CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY AUGUST 19, 2008 - 2:00 P.M

NON-AGENDA

2MIN 2MIN 2MIN

MS. LATONYA JUDON – Post Office Box 720809 – 77272 – 281-673-1916 – Municipal Court failing to notify of court date twice

3MIN 3MIN 3MIN

MR. TONY WILKE – 2713 Morningside – Pasadena – TX – 77506 – 713-473-0269 – Corruption in Harris County Hospital District

MS. GERRY VANDER-LYN – 4404 Pease – 77023 – 713-923-7478 – Magnolia Glen

MS. LYNDA GREENE – 1418 Preston – 77002 – 713-224-1418 – Magnolia Glen

MR. EUGENE HAMILTON – 1418 Preston, No. 614 – 77002 – 713-471-3573 – Magnolia Glen

MS. TAMARA ECHOLS – 607 Thornton – 77018 – 713-518-9269 – Magnolia Glen

MR. BILL OPPEGARD - 607 Thornton – 77018 – 713-518-9269 – Magnolia Glen

MR. JAMES TISDAL – 1418 Preston, No. 313 – 77002 – 832-285-6854 – Magnolia Glen

MR. JOHN KEATING – 1418 Preston, No. 406 – 77002 – 832-271-6851 – Magnolia Glen

MR. TOM LORD – 2329 Bluebonnet – 77030 – 713-526-9470 – Magnolia Glen

MS. PEGGY SLAY – 12866 Pelican Island Dr. – Willis – TX - 77318 – 936-856-8293 - American Gold Star Mothers Inc.

MR. LEE PERRY – 2209 Pannell – 77026 – 713-876-4571 – Environmental Safety

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

MS. BRENDA PARISH – 4307 Brook Head Trail – 77066 – 832-249-9472 – Housing Problems

MR. WILLIAM BEAL - 4718 Boicewood – 77016 – 713-633-0126 – Vincent Price: House of Wax: Gary Convention Center: Gary Indiana

MS. LAURA BLACKMON – 4065 South Braeswood, No. 265 – 77025 – 713-515-9417 – Austin High School

MR. ALLEN MCDONALD – 10923 Carlton – 77047 – 713-734-3177 – Proposal for a Sport League in Houston

Speaker List
August 19, 2008
Continued Page 2

PREVIOUS

1MIN.	1MIN.	1 MIN.

MS. MONIQUE VIATOR – 9729 Vasson Dr. – 77075 – 713-702-7469 – B. A. R. C.

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 19, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Adams

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 - AUGUST 20, 2008 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for the following:

   Randall's Center/West Bellfort site located at 8671 West Bellfort
   DISTRICTS C - CLUTTERBUCK; D - ADAMS and F - KHAN

   Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet
   DISTRICTS C - CLUTTERBUCK and F - KHAN

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 28

MISCELLANEOUS - NUMBERS 2 and 3

2. RECOMMENDATION from Director General Services Department for the designation of seven residential parking permit areas in the Super Neighborhood of the Greater Fourth Ward **DISTRICT I - RODRIGUEZ**

3. RECOMMENDATION from Director Parks & Recreation Department for approval to change the name of Cliff Tuttle Skate Park to **JOE AND THERESA PADILLA SKATE PARK** - **DISTRICT H - GARCIA**

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of $493,138.78 and acceptance of work on contract with **APACHE SERVICES, INC** for Driving Range Upgrade - Memorial Park, WBS F-000596-0001-4 - 4.90% over the original contract amount - **DISTRICT G - HOLM**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $3,203,021.63 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Old Westheimer Reconstruction; Brays Bayou to Westheimer, WBS N-000749-0001-4 - 4.05% under the original contract amount - **DISTRICT G - HOLM**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $364,376.96 and acceptance of work on contract with **E. P. BRADY, LTD**., for McCarty No. 1 Lift Station Force Main Replacement, WBS R-002011-0039-4 - 34.28% under the original contract amount - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11A

7. ORDINANCE appropriating $427,315.90 out of General Improvement Consolidated Construction Fund for Pierce Elevated Parking Lot Lighting Upgrade for the General Services Department, WBS D-000127-0001-4-01

a. **C. F. MCDONALD ELECTRIC, INC** for Pierce Elevated Parking Lot Lighting Upgrade for the General Services Department - $388,469.00 and contingencies for a total amount not to exceed $427,315.90

8. **ORACLE USA, INC** for Oracle Software License and Support Service Agreement through the City's Master Agreement with Texas Department of Information Resources for the Information Technology Department - $412,770.29 - Central Service Revolving Fund

9. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for Leased Vehicles and related items for the Houston Police Department 1 Year with 4 one-year options

a. **ENTERPRISE LEASING COMPANY OF HOUSTON** for Leased Vehicles for Police Department - 6,499,140.00 - Grant, Auto Dealers, Asset Forfeiture and Police Special Services Funds

10. **CPR SERVICES AND SUPPLIES, INC d.b.a. MDN ENTERPRISES** for Fittings and Appurtenances for Department of Public Works & Engineering - $1,577,127.00 - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

11. ORDINANCE appropriating $78,721.44 out of Solid Waste Consolidated Construction Fund and $90,000.00 out of General Improvement Consolidated Construction Fund for Purchase of Office Furniture and Equipment for the Solid Waste Management and Municipal Courts Administration Departments, WBS L-000036-0001-5, D-000113-0001-5

a. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture and Equipment through the State of Texas Building and Procurement Commission's Contract for Municipal Courts Administration Department - $90,000.00 - General Improvement Consolidated Construction Fund

ORDINANCES - NUMBERS 12 through 28

12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a water line easement (Parcels SY7-028) extending from 65th Street to 66th Street, located between Blocks 36 and 46, Central Park Subdivision, Houston, Harris County, Texas; vacating and abandoning said easement to Houston Independent School District, the abutting owner, in consideration of its payment of $15,106.00 and other consideration to the City **DISTRICT I - RODRIGUEZ**

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 38,700 square foot subsurface pipeline easement (Parcel SY8-067) within an existing CenterPoint easement, located in the Reels and Trobough League, A-59, Houston, Harris County, Texas; vacating and abandoning said easement to Magellan Pipeline Company, L.P., in consideration of its payment to the City of $5,805.00 - **DISTRICT I - RODRIGUEZ**

14. ORDINANCE annexing to the City of Houston, Texas territory located adjacent to I-10 and in the vicinity of Barker Cypress and Park Row, in Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to its corporate limits the territory included in such boundaries; containing findings and other provisions relating to the foregoing subject; adopting a service plan for certain areas adjacent to I-10 and in the vicinity of Barker Cypress and Park Row; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability **DISTRICT A - LAWRENCE**

15. ORDINANCE approving and authorizing contract between the City of Houston and John M. Fultz, Receiver for **VERGIL MARTIN D/B/A/ H&J UTILITIES** for the transfer of customers to City of Houston Retail Water Service - **DISTRICT A - LAWRENCE**

16. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 1.85 acre site located in the John Austin Survey, Abstract No. 1, Harris County, Texas, commonly known as 1200 Givens, Houston, Texas, 77007 and a portion of the Givens Street right of way, 1200 Givens, City of Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission On Environmental Quality - **DISTRICT H - GARCIA**

17. ORDINANCE approving and authorizing contract between the City and **DISABILITY MANAGEMENT ALTERNATIVES, LLC** for Third Party Administrative Services for the City's Long Term Disability Plan; approving and adopting the Long Term Disability Plan which is incorporated as an exhibit to the contract; providing a maximum contract amount - 3 Years with two one-year options - $935,000.00 - Long Term Disability Fund

18. ORDINANCE appropriating $15,878.00 out of FY08 Equipment Acquisition Fund, WBS V-1800-2008-02-05-02 and $12,647.00 out of Fleet/Equipment Internal Service Fund for the Purchase of Three NFPA Compliant Breathing Air Fill Containment Devices and One Power Stretcher for the Houston Fire Department

ORDINANCES - continued

19. ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - $514,000.00 - General Fund

20. ORDINANCE creating the Drainage Supplemental Interest and Sinking Fund ("The Fund"); establishing the sources and uses of the funds therein for City Drainage Programs; appropriating from the General Fund Fund Balance and transferring to the fund an amount based upon the City's ad valorem tax revenue for Fiscal Year 2009 for the purposes set out herein; amending Ordinance No. 2004-403 to include such funds as additional security for the City's General Obligation Commercial Paper Notes, Series F

21. ORDINANCE approving and authorizing contract between the City and **ELEVATOR REPAIR SERVICE, INC** for Maintenance and Repair Elevators and Escalators for the Convention & Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options - $6,279,295.26 - Enterprise Fund

22. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein, and awarding contract to **TIBH INDUSTRIES, INC** for Litter Removal Services for the Public Works & Engineering Department - 5 Years - $7,500,000.00 - Stormwater Fund

23. ORDINANCE authorizing the Mayor to act as the City's representative to approve and accept funding from the United States Department of Homeland Security Transportation Security Administration (TSA) in the amount of $16,440,750.00, if awarded, for the construction of a Fully Automated In-Line Explosion Detection System Baggage Handling System at George Bush Intercontinental Airport/Houston; declaring the City's eligibility for such funding; and further authorizing the Mayor to apply for and accept all subsequent awards of funding and to execute any contracts with the TSA pertaining to the receipt of grant funding from the Homeland Security Program - **DISTRICT B - JOHNSON**

24. ORDINANCE appropriating $65,850,507.00 out of Airports Improvement Fund and awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** for the Renovation of all levels of Terminal C and adjacent curbsides at George Bush Intercontinental Airport/Houston, (Project No. 490K), WBS A-000322-0007-4-01; providing funding for contingencies relating to construction of facilities financed by such funds for engineering testing services, and for the Civic Art Program - **DISTRICT B - JOHNSON**

a. ORDINANCE appropriating $4,176,190.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CONTINENTAL AIRLINES, INC** (Project No. 490Y), WBS A-000322-0008-4-01 and the partial assignment of a related construction contract with Spawglass Construction Corporation**,** after it is awarded, and Laboratory and Testing Contract No. 53725 with Paradigm Consultants, Inc for the Renovation of Terminal C - **DISTRICT B - JOHNSON**

25. ORDINANCE appropriating $409,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (approved by Ordinance No. 2006-0579) between the City of Houston and **TIMES CONSTRUCTION, INC** for the Renovation and Expansion of Fifth Ward Multi-Service Center, WBS H-000054-0001-4; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON**

26. ORDINANCE approving and authorizing an Inter-Governmental Reimbursement Agreement between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for a Septic System Removal and Abandonment Project to reduce non-point source pollution entering Lake Houston - **DISTRICT E - SULLIVAN**

ORDINANCES - continued

27. ORDINANCE appropriating $563,066.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEAN SERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation, WBS R-000266-0125-4; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

28. ORDINANCE No. 2008-702, passed second reading August 13, 2008
ORDINANCE granting to **AROUND THE CLOCK TRASH HAULING, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 29 through 31

MISCELLANEOUS

29. **SET A PUBLIC HEARING DATE** to consider amendments to Chapter 42 relating to certain replats
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 27, 2008

