Agreement
- (2) Directly paid to County per Ordinance 2001-307 (TIRZ #1) and Ordinance 2001-1163 (#13).
- (3) #3 Market Square - County funds received separately effective with TY05 revenue.

Harris County	267,713.00
Port Authority	-
Hospital District	0.00
	<u>\$ 267,713.00</u>

**Special Pay Instructions #1**

Payments are for project costs, developer reimbursements, and debt service; invoices to be submitted at a later date.

No payment to RA

**TIRZ SCHOOL DISTRICT INCREMENT TAX YEAR 2006 (FY07)  
FROM HOUSTON, ALDINE, SPRING ISDs and NHMCCD**

#	TIRZ	Fund #	ISD and CCD Payments Received (1)	Affordable Housing Transfer to Fund 2409	ISD & CCD Admin. Transfer to General Fund	Payment Amount to ISDs for Educational Facilities (3)	ISD and CCD Increment due to the Redevelopment Authorities	Payee
1	Lamar Terrace East and West	7512	\$ -	\$ -	\$ - (2)	\$ -	\$ -	
2	Midtown Original Annexed	7550	\$ - \$ - \$ -	N/A	\$ - (2)	\$ - \$ -	\$ - \$ -	
3	Market Square Original Annexed	7551	\$ - \$ - \$ -	N/A	\$ - (2)	\$ - \$ - \$ -	\$ - \$ - \$ -	
4	Village Enclave Original Annexed	7552	\$ - \$ - \$ -	\$ -	\$ - (4)	\$ -	\$ -	
5	Memorial Heights	7553	\$ -	N/A	\$ - (2)	\$ -	\$ -	
6	Eastside	7554	\$ -	N/A	\$ -	\$ -	\$ -	
7	OST/Alameda Original Annexed	7555	\$ - \$ - \$ -	N/A	\$ - (2)	\$ -	\$ -	
8	Gulfgate	7556	\$ -	N/A	\$ - (2)	\$ -	\$ -	
9	South Post Oak	7557	\$ -	N/A	\$ - (2)	\$ -	\$ -	
10	Lake Houston Original (Humble ISD) Annexed	7558	\$ - \$ - \$ -	N/A	\$ - (2)	\$ -	\$ -	
11	Greenspoint Aldine ISD Spring ISD NHMCCD	7559	\$ 97,859.36 \$ 83,758.29 \$ 14,101.07 \$ -	N/A	\$ - (2) \$ - (2) \$ - (5)	\$ 27,919.43 \$ 27,919.43 N/A	\$ 69,939.93	Special Pay instructions #1
12	CityPark	7560	\$ -	N/A	\$ - (2)	\$ -	\$ -	
13	Old Sixth Ward	7561	\$ -	\$ -	\$ - (2)	\$ -	\$ -	
14	Fourth Ward	7562	\$ -	\$ -	\$ - (2)	\$ -	\$ -	
15	East Downtown	7563	\$ -	N/A	\$ - (2)	\$ -	\$ -	
16	Uptown	7564	\$ -	N/A	\$ - (2)	\$ -	\$ -	
17	Memorial City	7565	N/A				N/A	
18	Fifth Ward	7566	\$ -	N/A	\$ - (5)	\$ -	\$ -	
19	Upper Kirby	7567	\$ -	N/A	\$ - (2)	\$ -	\$ -	
20	Southwest Houston	7568	N/A				N/A	
21	Hardy Yards	7569	N/A				N/A	
22	Leland Woods	7570	N/A				N/A	
	<b>Total</b>		\$ 97,859.36	\$ -	\$ -	\$ 27,919.43	\$ 69,939.93	

The table sets forth several requested appropriations: a) recently deposited tax increments received by the City from Houston ISD, Aldine ISD, Spring ISD, and North Harris Montgomery County College District. The table also sets forth several requested expenditures: a) transfers into Fund 2409 for the one-third affordable housing set-aside; b) payment amounts to ISDs for educational facilities; c) transfer amounts into the General Fund for costs associated with the administration of the zones; and d) payments to the various redevelopment authorities, or for direct TIRZ project costs.

**Special Pay Instructions #1**

Educ. Facilities - Aldine ISD	\$ 27,919.43	Held in escrow with #11-Greenspoint RA
Increment Revenue	\$ 69,939.93	
<b>Total Payment to Greater Greenspoint RA</b>	<b>\$ 97,859.36</b>	

**ISD Pay Instructions**

Aldine ISD (Held in escrow)	\$ 27,919.43
Payment to Houston ISD	-
Payment to Humble ISD	-
	\$ 27,919.43

**Notes:**

- 1) ISD = Independent School District and CCD = Community College District
- 2) Per the Houston, Humble, Aldine and Spring ISD Interlocal Agreements, there is a \$25,000 maximum for administrative fees.
- 3) Educational Facilities revenues are set-aside per the Houston ISD and Humble ISD Interlocal Agreements in which the increment is paid to the ISDs for construction of educational facilities inside or outside the zones.
- 4) All Houston ISD payment minus set-aside for affordable housing is returned for payments for Westside High School.
- 5) The administration fee is calculated at 5% of the net increment revenue rather than the \$25,000 maximum.



MOTION NO. 2007 0805

MOTION by Council Member Garcia that the following item be postponed for 60 days:

Item 56 - Ordinance amending Chapter 45 of the Code of Ordinances, Houston, Texas, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability

Seconded by Council Member Wiseman and carried.

Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Khan, Garcia, Alvarado, Brown and Lovell voting aye  
Nays none  
Council Members Holm, Green and Berry absent

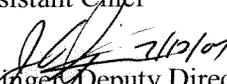
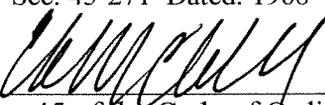
Council Members Clutterbuck and Noriega out of the City

PASSED AND ADOPTED this 1st day of August, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 7, 2007.

City Secretary

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

<b>SUBJECT:</b> An ordinance amending Chapter 45 of the Code of Ordinances, Houston, Texas, relating to Commercial Vehicle Weight, Width, Length and Height; Declaring Certain Conduct to be Unlawful and Providing a Penalty		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>
		60	56	15
<b>FROM (Department or other point of origin):</b> Harold L. Hurtt, Chief Of Police Houston Police Department		<b>Origination Date</b> 7/09/07		<b>Agenda Date</b> <del>AUG 01 2007</del> <del>JUL 18 2007</del> OCT 03 2007
<b>DIRECTOR'S SIGNATURE:</b>  C. A. McClelland Acting Chief of Police		<b>Council District affected:</b> All		
<b>Requested by:</b> Teresa Curry, Sergeant Phone: 713-247-4034 <b>For additional information contact:</b> Vicki King, Assistant Chief Phone: 713-308-1560 <b>Approved by:</b>  7/10/07 Joseph A. Fenninger, Deputy Director Phone: 713-308-1708		<b>Date and identification of prior authorizing Council action:</b> Sec. 45-271 Dated: 1968 		
<b>RECOMMENDATION:</b> Approve an ordinance amending Chapter 45 of the Code of Ordinances, relating to Vehicle weight, width, length, and height; Declaring Certain Conduct to be Unlawful and Providing a Penalty				
<b>Amount and Source of Funding:</b> None			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  The Chief of Police recommends that City Council approve an ordinance modifying Chapter 45 of the Code of Ordinances to include restrictions for Weight, Width, Length and Height, issuance of permits, route designation, and peace officer escorts for movement of commercial vehicle loads over the maximum limits.  Modifications to the ordinance are as follows:  <b>PERMITS REQUIRED</b> for any person desiring to operate a commercial vehicle on city streets carrying a load in excess of the <b>weight, width, length or height limits</b> . It sets out the application process, the contents of each permit (including a description of the load to be carried), and the permit fee structure for each type of permit, as well as establishing a review of the permit fee structure on an annual basis.  It further provides that F & A, in consultation with the Chief of Police (or his designee) and the Director of Public Works and Engineering (or his designee), shall promulgate application and permit forms and develop written rules and regulations for the administration of the article.  <b>PERMIT FEE DISTRIBUTION</b> between Houston Police Department (for truck enforcement), Public Works and Engineering (for street and infrastructure maintenance) and Finance and Administration (for permit issuance and administrative services associated with permit issuance).  Said permits will be issued through Finance and Administration, upon approval by HPD and PWE.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

**REDLINE**

**ARTICLE VII. RESERVED VEHICLE DIMENSIONS**

**DIVISION 1. GENERALLY**

**Sec. 45-161. 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:

*Axle load* means the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

*Enforcement tolerance* means an allowance of up to five percent of the maximum gross weight allowed under section 45-163 of this article.