30. **SET A PUBLIC HEARING DATE** regarding second amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone (TIRZ) Number Five, City of Houston, Texas (Memorial Heights Zone) **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GARCIA**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 3, 2008

31. **SET A PUBLIC HEARING DATE** regarding first amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone (TIRZ) Number Eighteen, City of Houston, Texas (Fifth Ward Zone) - **DISTRICT B - JOHNSON**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 3, 2008

MATTERS HELD - NUMBERS 32 through 34

32. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director General Services Department for condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, owned by Estrellita H. Redus, Trustee of the Redus Revocable Trust - **DISTRICT I - RODRIGUEZ**
    TAGGED BY COUNCIL MEMBER RODRIGUEZ
    This was Item 11 on Agenda of August 13, 2008

33. ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to developer participation contracts; containing findings and other provisions relating to the subject; providing for severability - **TAGGED BY COUNCIL MEMBER HOLM**
    This was Item 16 on Agenda of August 13, 2008

34. ORDINANCE appropriating $12,000,000.00 out of Water & Sewer System Consolidated Construction Fund, $1,500,000.00 out of Drainage Improvement Commercial Paper Series F Fund, $2,000,000.00 out of Homeless and Housing Consolidated Fund and $2,000,000.00 out of Affordable Housing Uptown Series 2004 Fund for the City's Developer Participation Contract Program - **TAGGED BY COUNCIL MEMBER HOLM**
    This was Item 17 on Agenda of August 13, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Holm 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

AUG 2 0 2008

MOTION NO. 2008 0550

MOTION by Council Member Garcia that the recommendation of the Department of Public Works and Engineering, to reschedule the public hearing dates to consider a Municipal Setting Designation ordinance (MSD), be adopted, and the following dates for the hearings listed below are hereby approved by the City Council:

LUI Houston Studemont L.P., for the site located at 1200 Givens
Hearing Date – 9:00 AM - Wednesday, August 13, 2008;

Randall's Center/West Bellfort site located at 8671 West Bellfort
Hearing Date – 9:00 AM - Wednesday, August 20, 2008; and

Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet
Hearing Date – 9:00 AM - Wednesday, August 20, 2008.

Seconded by Council Member Khan and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell and Jones voting aye
Nays none
Council Member Green absent

Council Member Noriega out of the City on personal business

PASSED AND ADOPTED this 1st day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 7, 2008.

City Secretary

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

SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance for Randall's Center/West Bellfort Site located at 8671 West Bellfort.	Category #	Page 1 of 1	Agenda Item # 56
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 6-6-08	**Agenda Date** JUN 11 2008	
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** C,F,D		
For additional information contact: Carol A. Ellinger, P.E. Phone: (713) 837-7658 Senior Assistant Director	**Date and identification of prior authorizing Council action:** 8/22/2007 – 2007-0959		

RECOMMENDATION: (Summary)
Establish a public hearing date to consider adopting a Municipal Setting Designation ordinance (MSD) for the Randall's Center/West Bellfort Site located at 8671 West Bellfort.

Amount and Source of Funding: N/A **F&A Budget:**

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support. A concurrent public meeting is scheduled to occur at 6:30 pm on June 24, 2008 at the Marion Community Center, 11101 S. Gessner Drive. An MSD Application for the Fondren Road Plaza Ltd. Site (7042 Bissonnet) will be held concurrently.

RANDALL'S CENTER/WEST BELLFORT APPLICATION: Gary K. Ferguson and Bohica Holdings, Ltd. D'b'a Randall's Center/West Bellfort (RCWB) is seeking an MSD for 8.04-acres of land located at 8671 West Bellfort (the Site). Historic dry cleaning operations in the Bellfort Cleaners tenant space have resulted in chlorinated solvents impacts to soil and shallow groundwater. Bellfort Cleaners was entered into the TCEQ Voluntary Cleanup Program (VCP) in 2000. Response activities at the Site have included the the construction of infiltration galleries in the source area to facilitate the introduction of a chemical oxidant. Monitoring wells have been installed to delineate the dissolved phase plume. Limited groundwater sampling data exists starting in 1998. Quarterly groundwater sampling has been performed at the Site since 2006. There have been six contaminants identified in groundwater. Sampling data indicates that the area of impact appears to be stable to decreasing over time.

RCWB is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than five weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date.

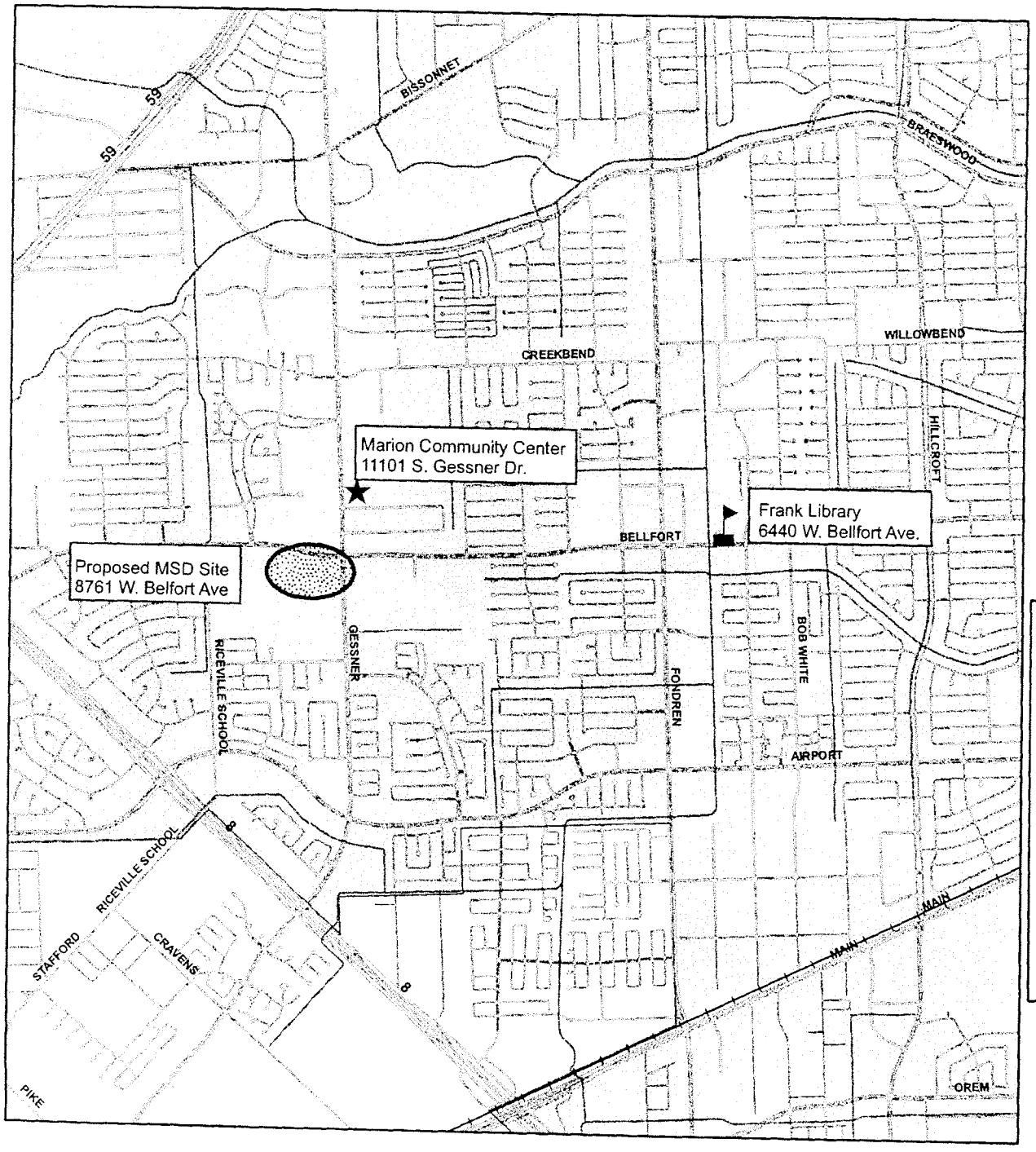
MSM:AFI:CAE
Z:\MSD\UNION PACIFIC RAILROAD\2008-01-31 RCA - PUBLIC HEARING UPRR.DOC
C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price

REQUIRED AUTHORIZATION **CUIC ID# 20CAE20**

Other Authorization:	Other Authorization:	Other Authorization:
		Andy Icken, Deputy Director Planning & Development Services Division

F&A 011.A REV. 3/94
7530-0100-403-00

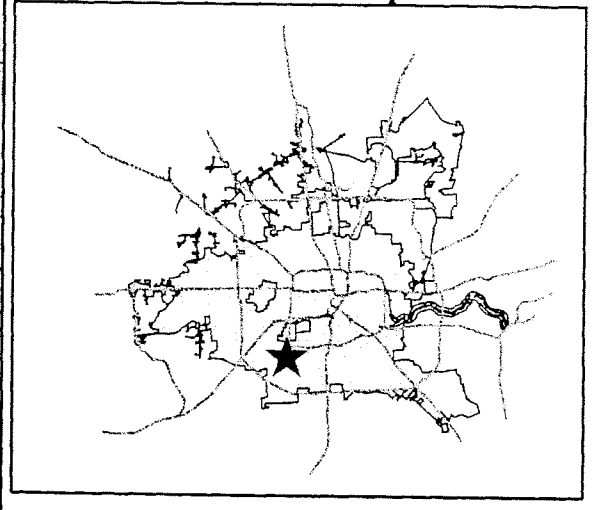
Municipal Settings Designation Application
2008-005-dba RCWB
Vicinity Map



Legend

- Waterways
- Major Roads
- Application Site Location

Locational Map



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verifications should be performed as necessary.

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

SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance Fondren Road Plaza, Ltd. for the Site located at 7042 Bissonnet.	**Category #**	**Page** 1 of 1	**Agenda Item #** ~~59~~
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 6-6-08	**Agenda Date** ~~JUN 11 2008~~	
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** F,C		
For additional information contact: Carol A. Ellinger, P.E. Phone: (713) 837-7658 Senior Assistant Director	**Date and identification of prior authorizing Council action:** 8/22/2007 – 2007-0959		

RECOMMENDATION: (Summary)
Establish a public hearing date to consider adopting a Municipal Setting Designation ordinance (MSD) for Fondren Road Plaza, Ltd. for the Site located at 7042 Bissonnet.

Amount and Source of Funding: N/A **F&A Budget:**

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support. A concurrent public meeting is scheduled to occur at 6:30 pm on June 24, 2008 at the Marion Community Center, 11101 S. Gessner Drive. An MSD Application for the Bellfort Cleaners Site (8761 West Bellfort) will be held concurrently.

FONDREN ROAD PLAZA, LTD. APPLICATION: Fondren Road Plaza, Ltd. (FRP) is seeking an MSD for 7.57-acres of land located at 7042 Bissonnet Street (the Site). Historic dry cleaning operations in the Dry Clean, Etc. tenant space have resulted in chlorinated solvents impacts to soil and shallow groundwater. Dry Clean, Etc. was entered into the TCEQ Voluntary Cleanup Program (VCP) in 2001. Response activities at the Site have included the removal of soil impacted with volatile organic compounds (VOCs) and the construction of infiltration galleries beneath the onsite dry cleaner tenant space. Monitoring wells have been installed to delineate the dissolved phase plume. Limited groundwater sampling data exists starting in 2000. Quarterly groundwater sampling has been performed at the Site since 2006. There have been six contaminants identified in groundwater. Sampling data indicates that the area of impact appears to be stable to decreasing over time.

FRP is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than five weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date.

MSM:AFI:CAE
Z:\MSD\UNION PACIFIC RAILROAD\2008-01-31 RCA - PUBLIC HEARING UPRR.DOC
C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price

REQUIRED AUTHORIZATION **CUIC ID# 20CAE19**

Other Authorization:	**Other Authorization:**	~~**Other Authorization:**~~ Andy Icken, Deputy Director Planning & Development Services Division

F&A 011.A REV. 3/94
7530-010O403-00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Designation of residential parking permit areas in the Super Neighborhood of the Greater Fourth Ward	**Page** 1 of 4	**Agenda Item** 21
FROM: (Department or other point of origin): General Services Department	**Origination Date** 8/14/08	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 8/11/08	**Council District affected:** I	
For additional information contact: Liliana Rambo Phone: 713.853.8193 Jacquelyn L. Nisby Phone: 832-393-8023	**Date and identification of prior authorizing Council Action:** Ordinance 2001-0759; August 14, 2001	

RECOMMENDATION: Adopt a motion authorizing the designation of a residential parking permit area in the Super Neighborhood of the Greater Fourth Ward.

Amount and Source of Funding: Not Applicable

Finance Budget:

SPECIFIC EXPLANATION: Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 78 permit areas have been designated.

The General Services Department, Parking Management Division, recommends that the following seven proposed areas be designated residential parking permit areas, where on-street parking at the times of day and days of the week specified in the attachment will require a valid permit. The General Services Department Parking Management Division, and the Department of Public Works and Engineering, Traffic Engineering Branch reviewed the applications. The required public hearing was held on July 15, 2008 and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the following proposed areas are attached.

- 700 – 900 block of Ruthven, north side only
- 700 – 900 block of Andrews, south side only
- 800 – 900 block of Robin, north side only
- 800 – 900 block of Saulnier, south side only
- 1100-1300 block of Buckner, west side only
- 1100 – 1300 block of Arthur, east side only
- 1100 – 1300 block of Crosby, west side only

The designation will be effective 60 days after passage of the Motion, during which time the City will notify residents of on-street parking regulations, post signs and review resident vehicle parking permit applications. Parking Management will issue permits within the permit areas and, after 60 days, enforce the posted parking regulations.

The attached maps indicate the proposed locations and previously approved areas in the vicinity, if any.

IZD:LR:JLN:MC:mc

c: Marty Stein, Jacquelyn L. Nisby, Richard Smith, Arturo Michel,

REQUIRED AUTHORIZATION CUIC ID #25MLI001

General Services Department:	**Other Authorization:**	**Other Authorization:**
Liliana Rambo Liliana Rambo, Assistant Director Parking Management Division		

Designation of Residential Parking Permit Areas: Findings

Application 030608-60-128

Permit Area and Restrictions Proposed by Applicant:

Proposed restrictions from 9 a.m. to 5 p.m. on Monday through Friday for the following blocks:

- 700 – 900 block of Ruthven, north side only
- 700 – 900 block of Andrews, south side only
- 800 – 900 block of Robin, north side only
- 800 – 900 block of Saulnier, south side only
- 1100-1300 block of Buckner, west side only
- 1100 – 1300 block of Arthur, east side only
- 1100 – 1300 block of Crosby, west side only

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the July 15, 2008 hearing leads the Parking Official to find:

- A parking problem exists between the hours of 9 a.m. and 5 p.m., Monday through Friday.
- More than 60 percent of the 141 available parking spots were occupied. More than 25 percent of cars parked curbside were commuter vehicles generated by commuters from downtown.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 59 percent of residents (out of 195 households affected) signing the petition in favor of the permit area.
- No oral testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 5 p.m., Monday through Friday.

Residential Parking Permit Areas

Legend

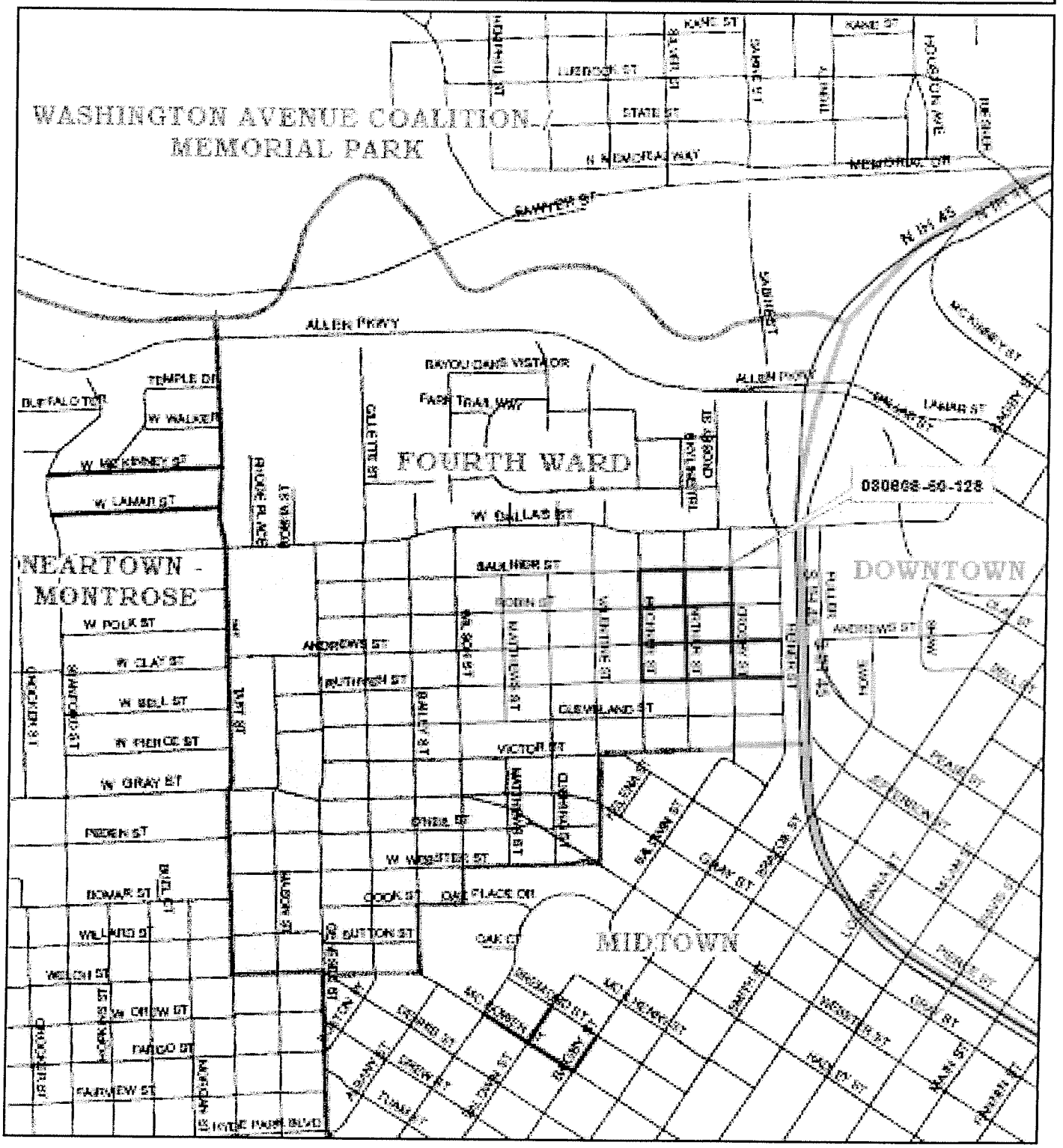
FOURTH WARD(SN460)

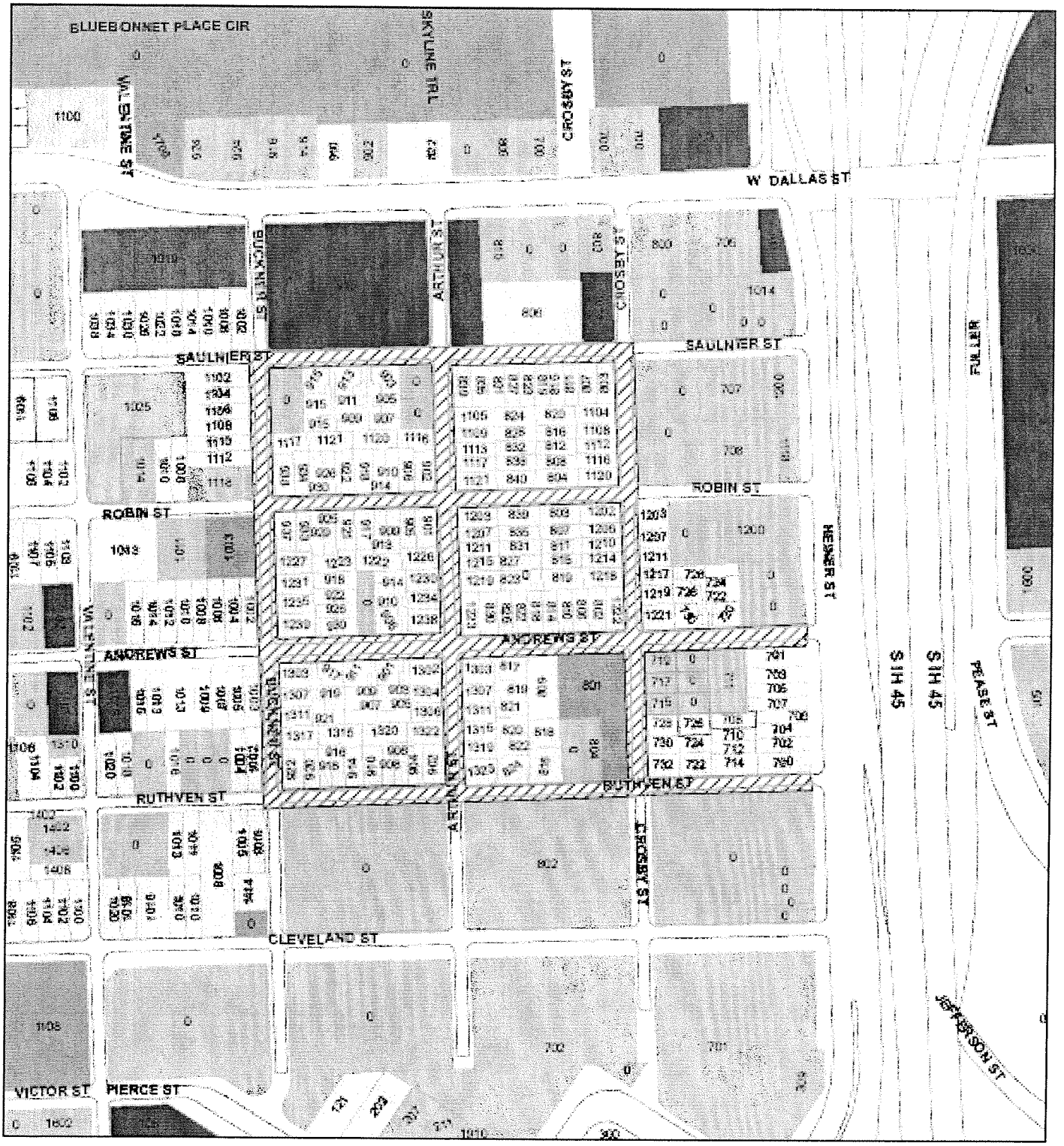
Existing Areas

Proposed Areas

030608-60-128: CROSBY ST SQUARE

Planning & Development Department
GIS Services Division
Map Date: July 2008





Proposed Residential Parking Permit Area

Application: 030608-60-128

CROSBY ST SQUARE (77019)