*Motorcycle escort* means a full-time peace officer who has completed the appropriate training to perform motorcycle escort services under this article, as provided in rules promulgated by the chief of police.

*Police official* means the chief of police or such other person as he may designate to act as the official primarily responsible for the administration of this article or the said official's designees.

*Ready-mixed concrete truck* means a concrete pump truck or a vehicle designed exclusively to transport or manufacture ready-mixed concrete, which is a perishable product, and includes a vehicle designed exclusively to transport and manufacture ready-mixed concrete.

*Tandem axles* means two or more axles spaced 40 inches or more apart from center to center having at least one common point of weight suspension.

*Towing device* means a device used to tow a vehicle behind a motor vehicle by supporting one end of the towed vehicle above the surface of the road and permitting the wheels at the other end of the towed vehicle to remain in contact with the road.

*Truck-tractor* means a motor vehicle designed or used primarily for drawing another vehicle and that is not constructed to carry a load other than a part of the weight of the vehicle and load being drawn; or that is engaged with a semitrailer in

the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

Truck-trailer means a combination of a truck or commercial vehicle and trailer, as defined in article I of this chapter.

**Sec. 45-272: 162. Weight, width, length, and height limits on specific streets.**

(a) When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so signed. Under this section, as vehicle weight is indicated by the number of axles supporting such vehicles, signs limiting the number of axles on through vehicles shall be official.

(b) ~~When~~ Notwithstanding any of the foregoing provisions regarding maximum weight, width, length, or height, when signs are erected stating "No Through Trucks," no person shall operate any commercial vehicle exceeding 3,000 pounds gross weight or posted width, length, or height, determined upon the basis of an engineering and traffic investigation conducted by the department, at any time upon any of the streets or parts of streets so signed, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise or for vehicle storage and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

**Sec. 45-274: Generally: 163. Maximum weight.**

(a) Except as otherwise provided by law, no person shall operate a commercial motor vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor or combination of such vehicles, shall be operated over, on, or upon the public streets and highways within the corporate limits of the city, having a weight carrying a load or equipment and weighing in excess of one or more of the following limitations:

- (1) No such vehicle nor or combination of vehicles shall have a greater weight than 20,000 pounds load or equipment consisting of a weight greater than 16,000 pounds on high-pressure tires on any one axle; or 20,000 pounds on low-pressure tires carried on any one axle, including all enforcement tolerances; or within a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of heavier than the weight computed using the following formula and rounding the result to the nearest 500 pounds:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

Where:

W = Overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds;

L = Distance in feet between the extreme of any group of 2 or more axles; and

N = The number of axles in the group under consideration.

Notwithstanding the above, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances.

Also notwithstanding the provisions above, a ready-mixed concrete truck may be operated over, on, or upon the public streets within the corporate limits of the city if the tandem axle weight is 46,000 pounds or less and the single axle weight is 23,000 pounds or less.

- (2) No such ~~vehicles~~ vehicle nor combination of vehicles shall have a load weight greater ~~weight~~ than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high-pressure tires and 10,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high pressure tires, and 20,000 pounds on low-pressure tires.
- (3) ~~Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways within the corporate limits of the city in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways within the corporate limits of the city.~~

Notwithstanding item (1) of this section relating to overall gross weight on a group of two or more consecutive axles, two consecutive sets of tandem axles may carry a gross load of not more than 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets is 36 feet or more. The overall gross weight on a group of two or more consecutive axles may not be heavier than 80,000 pounds, including all enforcement

tolerances, regardless of tire ratings, axle spacing (bridge), and number of axles.

(4) Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated on a highway or road of this state upon the highways and roads within the corporate limits of the city on December 16, 1974, or vehicles operated exclusively at a private port of entry, on a private road associated with a port of entry, and across a public highway between private roads associated with the port of entry under a contract under Section 623.052 of the Texas Transportation Code.

~~(5) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two or more axles spaced 40 inches or more apart from center to center having at least one common point of weight suspension.~~

~~(b) [The first paragraph of this subsection moved to Sec. 45-170 and revised as shown below.]~~

~~[The second paragraph of this subsection moved to Sec. 45-171(a) and revised as shown below.]~~

~~[The third paragraph of this subsection moved to Sec. 45-171(b) and revised as shown below.]~~

~~(c) [This subsection moved to Sec. 45-167 and revised as shown below.]~~

~~(d) [This subsection moved to Sec. 45-168© and revised as shown below.]~~

~~(e) [This subsection moved to Sec. 45-203 and revised as shown below.]~~

~~(f) [This subsection moved to Sec. 45-204 and revised as shown below.]~~

~~(g) The driver, owner, operator, or other person operating or driving any commercial motor vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon city streets or public highways within the limits of the city, who fails to comply with the provisions of this section, shall be guilty of a misdemeanor which shall be punishable, upon conviction, by a fine of not less than \$100.00 and not more than \$200.00.~~

~~(h) All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.~~

**Sec. 45-164.**            **Maximum width.**

Except as otherwise provided by law, no person shall operate a commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor combination of such vehicles, having a width greater than 102 inches, including a load on the vehicle but excluding any safety device determined by the United States Department of Transportation or the Texas Department of Public Safety to be necessary for the safe and efficient operation of motor vehicles of that type, over, on, or upon the public streets within the corporate limits of the city.

**Sec. 45-165.**            **Maximum length.**

(a) Except as otherwise provided by law, including Section 622.902 of the Texas Transportation Code or its successor pertaining to length exceptions, no person shall operate a semitrailer in a truck-tractor and semitrailer combination, other than a truck-tractor combination, having a length in excess of 65 feet, excluding the length of the towing device or safety device determined by regulation of the United States Department of Transportation or rule of the Texas Department of Public Safety for the safe and efficient operation of motor vehicles, over, on, or upon the public streets within the corporate limits of the city. Nothing in this subsection shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated in this state on December 1, 1982.

(b) Except as otherwise provided by law, no person may operate a commercial vehicle or combination of commercial vehicles carrying a load that extends more than three feet beyond its front or more than four feet beyond its rear over, on, or upon the public streets within the corporate limits of the city unless:

- (1) It is a commercial vehicle actively engaged in collecting garbage, rubbish, refuse, or recyclable materials; or
- (2) The load extends four feet beyond the rear of the trailer and consists of a motor vehicle that:
  - a. Is designed or intended to be carried at the rear of the trailer;
  - b. Is used or intended to be used to load or unload goods or equipment on or off the trailer;
  - c. Does not extend more than seven feet beyond the rear of the trailer; and
  - d. Complies with each applicable federal motor vehicle carrier safety regulation.

**Sec. 45-166. Maximum height.**

Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, truck-trailer, trailer or semitrailer, nor combination of such vehicles, having a height in excess of 14 feet, shall be operated over, on, or upon the public streets within the corporate limits of the city. An operator of a vehicle that is higher than 13 feet 6 inches shall ensure that the vehicle will pass through each vertical clearance of a structure in its path without touching the structure. Any damage to a bridge, underpass, or similar structure that is caused by the height of a vehicle is the responsibility of the owner of the vehicle.

**Sec. 45-167. Permits required.**

~~© Any person desiring to operate a vehicle on city streets in excess of the limits set out herein shall first obtain a special permit from the finance and administration department. It shall be unlawful for any person to operate or direct another to operate a vehicle on city streets carrying a load that cannot be reasonably dismantled and transported separately, in excess of the weight, width, length, or height limits set out in this article without first obtaining a permit. A permit issued under this article may not be transferred.~~

**Sec. 45-168. Exceptions.**

(a) **House moving.** The limitation as to weight, width, length or height prescribed by this article shall not apply to moving of houses pursuant to article III of chapter 10 of this Code.

(b) **Commercial solid waste franchises.** The limitations as to weight, width, length or height prescribed by this article shall not apply to the collection, hauling or transportation of solid waste or industrial waste pursuant to article VI of chapter 39 of this Code.