City of Houston
Planning & Development Department
GIS Services Division
Map Date: May 2008

0 100 200 400 Feet

Disclaimer:

Legend
Proposed
Land Use:
Single-Family
Multi-Family
Commercial
Office
Industrial
Public & Institutional
Transportation & Utilities
Parks & Open Areas
Undeveloped
Agricultural Production
Unknown

8/8/2008

Page 4 of 4

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Renaming Cliff Tuttle Skate Park to Joe and Theresa Padilla Skate Park	Category #	Page 1 of 1	Agenda Item 3

FROM (Department or other point of origin): Houston Parks and Recreation Department	**Origination Date:** August 12, 2008	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Joe Turner, Director	**Council District(s) affected:** H	
For additional information contact: Dan Pederson, 713-865-4507	**Date and Identification of prior authorizing Council Action:** N/A	

RECOMMENDATION: (Summary):
Approve a motion to change the name of Cliff Tuttle Skate Park to Joe and Theresa Padilla Skate Park

Amount of Funding: No Funding Required	**F&A Budget:**

SPECIFIC EXPLANATION:

City Council is asked to approve a motion to rename Cliff Tuttle Skate Park as 'Joe and Theresa Padilla Skate Park.' The park was acquired by the City of Houston in 1941, and the skate park was completed in January 2008. Cliff Tuttle Park is a 3.40 acre park located at 6200 Lyons (Key Map 494H).

The Houston Parks and Recreation Department (HPARD) Policy for Naming and Renaming of Park Property guides HPARD in this process. Denver Harbor citizens and La Roca Church initiated the request. It complies with the criteria and approval process set out in HPARD's Renaming Policy. The seven-member Naming Committee unanimously supported the name change. In addition, a Public Notice sign was installed in the park on July 3, 2008. During the 45-day public comment period concluding on August 11, 2008, HPARD received no opposing remarks. The final step requires that Council approve the name change.

Both Joe and Theresa Padilla have been life long community advocates for the Denver Harbor neighborhood. Joe and Theresa have partnered with multiple organizations on revitalization projects and other initiatives to improve the quality of life for area residents. One such project they helped shepherd was the construction of the Cliff Tuttle Skate Park that now provides a safe recreational outlet for youth.

Attachment: HPARD Naming and Renaming Policy

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:

TITLE POLICY FOR NAMING OF PARK PROPERTY	POLICY NUMBER 1010.4

1. **Summary:** The purpose of this policy is to establish a uniform procedure for the naming or renaming of park property.

2. **Scope:** The Park Naming Committee of the Houston Parks and Recreation Department (HPARD) has the authority to review proposals from community organizations to name new parks, buildings and other facilities, or when appropriate, to review proposals from community organizations to change the names of existing parks, buildings and facilities within the Department's inventory. If there is a deed restriction or the given name is of special historical or geographical significance, the property is not eligible for renaming. The Park Naming Committee will forward proposals meeting the criteria outlined below to Houston City Council and Mayor for approval. The Park Naming Committee is composed of the following members:

- Director, Houston Parks and Recreation Department
- Chairman, Houston City Council Neighborhood Protection and Quality of Life Committee
- Executive Director, Houston Parks Board, Inc.
- President, Houston Parks Board, Inc.
- Executive Director, The Park People
- President, The Park People
- One Park Advisory Council President selected from all PACs and rotated annually *(not eligible to vote on a park renaming if affiliated with the site that is being considered)*
- The Council Member representing the District where the park is located
- A representative from the Super neighborhood where the park is located.

This policy does not apply to park facilities of fair market value less than $50,000. Those facilities of fair market value less than $50,000 are named at the discretion of the HPARD Director.

3. **General Criteria**

The criteria set forth herein shall have no bearing on the present names of parks and recreation facilities.

a. Park property may be named after streets, geographical locations, historical figures, events, concepts, or local, state or national leaders. Park property may also be named for an individual or group where major donations of land, funds or other exceptional contributions toward the development, maintenance and/or operation of a park or facility have been made by the nominated individual or group.

(1) Exceptional contributions include the following:

(a) The park site or facility is donated; or

(b) An amount of money equal to the fair market value of the land or facility is donated, or

(c) An amount of money that would provide for 50% or more of the cost to develop the park or facility is donated, or

(d) Total donations made over a period of time equal the percentage values required in (a), (b), and (c) above. Only one park site and one facility shall be named for any individual or group or;

(e) Direct, significant, and lifelong services for the betterment of the community and the park system, e.g.:

(i) Sustained, continuous public services over a period of 25 years or two-thirds of the person's life span.

(ii) Programs and projects must be described in very specific, quantifiable terms, e.g. dates, places, times, people, amounts, costs, etc.

(iii) Impact statements must show how services rendered directly impacted the lives of over 50,000 citizens, e.g. (a) a healthy start in life, (b) learning marketable skills, (c) enhanced relationships, (d) decreasing gang violence, (e) building stronger schools, homes and churches, (f) protecting the environment, (g) reducing crime, (h) providing a safe place with structured activities during after school and non-school hours, and (i) contributions to the arts.

(iv) Must have established a positive relationship and rapport with the community at large and HPARD.

(f) Consideration may be given to an individual or group who has brought national or international prominence and historical significance to the City as a result of a major accomplishment or achievement.

(g) Consideration will also be given to an individual or group who donated funds to operate and maintain the park or facility for a period of 20 years or more.

(2) A park, recreation center, or other park facility shall not be named after or in honor of any individual, unless such individual has attained 70 years of age or has been deceased at least 18 months, or such naming is a condition of a gift or grant accepted by the City.

(3) In the case of parks where only geographic, conceptual or other generic names exist or have been proposed, and when such names are not of special historical or geographical significance to the neighborhood; nominations may be made to name a park or park facility for a local or community leader:

(a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday); or

(b) Who has made exceptional contributions to the Houston park system and/or the community as defined in (1) (e).

(4) Nominations may be made to name neighborhood, community or regional parks for an individual who is a known state or national leader:

(a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday) or,

(b) Who has made exceptional contributions to the Houston park system and/or community as defined in number (1) (e).

(c) The request represents a consensus of the neighborhood as addressed in section 4 of the Procedure for Naming or Renaming Park Property.

(5) When park property is named for an individual, this action in no way gives the individual or family members naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named. This matter will be clearly outlined in the written agreement at the time of the naming.

(6) Nominations will be accepted and considered only when received from community-based organizations which have been in existence a minimum of three years, e.g. advisory councils, neighborhood associations, youth service agencies, churches, etc. The nominating organization will be required to provide information about its history. A formal vote of the organization's executive board must be taken, and the honoree or family of the honoree must agree with the proposed recognition.

(7) Nominations will not be accepted from any individual person including elected officials. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).

(8) The sponsoring group shall make a commitment to assist HPARD three to six months in advance of the official name change dedication ceremony, in the following manner:

(a) If contributing funds, the funds will cover all costs by HPARD to implement the name changing; e.g. fabrication and installation of signs or additional enhancements to the facility, or,

(b) If providing volunteer services, the services will be provided to demonstrate commitment to the park system, e.g. installation and maintenance of landscaping or on-going maintenance.

(c) There must be a written agreement outlining the terms of the name change as identified by HPARD. Staff will monitor the hours and specific improvements prior to the name change.

(9) Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).

(10) The Department will not consider a naming or renaming request if any of the following conditions are present:

(a) Duplicates the name of another park or park feature;

(b) Endorses or advocates religion or a specific religious belief;

(c) Has obscene connotations; or

(d) Demeans, intimidates or maliciously portrays any racial and ethnic group;

(e) The individual for whom the park or park feature is proposed to be named has been found guilty of a felony crime.

(11) Policy Exception: Special facilities managed by contracts or supported by other entities are exempt from this policy upon request, in writing, to the Director of the Houston Park and Recreation Department. Those facilities may establish specific guidelines for naming and renaming using this policy as their framework. The guidelines must be approved by the Park Naming Committee.

(12) When new park property is proposed, acquired or constructed, the property may be given a temporary, unofficial name until a formal petition is submitted by a community based group on the basis of the criteria and procedures outlined in this policy. The temporary name will be designated by HPARD for the purpose of administration and accounting.

4. Procedure for Naming or Renaming Park Property

a. Citizens desiring to request a name change must contact the Director of the Houston Parks and Recreation Department in writing to request a copy of this policy and to request research on the history of the name of the property, e.g. historical data such as minutes documenting the official or initial naming, deed restrictions, historical designations, etc.

b. If there are no restrictions on the park to prohibit a name change and the requestor determines that the proposed name change meets the criteria outlined in this policy, a written, community-based request shall be submitted to the Director, Houston Parks and Recreation Department, 2999 S. Wayside Dr., Houston, Texas 77023 or its then current address. The request should include the following information:

(1) State the reasons for the proposed name change;

(2) Show community support for the proposed name change;

(3) The number of signatures required as follows unless population density is less than the number stated. Signatures must include the name, age (must be 18 or older), address, zip code and telephone number of each signer as proof of residency.

(a) Neighborhood and pocket parks will require 300 signatures with zip codes within a 2-mile radius of the park;

(b) Community parks will require 600 signatures with zip codes;

(c) Regional, Metro and Linear parks will require 1,000 signatures with zip codes.

c. The Director and/or designated staff will review the petition in accordance with the nomination criteria as set forth in this policy. If the petition does not meet the policy criteria, the matter will be referred back to the nominator stating the reason for the rejection.

d. If the name change request meets the criteria as outlined in this document, the Director will arrange a meeting, teleconference or electronic mail notification with the Park Naming Committee to vote on the acceptance or rejection of the new name. A two-thirds affirmative vote of the full committee is required to proceed with approval of the naming.

e. If the Park Naming Committee approves the name change, **the nominator is responsible for the cost of producing and installing a sign** to solicit public comment from property owners and residents in the area. The sign(s) will remain in place for a minimum of 45 days or longer if HPARD deems it necessary. The sign will solicit comments, written and/or verbal, relative to the proposed name change through the posting of the HPARD mailing address and a phone number.

f. At the end of the 45-day period, staff will collect all information received from property owners and residents in the area. The Naming Committee will evaluate public comments received by HPARD and make a recommendation to the Director for or against the name change.

g. If the Park Naming Committee determines that public comments indicate property owners and residents in the area approve the name change, the Director of the Houston Parks and Recreation Department will request final approval from the Mayor and City Council via Request for Council Action (RCA). The RCA will include pertinent background information on the park or facility. HPARD staff will notify the requestor in writing of the final outcome of Council action.

5. Maintenance Responsibility: The Office of Development of the Director's Office of the Houston Parks and Recreation Department is responsible for maintaining this policy.

6. Policy Review Cycle: This policy shall be reviewed not less than biennially.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Apache Services, Inc. Driving Range Upgrade - Memorial Park WBS No. F-000596-0001-4	**Page** 1 of 1	**Agenda Item** 4
FROM (Department or other point of origin): General Services Department	**Origination** 08/13/08	**Agenda Date** AUG 20 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P. E.	**Council District affected:** G	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing:** **Council action:** Ordinance No. 2006-582; dated 06/07/2006	

RECOMMENDATION: Pass a motion approving the final contract amount of $493,138.78, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required **Previous Funding:** **$497,131.25** Parks Capital Fund (465)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of $493,138.78 or 4.90% over the original contract amount, accept the work and authorize final payment to Apache Services, Inc. for construction services in connection with the Driving Range Upgrade - Memorial Park for the Parks and Recreation Department.

PROJECT LOCATION: 6001 Memorial Loop Drive (Key Map 492F)

PROJECT DESCRIPTION: The scope of work consisted of new overhead sports lighting and shade canopies for driving range participants.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time, plus an additional 227 days approved by Change Orders. The final cost of the project, including Change Orders is $493,138.78, an increase of $23,013.78 over the original contract amount.

The project design consultant was Robert R. McKinney, AIA.

PREVIOUS CHANGE ORDERS: Change Orders 1 -5 granted non-compensable time extensions due to inclement weather and delay in delivery of shade structure; added new flagstone paving and split cedar rail fencing in lieu of electrical enclosure fence; changed the single headed light fixtures from double headed light fixtures and relocated electrical lines.

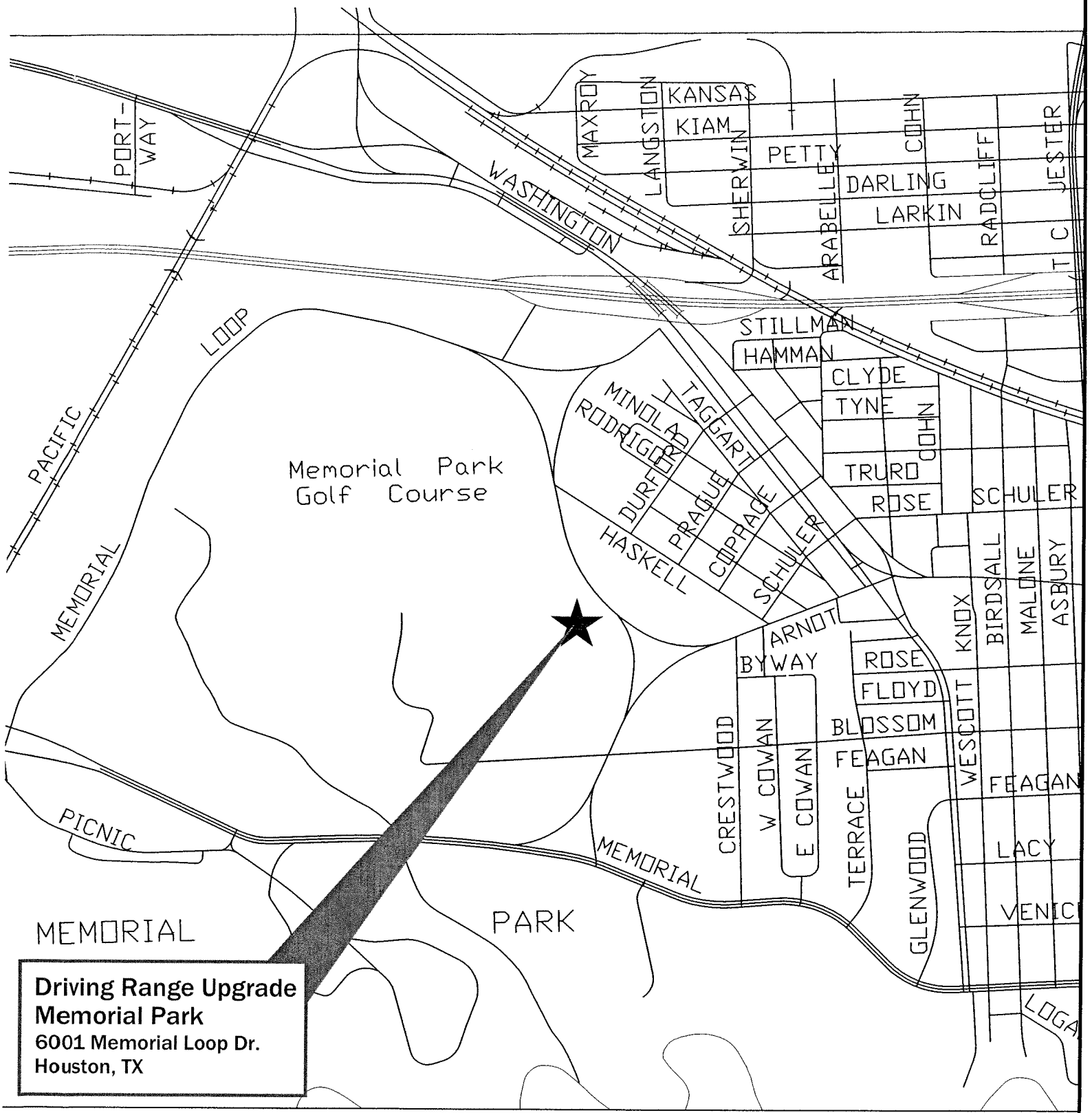
IZD:HB:JLN:LJ:CFP:de

cc: Marty Stein, Mark Ross, Jacquelyn L. Nisby, Velma Laws, Webb Mitchell, Project File 1108

NDT

REQUIRED AUTHORIZATION CUIC ID# 25PARK44

General Services Department:	**Parks and Recreation Department:**
Humberto Bautista Chief of Design & Construction Division	Joe Turner Director



Driving Range Upgrade
Memorial Park
6001 Memorial Loop Dr. Houston, TX

COUNCIL DISTRICT "G"

KEYMAP No. 492F

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

SUBJECT: Accept Work for Old Westheimer Reconstruction: Brays Bayou to Westheimer, WBS No. N-000749-0001-4.	**Page 1 of 1**	**Agenda Item #** 5
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/15/08	**Agenda Date** AUG 20 2008
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE	**Council District affected:** G	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director **Phone:** (713) 837-7074	**Date and identification of prior authorizing Council action:** Ord. #2004- 144 dated 02/25/2004	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $3,203,021.63 or 4.05% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required, Total Original appropriation of $4,224,886.81 with $3,000,000.00 from the Series E Commercial Paper Metro Projects Fund No. 49M and $1,033,547.22 from the Street and Bridge Consolidated Construction Fund No 437 and $191,339.59 from Water and Sewer System Consolidated Construction Fund No. 755.	**Finance Department**

DESCRIPTION/SCOPE: This street was a two lane asphalt roadway with open ditches. The street had deteriorated to the point beyond normal street maintenance capabilities and required reconstruction. The new roadway is now a concrete, curb and gutter boulevard section with two 12-foot lanes in each direction separated by a variable width median and includes underground storm sewer and utilities. Sparks-Barlow-Barnett, Inc. designed the project with 320 days allowed for construction. The project was awarded to South Coast Construction, Inc. with an original Contract Amount of $3,338,140.18.

LOCATION: The project was located in Key Map Grid 489S and W and 529A.

CONTRACT COMPLETION AND COST: The Contractor, South Coast Construction, Inc., has completed the Work under the subject Contract. The project was completed beyond the established completion date with 159 additional days approved by Change Order No. 2. Fifty Three days of Liquidated Damages at $1,200.00 per day are reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos.1, 2 and 3, is $3,203,021.63, a decrease of $135,118.55 or 4.05% under the original Contract Amount.

The decreased cost is primarily a result of the difference between planned and measured quantities. This decrease is primarily due to underrun in Bid Item No. 4 – Install Low Profile Concrete Barrier, Bid Item No. 5 – Move Low Profile Concrete Barriers, Bid Item No. 25 – Remove and Dispose of storm sewer inlets, Bid Item No. 36 – Asphaltic Concrete base course for detour pavement 7" thick, Bid Item No. 37 – Type D Asphalt Concrete Pavement surface course for detour pavement 1-1/2 – inch, Bid Item No. 76 – Junction Box, Type I, Bid Item No. 85 – Extra Depth Type B-B, and Extra Unit Price Items, which were not necessary to complete the work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 16.19%. Contractor's M/WBE performance evaluation was rated satisfactory.

MSM:JTL:JAK:JW:ha

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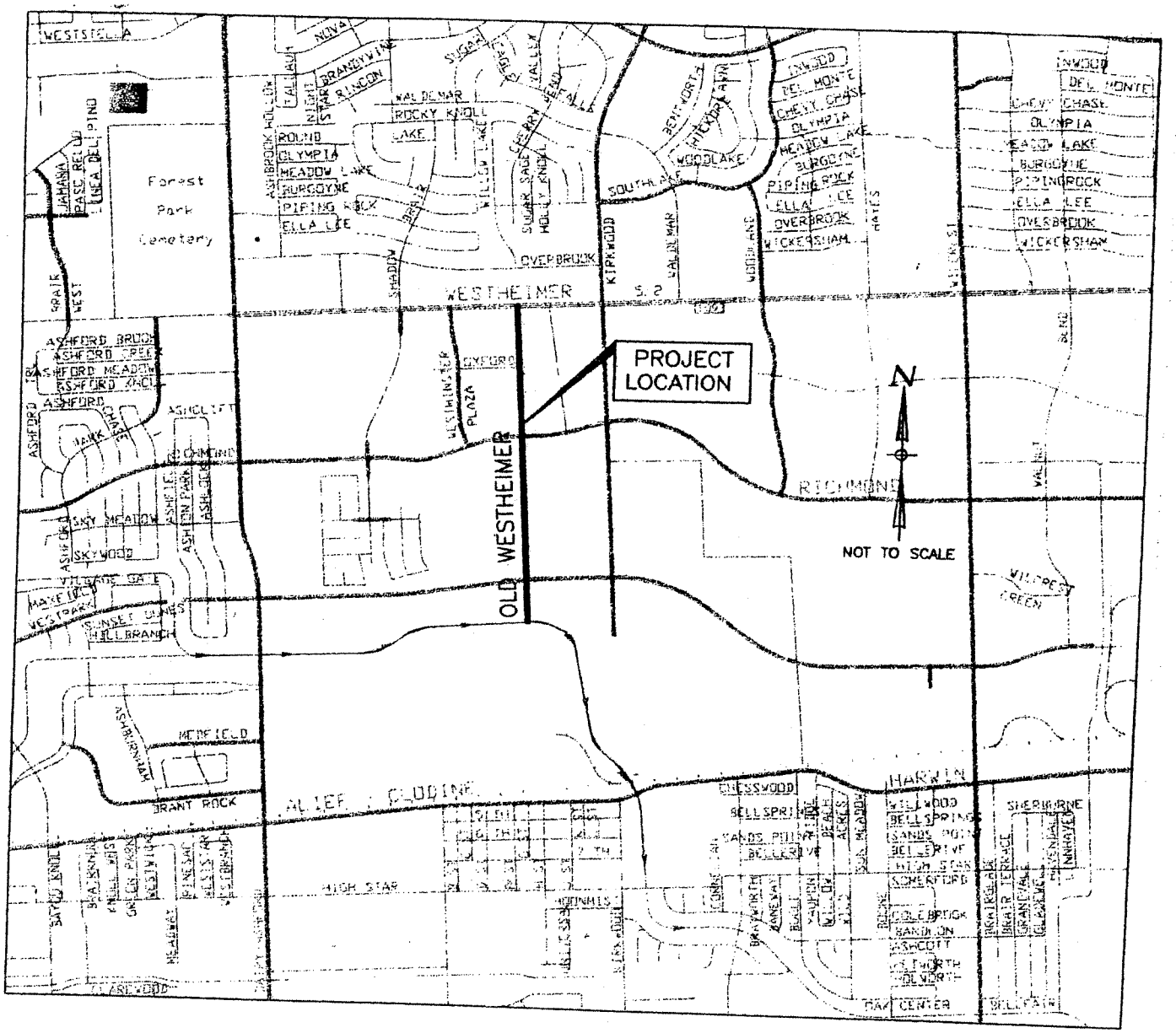
cc: Michael Ho, P.E. Marty Stein Velma Laws Craig Foster Waynette Chan File No. SB9075/21.0