(d) (c) **Road making and road repairing machinery operated by a governmental entity.** The limitation as to weight, width, length, or height prescribed by this ~~section~~ article shall not apply to road rollers or other road making or road repairing machinery being moved or used on a street by the United States, the state, any political subdivision of the state, the city, or any contractor moving or using such road machinery in the performance of or preparatory to the performance of a contract with any one of the United States, the state, any political subdivision of the state, or the city, but in the event of any such road making or road repairing machinery of a weight in excess of the limit set out herein being moved or used over the streets or bridges in the city, the person in charge thereof shall first obtain from the ~~city engineer~~ director a permit for such movement, which permit shall designate the route or streets and also the bridges over which such movement shall take

place, and such machinery may then be moved, but not elsewhere than over such designated routes, except as provided in subsection (b) of section 45-202 of this Code.

**Sec. 45-169. Rules; forms.**

The director of finance and administration, in consultation with police official and the director, may issue rules and regulations for the operation of this article and shall promulgate application and permit forms.

**Sec. 45-170. Authority to weigh or measure vehicle.**

~~(b) ¶11~~ Any police officer having reason to believe that operation of a motor vehicle within the city is unlawful by virtue of the gross weight or axle load of the loaded motor vehicle or the width, length or height of the vehicle is authorized to weigh or measure the same by means of portable or stationary scales or other devices approved by the police department of the city for such use, or the police officer may cause the loaded motor vehicle to be weighed or measured by any public weigher or measurer and may require such vehicle to be driven to the nearest available scales for the purpose of weighing or measuring.

**Sec. 45-171. Unloading vehicle if axle load exceeded; exceptions.**

~~(b) ¶12~~ (a) If, upon weighing or measuring of the vehicle, a police officer determines that the gross weight, width, length or height of a motor vehicle or an axle load exceeds the maximum permitted by law plus an enforcement tolerance allowance of five percent of the gross weight authorized by law, such police officer may require the operator to unload or rearrange the load to conform to law without proceeding if the police officer determines that such work may be safely accomplished at the site where the vehicle was weighed or measured or may require the operator to proceed to a location where the cargo can be unloaded or rearranged safely without causing disruption to traffic. Such location shall be the nearest such place on authorized city property, on property under the control of the driver or his principal, or on property where consent has been given for such loading and where it is feasible to unload or rearrange such cargo.

~~(b) ¶13~~ (b) Notwithstanding the other provisions of this article, the operator or owner of a vehicle is not required to unload any part of the vehicle's load under this section if the vehicle is loaded with: If the load of a motor vehicle

- (1) consists of Livestock, in which case the operator shall be permitted to proceed to his destination without unloading;
- (2) Raw wood, timber, or pulp wood in their natural state being transported from the place of production to the place of marketing or first processing;

- (3) Agricultural products in their natural state being transported from the place of production to the place of marketing or first processing;
- (4) Ready-mixed concrete;
- (5) Milk;
- (6) Groceries; or
- (7) Any other perishable good or product.

**Sec. 45-172. Duty to comply.**

All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

**Sec. 45-173. Penalty for violation.**

The driver, owner, operator, or other person operating or driving any commercial vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon public streets within the limits of the city, who fails to comply with the provisions of this article, shall be guilty of a misdemeanor which shall be punishable, upon conviction, by a fine of not less than \$200 and not more than \$500.

**Secs. 45-174--45-180. Reserved.**

DIVISION 2. PERMITS

**Sec. 45-181. Display of permits.**

(a) A permittee shall display his permits in accordance with rules promulgated by the director of finance and administration or his designee for inspection by any peace officer. Failure to comply with this subsection is unlawful.

(b) **Contents of permit.** A permit under this section shall include:

- a. The name of the applicant;
- b. The date of issuance;
- c. The signature of the director of finance and administration or his designee;

- d. A statement of the kind of equipment to be transported over the street, the weight and dimensions of the equipment, and a description and weight of the commodity or load to be transported; and
- e. A statement of any condition on which the permit is issued.

**Sec. 45-182.**      **Application.**

Each permit application shall be in writing, filed with the director of finance and administration, and include the following information:

- (1) The kind of equipment to be operated;
- (2) Description of the equipment;
- (3) The weight and dimensions of the equipment;
- (4) The width, height, and length of the equipment;
- (5) A description of goods or equipment to be transported and the weight of the total load;
- (6) Date and signature of the applicant;
- (7) The address of the final destination of the goods or equipment;
- (8) A proposed trip route over which the load or equipment is to be carried, if the application is for a single trip permit, or the region or area which the load or equipment is to be carried, if the application is for other than a single trip permit;
- (9) An approximate date and time of travel;
- (10) Proof of valid insurance in the amount required under regulations established by the director; and
- (11) A statement regarding whether the goods or equipment can be reasonably dismantled to facilitate transport.

**Sec. 45-183.**      **Fees.**

(a) Upon approval of the application the director of finance and administration or his designee shall prescribe the appropriate fees based on the following fee schedules:

<u>Type of Permit/Term</u>	<u>Permit Fee</u>	<u>Roadway Maintenance Fee</u>	<u>Processing/Administrative Fee</u>	<u>Total</u>
<u>Overweight - Single Trip</u>	<u>\$25.00</u>	<u>\$110.00</u>	<u>\$10.00</u>	<u>\$145.00</u>
<u>Overweight - 30 Day</u>	<u>\$25.00</u>	<u>\$140.00</u>	<u>\$10.00</u>	<u>\$175.00</u>
<u>Overweight - 60 Day</u>	<u>\$25.00</u>	<u>\$315.00</u>	<u>\$10.00</u>	<u>\$350.00</u>
<u>Overweight - 90 Day</u>	<u>\$25.00</u>	<u>\$490.00</u>	<u>\$10.00</u>	<u>\$525.00</u>
<u>Overweight - Super Heavy</u>	<u>\$25.00</u>	<u>\$795.00</u>	<u>\$10.00</u>	<u>\$830.00</u>
<u>Overweight - Annual</u>	<u>\$25.00</u>	<u>\$1,840.00</u>	<u>\$10.00</u>	<u>\$1875.00</u>
<u>Mobile Crane - Single Trip</u>	<u>\$25.00</u>	<u>\$110.00</u>	<u>\$10.00</u>	<u>\$145.00</u>
<u>Mobile Crane - 30 Day</u>	<u>\$25.00</u>	<u>\$155.00</u>	<u>\$10.00</u>	<u>\$190.00</u>
<u>Mobile Crane - 60 Day</u>	<u>\$25.00</u>	<u>\$285.00</u>	<u>\$10.00</u>	<u>\$320.00</u>
<u>Mobile Crane - 90 Day</u>	<u>\$25.00</u>	<u>\$335.00</u>	<u>\$10.00</u>	<u>\$470.00</u>
<u>Mobile Crane - Annual</u>	<u>\$25.00</u>	<u>\$915.00</u>	<u>\$10.00</u>	<u>\$950.00</u>
<u>Overlength or overwidth - Single Trip</u>	<u>\$25.00</u>	<u>\$60.00</u>	<u>\$10.00</u>	<u>\$95.00</u>
<u>Overlength or overwidth - 30 Day</u>	<u>\$25.00</u>	<u>\$100.00</u>	<u>\$10.00</u>	<u>\$135.00</u>
<u>Overlength or overwidth - 60 Day</u>	<u>\$25.00</u>	<u>\$235.00</u>	<u>\$10.00</u>	<u>\$270.00</u>
<u>Overlength or overwidth - 90 Day</u>	<u>\$25.00</u>	<u>\$370.00</u>	<u>\$10.00</u>	<u>\$405.00</u>
<u>Overlength or overwidth - Annual</u>	<u>\$25.00</u>	<u>\$1,465.00</u>	<u>\$10.00</u>	<u>\$1500.00</u>
<u>Overheight - Single Trip</u>	<u>\$25.00</u>	<u>\$150.00</u>	<u>\$10.00</u>	<u>\$185.00</u>
<u>Annual Package Permit</u>	<u>\$25.00</u>	<u>\$2,000.00</u>	<u>\$10.00</u>	<u>\$2,035.00</u>
<u>Semi-Annual Package Permit</u>	<u>\$25.00</u>	<u>\$1,200.00</u>	<u>\$10.00</u>	<u>\$1,235.00</u>

The director of finance and administration or his designee shall not issue a permit until the fee for that permit has been paid in full to the director of finance and administration or his designee. A permittee who has paid the requisite fees is not entitled to a refund of those fees.