REQUIRED AUTHORIZATION **CUIC ID# 20HA29**

Finance Department	**Other Authorization:**	**Other Authorization:**



VICINITY MAP

KEY MAP NO 489S, 489W, 529A

GIMS MAP NO 4855B, 4855D, 4856D

COUNCIL DISTRICT G

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

SUBJECT: Accept Work for McCarty No. 1 Lift Station Force Main Replacement. WBS No. R-002011-0039-4	**Page** 1 of 1	**Agenda Item#** 6
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/15/08	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director	**Council Districts affected:** B S.A.	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director **Phone:** (713) 837-7074	**Date and Identification of prior authorizing Council Action:** Ord. #2006-286 dated 03/29/06	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $364,376.96 which is 34.28% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Original appropriation of $635,500.00 from Water and Sewer Consolidated Construction Fund No. 755.	**Finance Department:**

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's ongoing program to replace and upgrade its neighborhood sewer systems.

DESCRIPTION/SCOPE: This project consisted of installation of 2,574 linear feet of 10-inch force main and 112 linear feet of 18-inch sanitary sewer lines. Binkley and Barfield, Inc. designed the project with 250 calendar days allowed for construction. The project was awarded to E.P. Brady, Ltd. with an original Contract Amount of $554,434.25.

LOCATION: The project area is generally bound by Wallisville Rd. on the north, I-10 on the south, Gellhorn St. on the east and N. Wayside St. on the west. The project is located in the Key Map Grids 495-B & F.

CONTRACT COMPLETION AND COST: The Contractor, E.P. Brady, Ltd. has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is $364,376.96, a decrease of $190,057.29 or 34.28% under the original Contract Amount.

The Cost underrun is primarily a result of the Contractor terminating the project at 65.72% completion. An 18-inch gravity sewer line was designed to be under 10-inch thick concrete per TxDOT specifications, however there is no line item for removal or replacement of this concrete in the contract. The line item was omitted by the design engineer. A cost proposal from the Contractor for this work was 140% above the engineer's estimate. The City rejected the Contractor's proposal and the contract was terminated. The remainder of the project will be completed by an existing on-call contract with Underground Technologies, Inc.

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

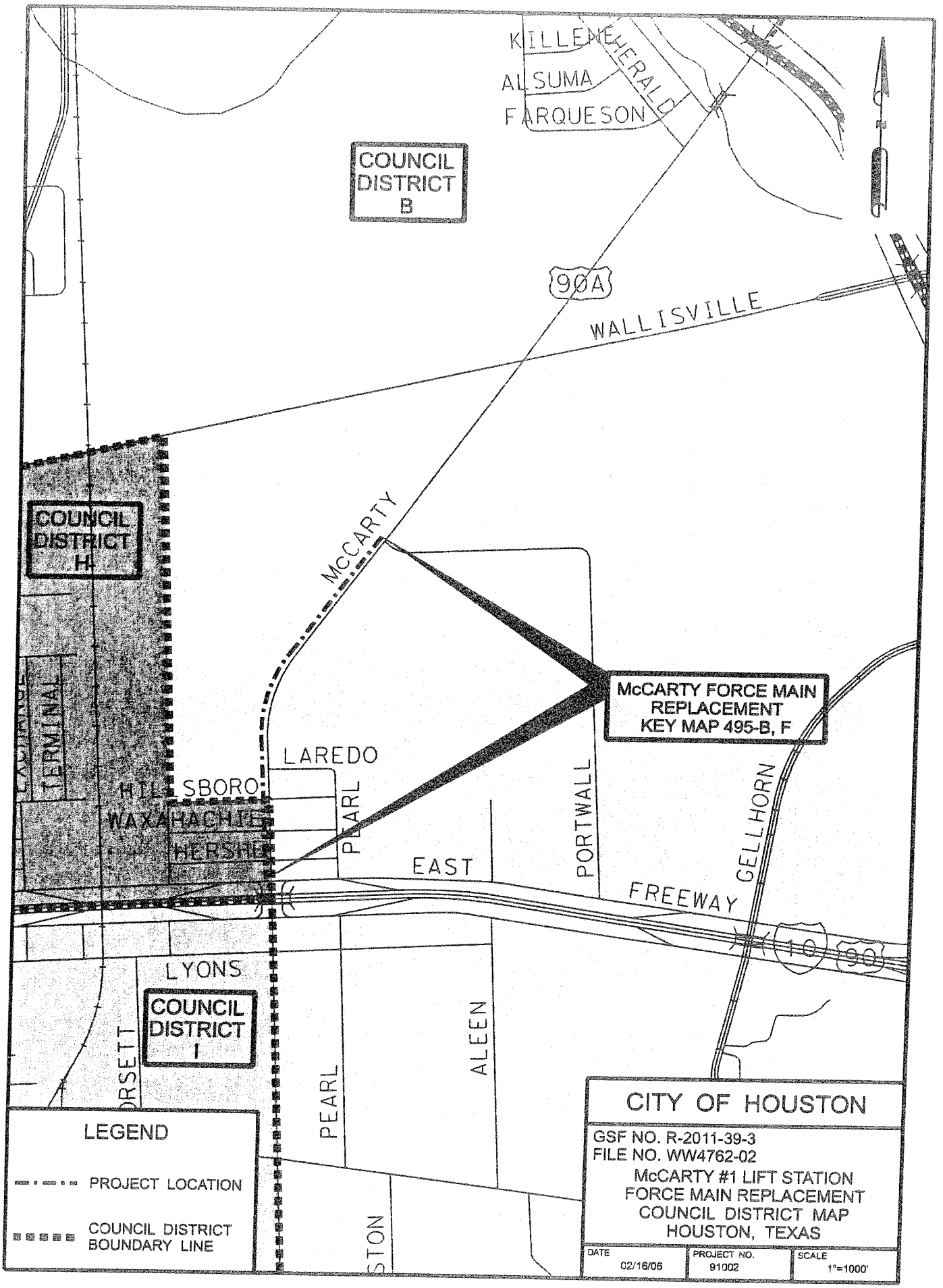
MSM:JTL:JLS:SA:mq

S:\E&C Construction\East Sector\PROJECTS\R-002011-0039-4 McCarty\Closeout\RCA\rca-rev3.doc

c: Velma Laws Craig Foster Michael Ho, P.E. File No. R-002011-0039-4 - Closeout

REQUIRED AUTHORIZATION **CUIC ID# 20MZQ052**

F&A Director:	**Other Authorization:** Jeff Taylor, Deputy Director Public Utilities Division	**Other Authorization:**



McCarty Council District Map.dgn 04/18/2006 03:06:56 PM

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7968

Subject: Formal Bids Received for Pierce Elevated Parking Lot Lighting Upgrade for the General Services Department S30-C22805	Category # 1 & 4	Page 1 of 1	Agenda Item 7+7A

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	June 13, 2008	AUG 2 0 2008

DIRECTOR'S SIGNATURE Calvin D Wells

Council District(s) affected
I

For additional information contact:
Jacquelyn L. Nisby **Phone:** (832) 393-8023
Ray DuRousseau **Phone:** (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance authorizing the appropriation of $427,315.90 out of the General Improvements Consolidated Construction Fund (Fund 4509) and approve an award to C.F. McDonald Electric, Inc. on its low bid in the amount of $388,469.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of $38,846.90 for a total amount not to exceed $427,315.90 for Pierce Elevated parking lot lighting upgrade for the General Services Department.

Award Amount: $427,315.90 **Finance Budget**

$427,315.90 - General Improvements Consolidated Construction Fund (4509) WBS # D-000127-0001-4-01

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of $427,315.90 out of the General Improvements Consolidated Construction Fund (Fund 4509). It is further recommended that City Council approve an award to C.F. McDonald Electric, Inc. on its low bid in the amount of $388,469.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of $38,846.90 for a total amount not to exceed $427,315.90 to provide lighting upgrades to the Pierce Elevated parking lots located from 700 to 1600 Pierce Street. Currently, the lighting is inadequate for security and the public safety for the patrons and surrounding businesses.

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

	Company	Total Amount
1.	**C.F. McDonald Electric, Inc.**	**$388,469.00**
2.	Amtech Lighting Services	$499,907.00
3.	Boyer, Inc.	$588,000.00
4.	Carrera Construction, Inc.	$656,813.00

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of C.F. McDonald Electric, Inc. to discuss the scope of work for this project. C.F. McDonald Electric, 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 construction contractor to provide all labor, materials, equipment, permits, supervision and transportation necessary to remove and dispose of the existing fixtures; install new electrical conduit, brackets, new fixtures and photocell/timers. Materials and workmanship for this project are warranted for one year and will have a life expectancy of 15 years. The contractor will have 120 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Richard Morris

REQUIRED AUTHORIZATION NOT

Finance Department:	Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8001

Subject: Purchase of an Oracle Software License and Support Service Agreement through the City's Master Agreement with DIR (Contract No. C56844)	Category # 4 & 5	Page 1 of 1	Agenda Item 8

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	August 06, 2008	AUG 2 0 2008
DIRECTOR'S SIGNATURE Calvin D Wells	**Council District(s) affected** All	
For additional information contact: Earl M. Lambert **Phone:** (832) 393-0038 Douglas Moore **Phone:** (832) 393-8724	**Date and Identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approve the purchase of an Oracle software license and support service agreement in the total amount of $412,770.29 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Award Amount - $412,770.29	**Finance Budget**
$412,770.29 - Central Service Revolving Fund (1002)	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of an Oracle software license and support service agreement in the total amount of $412,770.29 through the City's Master Agreement with DIR for the Information Technology Department (IT), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Oracle USA, Inc.

Oracle USA, Inc. is the developer, copyright owner and sole source provider of the software support service agreement.