(b) The fee schedule shall be reviewed and approved by the director of finance and administration on an annual basis and adjusted to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 15 percent shall be implemented without prior approval of the city council.

(c) The director may also establish fees for road maintenance for overweight, overlength, and overwidth trucks, tractors, trailers or semitrailers or combination of such vehicles, under this section, which fees shall be reviewed and adjusted on an annual basis in the manner established in the preceding subsection.

(d) All fees charged pursuant to this article shall be set out in a fee schedule approved by the director and the police official, and a copy of which shall be kept in the offices of the police official, the director, the director of finance and administration and the city secretary for public inspection. The police official shall consider the actual and direct costs of services provided in determining amounts to be charged pursuant to this article. In accordance with the fee schedule set forth in subsection (a) of this section, all fees collected under this article shall be allocated as follows:

- (1) All permit fees shall be distributed to the police department for truck enforcement;
- (2) All roadway maintenance fees shall be distributed to the department of public works and engineering for right-of-way, street and infrastructure maintenance and repair; and
- (3) All administrative/processing fees shall be directed to the department of finance and administration for administrative and processing fees associated with administration of this article.

**Sec. 45-184.           Rejection or revocation.**

The director of finance and administration or his designee may reject an original application or revoke an existing permit, if, as a result of consideration of the information in the application by the finance and administration department, the police official, or the director it is determined that:

- (1) The application does not meet the requirements of this article;
- (2) The overall weight, length, width, or height of the trucks, tractors, trailers or semitrailers or combination of such vehicles, exceeds the weight capacity or permissible length, width, or height of a street, bridge, culvert or other infrastructure of the city within the proposed route and the director is unable to designate an alternate route over which such vehicle may travel; or
- (3) The permittee violates a requirement of his permit.

**Sec. 45-185.           Notice.**

If the director of finance and administration or his designee rejects an application or revokes an existing permit, the director of finance and administration or his designee

shall give written notice to the applicant in the same manner in which the application was received. The notice shall specifically set forth the reasons for the rejection or revocation.

**Sec. 45-186.**            **Appeal.**

The applicant shall have 10 days from the date of the receipt of the notice of rejection or revocation to appeal the rejection to the director of finance and administration or his designee. Upon receipt of such notice, the director or finance or administration shall notify the applicant of the date and time of the hearing, to be held at the earliest time practicable.

**Sec. 45-187.**            **Hearing.**

(a) All hearings shall be held before a hearing officer appointed by the director of finance and administration 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.

(b) 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.

(c) All hearings shall be conducted under rules established by the director of finance and administration that are consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

- (1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

(d) The hearing officer may affirm or reverse a permit rejection, refusal or 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 section 45-278 of this Code.

**Secs. 45-188--45-200.**            **Reserved.**

**Sec. 45-201.           Motorcycle escort required.**

(a) If upon review of the permit application and any rules and regulations established under section 45-169, the police official determines that the capacity or contour of the road, street or bridge, or the load or equipment to be transported, requires one or more motorcycle escorts then the permittee shall, before carrying a load or equipment over the roads, streets or bridges of the city, engage at the permittee's own expense, the services of the number of required motorcycle escorts.

(b) If the permittee engages an off-duty peace officer of the city as a motorcycle escort such off-duty peace officer shall not use city-owned vehicles or equipment while engaged in the service of such permittee.

(c) The motorcycle escort is hereby empowered to stop a permitted vehicle which is being moved at any time for the purpose of inspecting the rigging, trucks, and lighting in order to ensure the safety of the move with a minimum of exposure to danger or damage to property.

(d) The motorcycle escort is required to report any damage to persons or property caused by the permittee's vehicle or operation thereof to the director as soon as practicable in a manner approved by the director.

**Sec. 45-202.           Truck route established.**

(a) Prior to issuance of the permit, the police official will approve or deny the prospective trip route over which the load or equipment is to be carried after consultation with the director, if necessary.

(b) If the proposed route is approved, it shall be unlawful for the operator of the commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, or combination of such vehicles, to operate such vehicle over, on, or upon any public streets within the corporate limits of the city street not designated as part of the approved route, unless:

- (1)   The applicant receives prior written approval from the police official; or
- (2)   The operator of the truck is directed to travel on an alternate route by the police official, another peace officer of the State of Texas, a peace officer escort, by signage indicating a detour from the approved route or a closed street or road on the approved route.

(c) If the proposed route is denied, the police official shall provide the applicant with an alternate route, and it shall be unlawful for the operator of the commercial vehicle, truck-tractor, truck-trailer, trailer or semitrailer, or combination of such vehicles, to operate such vehicle over, on, or upon any public streets within the corporate limits of the city street not designated as part of the approved route, unless:

R

<b>SUBJECT:</b> Amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 61#
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 09/01/07	<b>Agenda Date</b> OCT 03 2007 <del>SEP 10 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> <i>Mary R. Steinfeld</i>	<b>Council District affected:</b> None
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<b>For additional information contact:</b> Michael A. Kramer Phone: 713-837-7781	<b>Date and identification of prior authorizing Council action:</b> 11/01/06, Ord. 06-1001
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**RECOMMENDATION: (Summary)**  
Approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form.

<b>Amount and Source of Funding:</b> N/A	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
Pursuant to a public hearing on amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP), the Planning Commission approved a motion on August 30, 2006, to recommend that City Council approve amendments to the 2006 MTFP. Attachment 1 provides a description of the amendments and the Planning Commission recommendation. Attachment 2 depicts the general location of each recommended change.

The MTFP identifies corridor alignments and sets right-of-way requirements for major roadways in the City and extraterritorial jurisdiction (ETJ). The Planning Commission considered amendments to the MTFP, which would add, delete, realign, or change the hierarchy classification of designated street segments. Two types of applicants for MTFP amendments were considered by the Commission and are identified by:

- Government - amendments requested by governmental agencies including City of Houston; and
- Private Sector - amendments requested by the private sector among which included individuals, civic associations, and developers.

City Council approval will authorize publication of the 2007 MTFP in map form.

Attachments

cc: Marty Stein, Agenda Director  
Arturo Michel, City Attorney  
Anna Russell, City Secretary  
Michael S. Marcotte, Director, Public Works and Engineering

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

## 2007 Major Thoroughfare and Freeway Plan (Amendments to the 2006 MTFP)

On August 9, 2007 the City of Houston Planning Commission voted to forward its actions to City Council for adoption as the 2007 MTFP. Six amendments, listed below, reflect changes that will require alterations to the 2006 MTFP. The location of these amendments is illustrated on the map included as Attachment 2.

Amendment Name	Jurisdiction	District/Precinct	Applicant
<b>Tidwell Road</b>	ETJ, Harris Co.	Harris County Pct. 2	COH Parks and Recreation Dept.
<i><b>Commission action:</b></i> To APPROVE the proposed amendment to delete a portion of Tidwell Road between Beaumont Highway and East Beltway 8 North from the Major Thoroughfare and Freeway Plan.			
<b>Longenbaugh, Bartlett and Pitts</b>	ETJ, Harris Co.	Harris Co. Pct. 3	Kerry R. Gilbert and Associates
<i><b>Commission action:</b></i> To APPROVE the proposed amendment to realign Longenbaugh Road from Katy Hockley Road to Schlipf Road on the Major Thoroughfare and Freeway Plan; to APPROVE the proposed amendment to realign Bartlett from FM 529 to West Road on the Major Thoroughfare and Freeway Plan; and to APPROVE the proposed amendment to delete and realign Pitts Road from Longenbaugh Road to West Road on the Major Thoroughfare and Freeway Plan, with a modification that the realigned Pitts Road continued north to connect to West Road.			
<b>Waller Co. Various</b>	ETJ, Waller Co.	Waller Co. Pct. 4	CLR, Inc.
<i><b>Commission action:</b></i> To APPROVE the requested changes to the Major Thoroughfare and Freeway Plan as included in the Waller County Major Thoroughfare Plan adopted by Commissioners Court on July 5, 2007.			
<b>North Long Meadow Farms Parkway</b>	ETJ, Fort Bend Co.	Fort Bend Co. Pct. 3	Northrup Associates, Inc.
<i><b>Commission action:</b></i> To APPROVE the proposed amendment to the Major Thoroughfare and Freeway Plan to add a Major Collector on the north side of the Grand Parkway between existing Morton Road and proposed Peek Road.			
<b>South Bridgeland</b>	ETJ, Harris Co	Harris Co. Pct. 3	Vernon G. Henry & Assoc., Inc.
<i><b>Commission action:</b></i> To APPROVE the proposed amendment to the Major Thoroughfare and Freeway Plan to realign a portion of South Bridgeland Lake Parkway to intersect with Fry Road rather than North Bridgeland Lake Parkway.			
<b>Mossy Oaks</b>	ETJ, Harris Co.	Harris Co. Pct. 4	Asakura Robinson Co LLC
<i><b>Commission action:</b></i> To RECLASSIFY proposed Mossy Oaks from a Major Thoroughfare to a Major Collector with a right-of-way width of 70 feet, and REALIGN Mossy Oaks to remove as much of it as possible from the floodplain.			

# 2007 Major Thoroughfare & Freeway Plan (Amendments to the 2006 MTFP)

## MAP LEGEND

### MAJOR THOROUGHFARE (R.O.W. ONLY)

- SUFFICIENT WIDTH
- TO BE WIDENED
- TO BE ACQUIRED

### MAJOR COLLECTOR (R.O.W. ONLY)

- SUFFICIENT WIDTH
- TO BE WIDENED
- TO BE ACQUIRED

### FREEWAY / EXPRESSWAY (R.O.W. ONLY)

- SUFFICIENT WIDTH
- TO BE WIDENED
- TO BE ACQUIRED

### PROPOSED/SUGGESTED ALIGNMENT

— COUNTY BOUNDARY

— METRO TRANSIT CORRIDORS

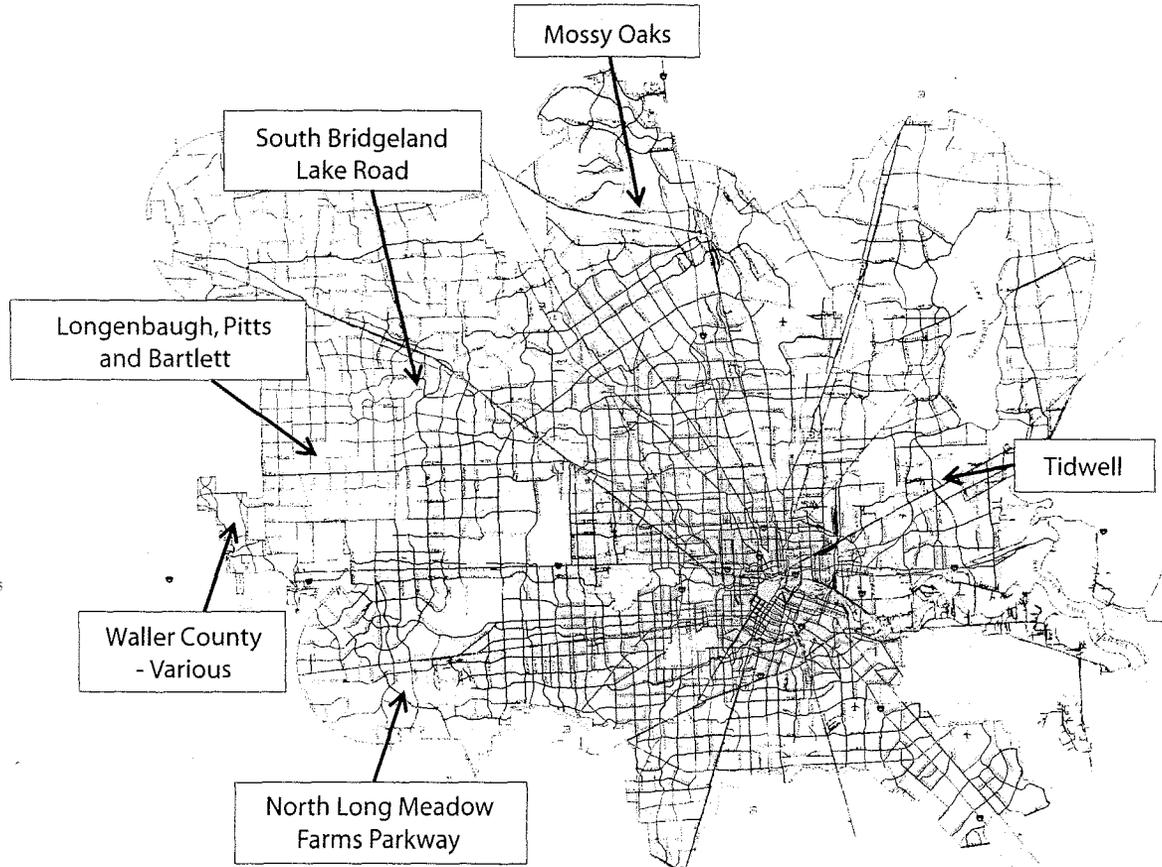
— RAIL ROAD

— HOUSTON CITY LIMITS

— LIMITED PURPOSE  
ANNEXATION

— HOUSTON EFD

— WATERWAYS



City of Houston  
Planning Commission  
approved amendments  
to the 2006 Major  
Thoroughfare and Freeway  
Plan on August 9, 2007 for:

- Tidwell Road
- Longenbaugh, Pitts and Bartlett
- Waller County - Various
- North Long Meadow Farms Parkway
- South Bridgeland Lake Road
- Mossy Oaks



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA #

**SUBJECT:** Valet Parking

Category #

Page 1 of  
2

Agenda Item #

**62-13**  
**SEP 19 2007**

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

Dawn R. Ullrich, Director  
Convention & Entertainment Facilities Department

**Origination Date**

September 14, 2007

**Agenda Date**

**SEP 19 2007**

**DIRECTOR'S SIGNATURE:**

*Dawn Ullrich*

**Council Districts affected:** OCT 03 2007  
ALL

**For additional information contact:**

Liliana Rambo  
Steve Lewis

Phone: 713-853-8193

Phone: 713-853-8888

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

**RECOMMENDATION: (Summary)**

That City Council amend the valet parking ordinance and transfer the administrative responsibilities to the Convention & Entertainment Facilities Department.

**Amount of Funding:**

Not Applicable

**F & A Budget:**

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)

**See Item 13-9-19-07 for ordinance**

**SPECIFIC EXPLANATION:**

The Valet Parking Subcommittee of the Public Parking Commission (Commission) undertook a year long, comprehensive review of valet parking operations and valet zones operating on public roadways including numerous meetings with stakeholders, and recommended several amendments to the City Code of Ordinances. After several public hearings, the Commission determined that valet operators operating outside the Central Business District (CBD) were, from a practical standpoint, unregulated, resulting in inconsistent practices that negatively impact the health and safety of the public. The Commission found that regulation of valet parking throughout the City of Houston will promote the health, safety and welfare of the public and provide needed guidelines for business practices associated with valet operations in the public right-of-way.

The proposed amendments were presented to the Transportation, Infrastructure and Aviation Committee on two occasions, resulting in modifications to the draft. The TIA Committee recommended that the draft ordinance be presented to City Council provided that it include a requirement that the Parking Commission review the ordinance after one year, and that CEFD parking personnel meet with representatives from the Neartown Superneighborhood to hear their concerns. The ordinance now requires such a one year review and a meeting was held with the Neartown group.

The proposed amendments include, moving the current valet parking provisions from Art. VII, Ch. 46 to Article VII, Ch. 26, transferring the administration of valet parking permits from the Finance & Administration Department to the Convention & Entertainment Facilities Department (CEF) and making other modifications as detailed below. The process for valet zone designation is proposed to be a collaborative effort involving both the Public Works & Engineering Department and CEF.

**Specific amendments proposed to the valet ordinance include:**

- Valet zones required outside the Central Business District: A designated valet zone is to be required everywhere in the city when the roadway is used as a pick-up/drop-off point. (Currently, valet zones are required only in the Central Business District.)
- Provisions for Special Events and making reasonable accommodations: Valet parking services are to be allowed for special events when appropriate notice has been provided to the parking official. Valet operators are required to provide plans for making reasonable accommodations for persons with disabilities.
- Discrimination Prohibited: Provides that valet operators may not discriminate against persons wishing to use valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or disability.