The Oracle software license and support service agreement will cover a 12-month period beginning upon approval by City Council, and will allow IT personnel to keep up with software updates and upgrades, as well as obtain required software support.

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

- Program updates, fixes, security alerts, and critical patches
- Assistance with service requests 24/7
- Upgrade of scripts, and certification with new third-party products/versions
- General maintenance releases, selected functionality releases, and documentation releases
- Non-technical customer service during normal business hours

Buyer: Murdock Smith

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an Ordinance Authorizing the Execution on an Interlocal Agreement for Leased Vehicles and Related Items for the Houston Police Department	Category # 4	Page 1 of 1	Agenda Item # 9+9A

FROM (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department	Origination Date August 11, 2008	Agenda Date AUG 2 0 2008
DIRECTOR'S SIGNATURE:	Council District affected: All	
For additional information contact: Kirk Munden, Asst. Chief Phone: 713-308-1890 Approved by: Joseph A. Fenninger, CFO & Deputy Director Phone: 713-308-1708 8/14/08	Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)
Approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and Harris County to allow City of Houston participation in Harris County's contract with Enterprise Leasing Company of Houston for leasing vehicles and related items from Enterprise Leasing Company of Houston up to $6,499,140.00 for leasing vehicles and related items for the Houston Police Department.

Amount and Source of Funding: FY09 $1,299,828.00 – Out Years $5,199,312.00	Finance Budget:
Fund: 2200 – FY09 $143,088.00 – Out Years $572,352.00	
Fund: 5010 – FY09 $133,572.00 – Out Years $534,288.00	
Fund: 5000 – FY09 $777,252.00 – Out Years $3,109,008.00	
Fund: 2201 – FY09 $39,024.00 – Out Years $156,096.00	
Fund: 2202 – FY09 $132,672.00 – Out Years $530,688.00	
Fund: 2203 – FY09 $74,220.00 – Out Years $296,880.00	
Grant, Auto Dealers, Asset Forfeiture and Police Special Services Funds	

SPECIFIC EXPLANATION:
The Chief of Police recommends that City Council approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and Harris County to allow City of Houston participation in Harris County's contract with Enterprise Leasing Company of Houston in an amount not to exceed $6,499,140.00. This amount is based upon projected usage provided by the department, for the leasing of vehicles for the Houston Police Department for a one-year contract, with four one-year options to renew, for a five-year term for leasing vehicles and related items for the Houston Police Department.

The scope of work requires the contractor to provide a large selection of vehicles of various colors, sizes and models. The vehicles must be no more than two years old and have no more than 20,000 miles on the odometer at the time of the lease. The contractor will be required to fully maintain the vehicles, including oil changes, tune-ups, tires or any other tasks normally associated with a full maintenance contract.

This recommendation is made pursuant to Chapter 791 of the Texas Local Government Code for exempted procurements.

HLH:JAF:tkc

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: 8/14/08

Stein, Marty - MYR

From: Erdeljac, John
Sent: Friday, August 15, 2008 8:38 AM
To: Stein, Marty - MYR; Fenninger, Joseph
Subject: RE: Two RCAs - Enterprise & Patriot Advertising

Good morning Marty: The names of the funds are as follows:

2200 - Auto dealers fund
5010 - Houston Money Laundering Initiative Grant
5000 - Fed Gov Grant HITDA
2201 - Police Special Fund
2202 - Asset Forfeiture Treasurer
2203 - Asset Forfeiture Justice

John P Erdeljac - Division Manager
HPD Budget and Finance/Procurement
phone 713-308-1717
fax 713-308-1812
email john.erdeljac@cityofhouston.net

>>> Marty - MYR Stein 08/14/08 5:24 PM >>>
Can someone give me the names of all those funds?

-----Original Message-----
From: Fenninger, Joseph
Sent: Thursday, August 14, 2008 4:33 PM
To: Stein, Marty - MYR; Erdeljac, John
Subject: Two RCAs - Enterprise & Patriot Advertising

Marty - see attached. The blues are being hand delivered to you office now.

Joe

Joseph A. Fenninger
CFO & Deputy Director
Houston Police Department
Budget and Finance Division
1200 Travis 17th Floor
Houston, Texas 77002
Office: (713) 308-1708
Cell: (713) 504-1501
Joseph.Fenninger@cityofhouston.net

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7992

Subject: Formal Bid Received for Fittings and Appurtenances for the Public Works & Engineering Department S32-S22766	Category # 4	Page 1 of 2	Agenda Item 10

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	August 11, 2008	AUG 2 0 2008

DIRECTOR'S SIGNATURE	**Council District(s) affected**
Calvin D Wells	All

For additional information contact:	**Date and Identification of prior authorizing Council Action:**
David Guernsey **Phone:** (713) 238-5241 Desiree Heath **Phone:** (832) 393-8742	

RECOMMENDATION: (Summary)

Approve an award to CPR Services and Supplies, Inc. d.b.a. MDN Enterprises on its sole bid in an amount not to exceed $1,577,127.00 for fittings and appurtenances for the Public Works & Engineering Department.

Estimated Spending Authority: $1,577,127.00	**Finance Budget**
$1,577,127.00 Water & Sewer System Operating Fund (8300)	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to CPR Services and Supplies, Inc. d.b.a. MDN Enterprises on its sole bid in an amount not to exceed $1,577,127.00 for fittings and appurtenances for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of fittings and appurtenances which includes, but is not limited to, clamps, joints, couplings, and steel sleeves to be used by Department personnel to repair existing water and sewer lines and to install new lines citywide.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Six prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Due to the nature of this commodity, the Strategic Purchasing Division's research found that only one of the potential bidders that visited and viewed the website for this solicitation could provide the parts. The suppliers that visited and viewed the website for this solicitation were contacted to determine the reason why they did not submit a bid. The suppliers advised that they were either looking for subcontracting opportunities, or their company does not provide the parts.

M/WBE Subcontracting:

This bid was issued with a 1% goal for M/WBE participation. **CPR Services and Supplies, Inc. d.b.a. MDN Enterprises** has designated the below-named company as its certified M/WBE subcontractor:

NAME	**TYPE OF WORK**	**DOLLAR AMOUNT**
KIC Transportation, Inc.	Delivery Services	$15,771.27

The Affirmative Action Division will monitor this award.

Buyer: Veronica Douglas, CPPB

REQUIRED AUTHORIZATION 65CDW7992

Finance Department:	Other Authorization:	Other Authorization:
	8/20/08	

9

Estimated Spending Authority

DEPARTMENT	FY09	OUT YEARS	TOTAL
Public Works & Engineering	$315,425.40	$1,261,701.60	$1,577,127.00

CITY OF HOUSTON — Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Veronica Douglas, CPPB

Date: March 12, 2008

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 ☐ 1%

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: S22766 Estimated Dollar Amount: $938,000.00

Anticipated Advertisement Date: 3/21/2008 Solicitation Due Date: 4/17/2008

Goal On Last Contract: 3% Was Goal met: Yes ☐ No ☒

If goal was not met, what did the vendor achieve: 0.87%

Name and Intent of this Solicitation:
Fittings and Appurtenances for the Public Works & Engineering Department

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

The Public Works & Engineering Department is recommending a 1% M/WBE goal participation on this bid due to the fact that the only function that can be subcontracted out is delivery services. The Public Works & Engineering Department also looked into having a potential vendor deliver the fittings to the City and subcontracting out their fuel purchases. However, at this time there are no active certified fuel vendors on the Affirmative Action website. Also, history has shown that the majority of fittings and appurtenances have been dropped shipped by the manufacturer or picked up by City personnel; therefore, there is a small potential for M/WBE participation.

Concurrence:

Veronica Douglas, CPPB
SPD Initiator

Division Manager

Robert D Gallegos
Robert Gallegos, Deputy Assistant 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.**

RECEIVED
MAR 17 2008
City of Houston
Affirmative Action

File location: http://choice.net/spd/forms.html

REVISED: 07/09/2007

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

SUBJECT: Purchase of office furniture and equipment from the State of Texas Building and Procurement Commission's Contract for the Solid Waste Management and Municipal Courts Administration Departments WBS Nos. L-000036-0001-5, D-000113-0001-5	**Page** 1 of 1	**Agenda Item** 11+11A
FROM (Department or other point of origin): General Services Department	**Origination Date** 08/08/08	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 7/30/08	**Council District(s) affected:** D, I	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832.393.8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Appropriate funds for the purchase of furniture and equipment for the Solid Waste Management and Municipal Courts Administration Departments and authorize issuance of a purchase order in the amount of $90,000 to Contract Resource Group, LLC, through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for the Municipal Courts Administration Department.

Amount and Source of Funding: $ 78,721.44—Solid Waste Consolidated Construction Fund (4503) $ 90,000.00—General Improvement Consolidated Construction Fund (4509) **$168,721.44 Total Appropriation**	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate $168,721.44 to purchase office furniture for the Municipal Courts Administration Customer Service Call Center, and office furniture and audio visual equipment for the Solid Waste Environmental Service Facility from the following TXMAS vendors:

VENDOR	DESCRIPTION	PRICE
Facility Interiors Inc.	Workstations and Seating	33,919.55
Visual Innovations Company, Inc.	Audio Visual Equipment	44,801.89
Contract Resource Group, LLC.	Workstations, Seating, files	90, 000.00
	TOTAL	**$168,721.44**

PROJECT LOCATIONS: Solid Waste Environmental Service Facility
11500 South Post Oak (571G)

Municipal Courts Call Center
611 Walker, 3rd floor (493L)

IZD:HB:RAV:JLN:LL:ll LL

c: Marty Stein, Jacquelyn L. Nisby, Gary Readore, Sahira Abdool, Webb Mitchell, File

REQUIRED AUTHORIZATION CUIC# 25MSCL14

General Services Department:	Municipal Courts Administration Department:	Solid Waste Management Department:
Humberto Bautista Chief of Design & Construction Division	Sahira Abdool Director	Harry Hayes Director

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

SUBJECT: Ordinance authorizing the abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Central Park Subdivision. **Parcel SY7-028**	**Category** # 7	**Page** 1 of 1	**Agenda Item #** 12
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/14/08		**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Michael S Marcotte 8/20/08 Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** I Key Map 494U/V PSM		
For additional information contact: Nancy P. Collins PWE **Phone:** (713) 837-0881 Senior Assistant Director-Real Estate	**Date and identification of prior authorizing Council Action:** C.M. 2006-1099 (12/06/06) PSM		

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Central Park Subdivision. **Parcel SY7-028**

Amount and Source of Funding: Not Applicable	

SPECIFIC EXPLANATION:

By Motion 2006-1099, City Council authorized the abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Magnolia Park and Central Park Subdivisions. Thereafter, the survey determined that the easement being abandoned and sold was entirely within the Central Park Subdivision. The subject description reflects this change. Houston Independent School District, the property owner, plans to reroute the easement to facilitate the renovation of Tijerina Elementary School located at 6501 Sherman Street.

Houston Independent School District has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Houston Independent School District:

Parcel SY7-028
4,316-square-foot water line easement $15,106.00
Valued at $3.50 per square foot

TOTAL ABANDONMENTS **$15,106.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Central Park Subdivision.