**REQUIRED AUTHORIZATION**

F&A Director

Other Authorization

Other Authorization

- Attendants' Uniforms: Provides that attendants at valet parking service (VPS) location must wear similar uniforms, possess a Texas Drivers License, and wear nametags identifying each attendant by name and the name of the VPS company or commercial establishment for which the VPS is provided.
- Valet Zones:
  - Establishes that valet zones will be up to three parallel parking spaces, except that valet zones for major event venues (seating capacity for at least 2,000 patrons) may be up to nine parallel parking spaces.
  - Specified days/times of use: Provides that valet zones may only be used during authorized days and times.
  - Application: Requires additional information on applications for valet zone designation; days and hours the zone will operate; a copy of the VPS permit held by the valet parking operator who will provide VPS for the applicant; a valet parking plan which includes a traffic flow plan describing the routes vehicles will be driven to/from the storage location, and identification of the storage location (inside the CBD, the contract for use of an off-street parking facility, and outside the CBD, a copy of the contract for use of off-street storage, if applicable, and a description of streets where any vehicles may be stored); a description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the valet zone and any other information reasonably required by the parking official.
  - Notice: Upon receipt of a complete application, the parking official will provide notice to property owners within 200 feet that a valet zone designation application has been submitted. The applicant for the zone must pay the cost of providing notice. The parking official and the traffic engineer will consider input regarding the impact of the proposed valet zone designation if it is received by the parking official within 10 business days of the date on the notice.
  - Fees: Sets the fee for valet zone designations and annual renewal at \$300, and provides that the CEF director will conduct an annual review of fees and may approve increases not to exceed 5% per year to cover the cost of program administration. Fees for valet parking service permits remain unchanged at \$1000 for the initial permit and \$750 for annual renewals.
  - Special events: Requires valet parking operators to notify the parking official at least 48 hours prior to providing VPS at special events including the address where the VPS will be provided, days and times of the operation, and locations that vehicles will be stored.
  - Revocation of valet zone designation: The CEF director may revoke a valet zone designation for:
    - violating any condition of the zone
    - failing to regularly provide or maintain VPS during day/time indicated on the signs posted in the valet zone
    - allowing VPS on unauthorized days/times
    - failing to renew the zone designation
    - failing to operate in accordance with the parking plan for the zone
    - failing to operate in accordance with requirements for operating a VPS
- Hearings for Revocation. Valet operators whose permits are revoked and commercial establishments whose valet zone designations are revoked may request a hearing.

The ordinance provides for an effective date November 1, 2007. Although valid valet operator permits and valet zones will remain valid until their previously established annual renewal date (unless sooner revoked), all other requirements of the ordinance will apply to permittees and zones on November 1, 2007. The Parking Commission will review the valet parking program twelve months after the date the ordinance is passed to evaluate the program's effectiveness.

cc: Marty Stein, Agenda Director  
 Arturo Michel, City Attorney

Michael Marcotte, Director, Public Works



# CITY OF HOUSTON

Convention and Entertainment  
Facilities

## Interoffice

Correspondence

To: Council Member Michael Berry  
At Large Position 5  
Chair, Transportation, Infrastructure and  
Aviation Committee

From: Dawn Ullrich  
Director

Liliana Rambo, CAPP  
Parking Official

Date: September 14, 2007

Subject: Valet Ordinance Update

At the August 9 Transportation, Infrastructure and Aviation (TIA) Committee meeting, the Committee recommended the proposed Valet Parking Ordinance to Council but asked that City staff address the four matters described below and advise Council of the results.

(1) The first item was to include some form of public notice when valet zone applications are filed. The ordinance has been updated to include the following provision:

**26-443, Section 6 (c)**

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

(2) The second item was to include a provision that the Public Parking Commission would review the valet parking program twelve months after the date the ordinance is passed to evaluate the program's effectiveness. Section 10 of the Enacting Ordinance now includes the following:

**Section 10**

*That the program adopted in Section 2 of the Ordinance shall be reviewed by the Public Parking Commission not later than 12 months after the date of passage of this Ordinance for the purpose of ascertaining the program's effectiveness. To facilitate this review, the parking official shall gather data throughout the year for the Public Parking Commission's review.*

(3) As requested by the Committee, the Parking Official and Traffic Engineer visited locations identified by representatives of the Neartown Super Neighborhood as problem locations and evaluated how the ordinance would affect those areas. They have concluded that the revised ordinance will effectively address public safety and mobility issues. We recognize that issues may arise due to unknown variables and those issues will be addressed by the Parking Commission's twelve month review or earlier, should the circumstances warrant.

(4) On August 24, a meeting was held with Allen Ueckert, President of the Neartown Super Neighborhood, Mr. and Mrs. El-Hakam, as well as representatives from Council Member

Garcia's office, Council Member Edward's office and your office. Changes to the ordinance were discussed and they were made aware of the addition of Section 26-443 and Section 10. We declined requests to modify the draft ordinance to ban all on-street storage of valet parked vehicles City-wide and also declined to require permitting for valet operations that pick-up and drop-off on private property and also store parked vehicles on private property. We lack data indicating the impact or need for these changes. While many of the stakeholders in the process oppose making such changes, we believe these issues are best addressed by the Parking Commission after a year of data is available for evaluation.

Since the TIA Committee meeting of August 9, our office has received numerous phone calls and correspondence from members of the Hotel & Lodging Association of Greater Houston and the Greater Houston Restaurant Association expressing their support for the enactment of the attached ordinance.

Please feel free to contact me if you have any questions. Thanks.

cc: Mayor Bill White

Council Member Peter Brown  
At Large Position 1

Council Member Sue Lovell  
At Large Position 2

Council Member Melissa Noriega  
At Large Position 3

Council Member Ronald Green  
At Large Position 4

Council Member Toni Lawrence  
District A

Council Member Jarvis Johnson  
District B

Council Member Anne Clutterbuck  
District C

Council Member Ada Edwards  
District D

Council Member Addie Wiseman  
District E

Council Member M.J. Khan  
District F

Council Member Pam Holm  
District G

Council Member Adrian Garcia  
District H

Council Member Carol Alvarado  
District I

Marty Stein  
Agenda Director

Tracy Calabrese  
Legal

Steve Lewis  
CEFD

David Worley  
Public Works and Engineering

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 7450

**Subject:** Approve an Ordinance Awarding a Professional Services Contract for Conversational Foreign Language Testing Services for the Police and Fire Departments  
S30-L22250

Category #  
4

Page 1 of 1    Agenda Item

**[63] 34**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

August 08, 2007

**Agenda Date**

~~SEP 10 2007~~  
OCT 03 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 ordinance awarding a professional services contract to Berlitz Languages, Inc. in an amount not to exceed \$192,755.00 for conversational foreign language testing services for the Police and Fire Departments.

Estimated Spending Authority: \$192,755.00

F & A Budget

\$192,755.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year professional services contract with three one-year options to extend, for a total six-year term, to Berlitz Languages, Inc. in an amount not to exceed \$192,755.00 for conversational foreign language testing services for the Houston Police and Fire Departments.

Berlitz Languages, Inc. utilizes a similar method that has been used by the Departments to determine eligibility for bilingual pay compensation. The method developed is capable of testing in the various languages needed to support the City's bilingual population, while providing a more objective evaluation to the applicants being tested. The testing of the police officers and firefighters will be conducted at the Berlitz facility located at 520 Post Oak Boulevard.

The scope of services requires the contractor to provide complete conversational foreign language testing services in Spanish, Vietnamese, Korean and two dialects of Chinese (Mandarin and Cantonese). The Police Department estimates that it will test approximately 2,400 police officers and the Fire Department estimates it will test approximately 1,150 firefighters over the term of the contract.

Although this is an exempt procurement, the City issued a Request for Qualifications, and responses were received from Berlitz Languages, Inc., MasterWord Services, Inc., and International Resources Unlimited Language and Translation Services.

Attachment: M/WBE Zero-Percentage Goal Document approved by the Affirmative Action Division.

Buyer: Richard Morris

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY08	OUT YEARS	TOTAL
Police	\$25,000.00	\$125,000.00	\$150,000.00
Fire	\$ 5,600.00	\$ 37,155.00	\$ 42,755.00
<b>Total</b>	<b>\$30,600.00</b>	<b>\$162,155.00</b>	<b>\$192,755.00</b>

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*mgf*

5-21-07

*107*

*02*



# CITY OF HOUSTON

# Interoffice

Finance & Administration Department  
Strategic Purchasing Division (SPD)

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Richard Morris

Date: June 15, 2007

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: \_\_\_\_\_ New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S30-L22250 Estimated Dollar Amount: \$400,000.00

Anticipated Advertisement Date: 2/2/2007 Solicitation Due Date: 2/23/2007

Goal On Last Contract: zero Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
**FOREIGN LANGUAGE TESTING SERVICES FOR THE HOUSTON POLICE AND FIRE DEPARTMENTS -**  
The scope of work requires the contractor to provide conversational foreign language testing on officers and firefighters which shows they can interact with citizens in situations such as domestic disputes, traffic stops, accidents, fires or at crime scene investigations.

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

No certified, M/WBE's responded to the Request for Qualifications. The three City certified M/WBE's who provide foreign language testing do not have the capability or experience to provide conversational foreign language testing.

Concurrence:  
  
SPD Initiator

Division Manager

For Velma Laws, Director  
\*Affirmative Action

Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

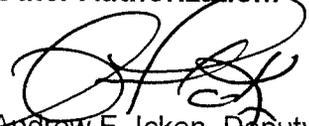
\* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

~~9/19/07~~

~~#31~~

## FOREIGN LANGUAGE TESTING

- In late 1999 Thaler and Wong worked on the original setting up of the Foreign Language testing contract.
- Prior to the contract (original), an in-house (LT. Raul Gorgi) did the testing with his staff of personnel and these employees received additional pay (overtime) for their services.
- In the meantime, HPD decided to hire an outside firm (Berlitz) because of the cost of overtime for Raul's group and other reason ie., more languages needed to be tested.
- Berlitz got a 2<sup>nd</sup> contract which just expired in May of 2007.
- The difference between testing and conversational testing is: conversational is a one-on-one testing of speaking, comprehending and responding in foreign tongue; and testing would be a word /word translation such as:
  - Casa –house
  - Shirt/blouse – blusa
  - Table – mesa
- Per Robert Gallego in Affirmative Action, there are no known firms to qualify as MWDBE's.
- Per Shahru Bernstein of Berlitz....testing is divided into segments .... Oral communication would be conversational testing.

<b>SUBJECT:</b> Developer Participation Contract between City of Houston and GARC Enterprises, Ltd., for the construction of water, sanitary sewer and storm sewer lines.  S-000800-0106-4/ R-000800-0106-4/ M-000800-0106-4		Page 1 of 2	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;">                     64 <del>37</del> </div>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 9/13/07	<b>Agenda Date</b> <del>SEP 10 2007</del> OCT 03 2007
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> E	
<b>For additional information contact:</b>  Jun Chang, P.E. Phone: <sup>gc</sup> (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>	
<b>Recommendation: (Summary)</b> Approve a Developer Participation Contract between the City and GARC Enterprises, Ltd., for the City to pay 70% of the cost to construct approximately 3,530 linear feet of water line, 3,710 linear feet of sanitary sewer line and 100% of the cost to construct 3,944 linear feet of storm sewer line in Southridge Crossing Section Two, and appropriate funds.			
<b>Amount &amp; Source of Funding:</b> \$380,731.00 Water & Sewer System Consolidated Construction Fund No. 8500 \$321,000.00 Homeless & Housing Consolidated Fund 4501 \$701,731.00 Total Appropriation			
<b>Specific Explanation:</b>  Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.  GARC Enterprises, Ltd., proposes to construct approximately 3,530 linear feet of water line, 3,710 linear feet of sanitary sewer line and 3,944 linear feet of storm sewer line in Southridge Crossing Section Two. The maximum amounts to be reimbursed are as follows:			
<b>Required Authorization:</b>		CUIC# 20JZC283 <span style="float: right;">NDT</span>	
<b>F &amp; A Budget:</b>  	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Andrew F. Icken, Deputy Director Planning & Development Services	

<b>Date:</b>	<b>Subject:</b> Developer Participation Contract between City of Houston and GARC Enterprises, Ltd., for the construction of water, sanitary sewer and storm sewer lines.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$84,706.81
design cost:	<u>\$15,927.75</u>
total:	\$100,634.56

Wastewater

70% of construction cost (including interest & 5% contingency):	\$235,764.69
design cost:	<u>\$44,331.75</u>
total:	\$280,096.44

Storm Sewer (Including appropriate detention)

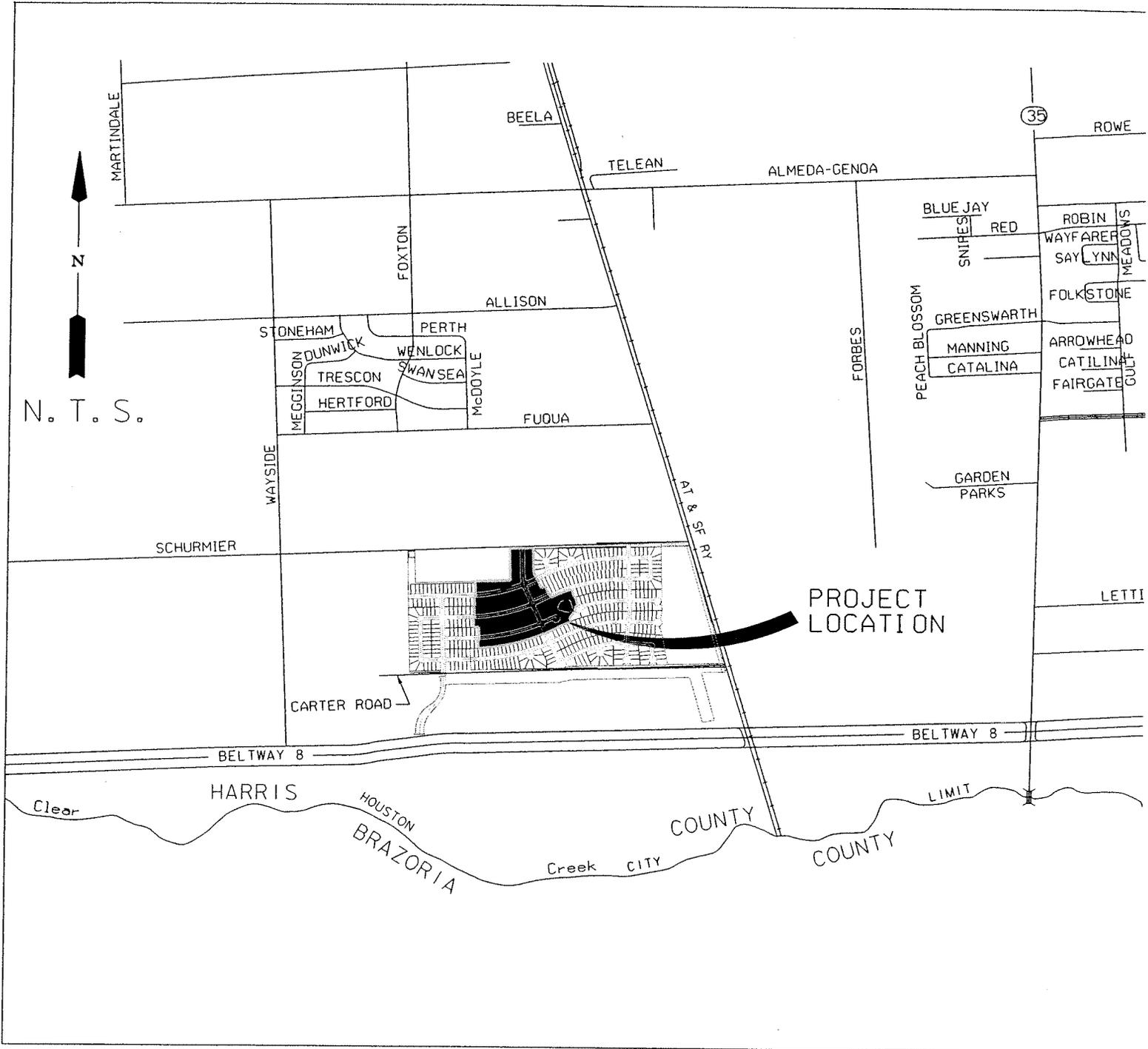
100% of construction cost (including interest & 5% contingency):	\$272,850.00
design cost:	<u>\$48,150.00</u>
total:	\$321,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky

# SOUTHRIDGE CROSSING DETENTION POND, PHASE 2



## VICINITY MAP

HARRIS COUNTY KEY MAP #574U,574Y,574V,574Z  
GIMS MAP #5551D  
ZIP CODE 77048



MOTION NO. 2007 0947

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

Item 40 - Ordinance Amending the Code of Ordinances, Houston, Texas, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability

Seconded by Council Member Johnson and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Lovell, Noriega and Green voting aye  
Council Member Edwards voting no  
Council Member Brown absent

Council Member Holm absent on personal business

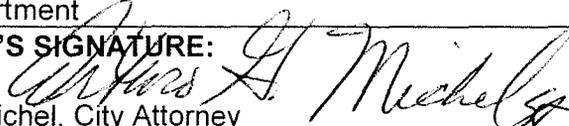
Council Member Berry absent

PASSED AND ADOPTED this 19th day of September, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 25, 2007.

City Secretary

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance amending the Code of Ordinances, Houston, Texas, relating to game rooms	<b>Category</b>	<b>Page</b>	<b>Agenda Item</b>
<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date:</b> September 6, 2007		<b>Agenda Date:</b> <del>SEP 19 2007</del> <b>SEP 12 2007</b>
<b>DIRECTOR'S SIGNATURE:</b>  Arturo G. Michel, City Attorney	<b>Council District affected:</b> <del>SEP 19 2007</del> ALL OCT 03 2007		
<b>For additional information contact:</b> Kuruvilla Oommen 713-247-2736	<b>Date and identification of prior authorizing Council action:</b>		

**RECOMMENDATION:**  
Adopt ordinance amending the Code of Ordinances relating to game rooms.

**Amount and source of funding:** N/A **F&A Budget:**

**EXPLANATION:**

The proposed ordinance amends various provisions of the current City Code relating to game rooms and adds new provisions relating to game rooms with amusement redemption machines. Amusement redemption machines are defined as game machines that provide the user with an opportunity to receive something of value other than a right of replay.

Specifically, the proposed Ordinance:

- Increases the annual license fee for game rooms from \$6.00 to \$60.00;
- Adds new provisions relating to game rooms with amusement redemption machines that:
  1. Provides unrestricted access to and authority to inspect such game rooms by law enforcement officers;
  2. Requires certain signage (four inch or larger block lettering that is legible and visible at all times);
  3. Requires doors be unlocked during business hours;
  4. Requires transparent, uncovered windows; and
- Increases the civil penalty for failure to pay the tax on a coin-operated machine from \$25 to \$250.

The Council Committee on Regulation, Development and Neighborhood Protection discussed the proposed revisions on August 20, 2007. The committee voted to recommend the revisions to City Council.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Sec. 5-172. License fee--Levied; amount.**

There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any room or place in the city for the purpose set out in section 5-171 of this Code an annual license fee of \$60.00 per annum for each separate establishment used or maintained; provided, licenses may be taken out after January of any year and shall be paid for on the basis of ~~\$0.50~~ 5.00 per month for the remaining months of the year, including the month of issuance. All moneys received hereunder shall be the property of the city.

\* \* \*

**DIVISION 3. GAME ROOMS WITH AMUSEMENT REDEMPTION MACHINES**

**Sec. 5-181. Definitions.**

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

*Amusement redemption machine* means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay.

*Game room* means a building, facility, or other place that contains one or more amusement redemption machines.

*Game room owner* means an individual who has an ownership interest in a game room.

**Sec. 5-182. Unrestricted access by law enforcement officer.**

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide any law enforcement officer, with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines located in the game room.

**Sec. 5-183. Inspection by law enforcement officer.**

(a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or operational amusement redemption machine complies with this division and state law.

**Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.**

(a) The decal issued by the tax assessor-collector to evidence payment of the tax levied herein shall be securely attached with its own adhesive to be a fixed, noninterchangeable part of the coin-operated machine so as to be easily seen by the public. This decal shall be of such a nature that the word "void" will appear if one attempts to remove it.

(b) During the period commencing on December fifteenth and ending on December thirty-first of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January first. At the same time, owners may also pay taxes and receive decals for unregistered machines, up to ten percent over the number registered. As a decal is placed on an additional machine, the owner shall notify the tax assessor-collector of each machine's make, model, and serial number, thereby registering it.

(c) If, during each calendar year, an owner desires to secure more decals than the additional ten percent which may be obtained during the period from December fifteenth through December thirty-first, such decals shall be issued upon payment of the tax applicable to the calendar quarter in which such decals are obtained.

(d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.

(e) The owner of a coin-operated machine on which the tax has not been paid or which does not have a decal thereon evidencing payment shall forfeit to the city as a penalty the sum of \$25.00 \$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division.

(b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

**Sec. 5-184. Game room sign required.**

(a) A game room owner shall mark each entrance to a game room with a sign that:

(1) States "GAME ROOM" in one and one-half four inch or larger block letters; and

(2) Is legible and visible at all times from a distance of 25 feet.

(b) Any signage required by this section shall be in conformance with the *Sign Code*.

**Sec. 5-185. Egress doors.**

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide egress doors that are readily openable from the egress side without the use of a key or special knowledge or effort during business hours, in conformance with the *Construction Code* and *Fire Code*.

**Sec. 5-186. Transparent, uncovered windows required.**

(a) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide transparent glass in each game room window.

(b) It shall be unlawful for any person to cover or tint a game room window or otherwise block or obscure the view of any amusement redemption machine through a game room window.

**Sec. 5-187. Illegal machines.**

This division shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code.

\* \* \*

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO GAME ROOMS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

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

**Section 1.** That Section 5-172 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 5-172. License fee--Levied; amount.**

There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any room or place in the city for the purpose set out in section 5-171 of this Code an annual license fee of \$60.00 per annum for each separate establishment used or maintained; provided, licenses may be taken out after January of any year and shall be paid for on the basis of \$5.00 per month for the remaining months of the year, including the month of issuance. All moneys received hereunder shall be the property of the city."

**Section 2.** That Article VI of Chapter 5 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 3 to read as follows:

**"DIVISION 3. GAME ROOMS WITH AMUSEMENT REDEMPTION MACHINES**

**Sec. 5-181. Definitions.**

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

*Amusement redemption machine* means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay.

*Game room* means a building, facility, or other place that contains one or more amusement redemption machines.

*Game room owner* means an individual who has an ownership interest in a game room.

**Sec. 5-182. Unrestricted access by law enforcement officer.**

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide any law enforcement officer, with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines located in the game room.

**Sec. 5-183. Inspection by law enforcement officer.**

(a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or amusement redemption machine complies with this division and state law.

(b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

**Sec. 5-184. Game room sign required.**

(a) A game room owner shall mark each entrance to a game room with a sign that:

- (1) States "GAME ROOM" in four inch or larger block letters; and
- (2) Is legible and visible at all times from a distance of 25 feet.

(b) Any signage required by this section shall be in conformance with the *Sign Code*.

**Sec. 5-185. Egress doors.**

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide egress doors that are readily openable from the egress side without the use of a key or special knowledge or effort during business hours, in conformance with the *Construction Code* and *Fire Code*.

**Sec. 5-186. Transparent, uncovered windows required.**

(a) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide transparent glass in each game room window.

(b) It shall be unlawful for any person to cover or tint a game room window or otherwise block or obscure the view of any amusement redemption machine through a game room window.

**Sec. 5-187. Illegal machines.**

This division shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code."

**Section 3.** That Subsection (d) of Section 44-85 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.

(e) The owner of a coin-operated machine on which the tax has not been paid shall forfeit to the city as a penalty the sum of \$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division."

**Section 4.** 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 5.** 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 ninetieth 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

Prepared by Legal Dept.

KO:asw 09/06/2007

Requested by Council Committee on Regulation, Development, and Neighborhood Protection

L.D. File No. 0080700001001

*Shirvella Danner*

Assistant City Attorney