MSM:NPC:psm

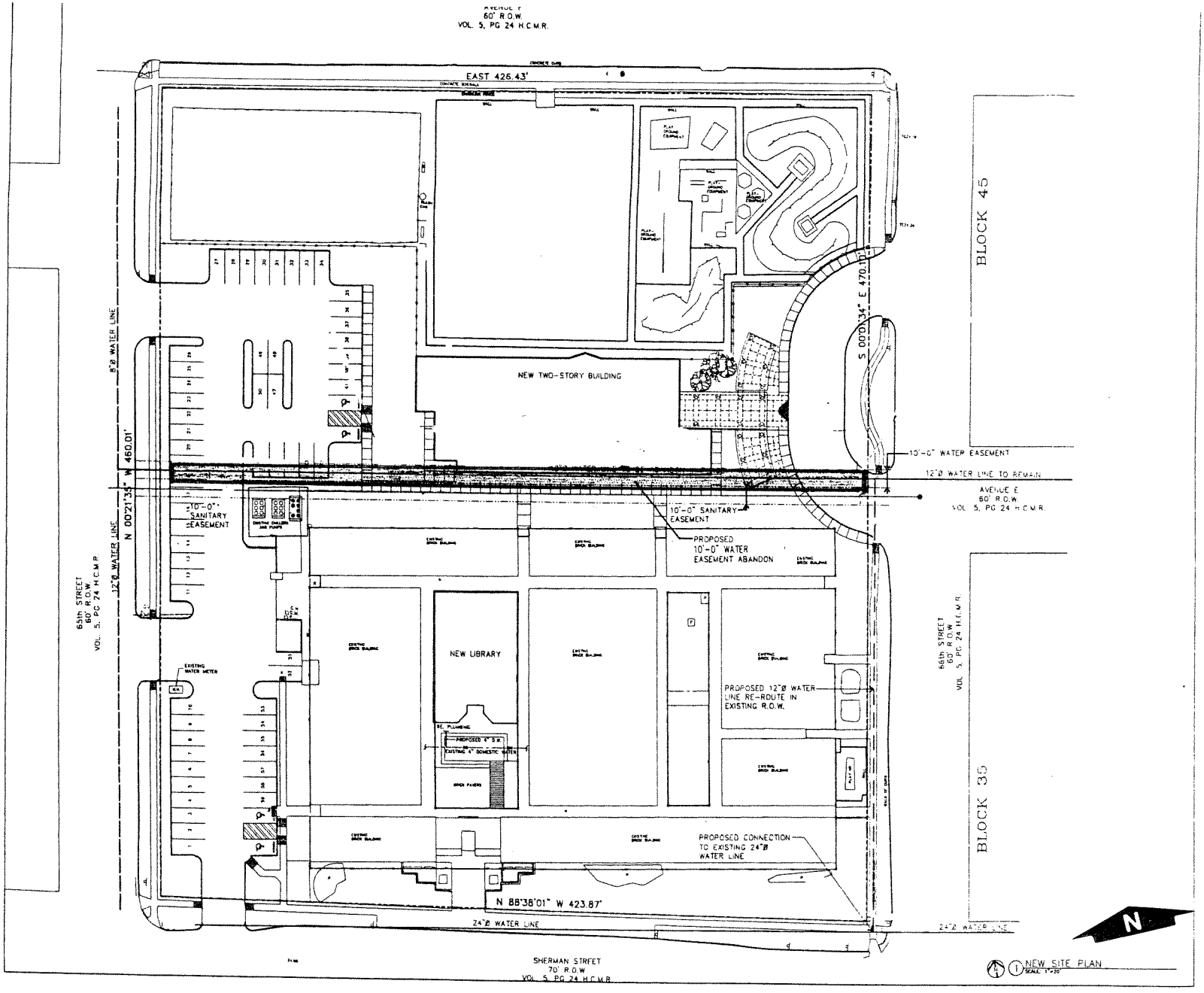
c: Reid K. Mrsny, P.E.
Marty Stein
Jeff Taylor

s:\psm\sy7-028.rc2.doc CUIC #20PSM222

REQUIRED AUTHORIZATION

Finance Department:	**Other Authorization:**	**Other Authorization:**
		Andrew F. Icken, Deputy Director Planning and Development Services Division

F&A 011.A Rev. 3/94
7530-0100403-00

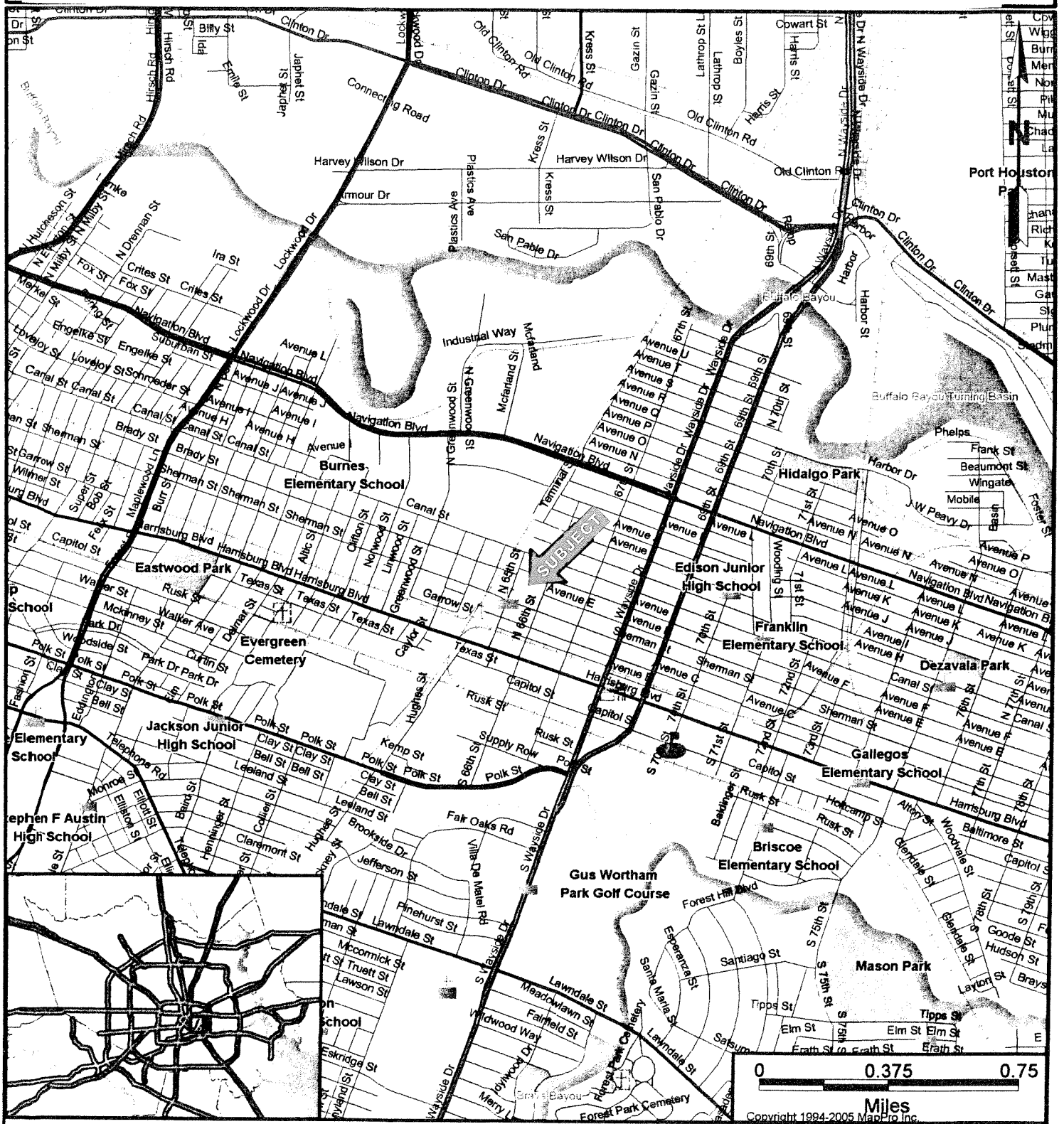


Abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Central Park Subdivision. **Parcel SY7-028**

File No.

LOCATION MAP

Abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Central Park Subdivision. **Parcel SY7-028**



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

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

MOTION NO. 2006 1099

MOTION by Council Member Khan 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 Dale Cox of DMJM Management, 5757 Woodway, Suite 100, Houston, Texas 77057, on behalf of Houston Independent School District, for the abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Magnolia Park and Central Park Subdivisions, Parcel SY7-028, be adopted as follows:

1. The City abandon and sell a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Magnolia Park and Central Park Subdivisions;

2. The applicant be required to cut, plug, and abandon the existing 12-inch water line within the easement to be abandoned and sold, between 65th Street and 66th Street, and construct a new 12-inch water line in 66th Street from the 12-inch water line in Avenue E to the existing 24-inch water line in Sherman Street, all at no cost to the City and under the proper permits;

3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

4. The Legal Department be authorized to prepare the necessary transaction documents; and

5. Inasmuch as the value of the property interests is not expected to exceed $25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 6th day of December, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 12, 2006.

City Secretary

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

SUBJECT: Ordinance authorizing the conveyance to Magellan Pipeline Company, L.P. of a 38,700-square-foot subsurface pipeline easement within an existing CenterPoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**	**Category** # 7	**Page** 1 of 1	**Agenda Item #** 13
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/14/08		**Agenda Date** AUG 20 2008
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** I Key Map 455V and 456S		
For additional information contact: Nancy P. Collins **Phone:** (713) 837-0881 Senior Assistant Director-Real Estate	**Date and identification of prior authorizing Council Action:** C.M. 2008-0547 (7/1/08)		

RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the conveyance to Magellan Pipeline Company, L.P. of a 38,700-square-foot subsurface pipeline easement within an existing CenterPoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

By Motion 2008-0547, City Council authorized the subject transaction. Magellan Pipeline Company, L.P. [Magellan Pipeline GP, LLC (Larry J. Davied, Vice President) General Partner] requested to continue its petroleum pipeline in an east-west direction into an existing CenterPoint easement on City property. CenterPoint owns the adjacent property in fee on the east and west sides of the City's property. The existing CenterPoint easement provides a continuous utility corridor. CenterPoint agreed to allow Magellan Pipeline Company, L.P. to run its bundle of three lines, two 16-inch and one 8-inch, in its fee-owned property and within its easement on City property, subject to City approval. Since passage of the motion, the correct square footage of the easement was determined to be 38,700 square feet.

Since the subject easement is located within a bequest the City accepted for charitable purposes from the will of the late John Battaglia, funds resulting from the conclusion of this transaction will be deposited into The Battaglia Fund, which is administered by the Administration and Regulatory Affairs Department.

Magellan Pipeline Company, L.P. has complied with the Motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Magellan Pipeline Company, L.P.:

Parcel SY8-067	
38,700-square-foot subsurface pipeline easement Valued at $0.15 per square foot	$5,805.00
TOTAL ABANDONMENT	**$5,805.00**

Therefore, it is recommended City Council approve an Ordinance authorizing the conveyance to Magellan Pipeline Company, L.P. of a 38,700-square-foot subsurface pipeline easement within an existing CenterPoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**

MSM:NPC:dob

c: Marlene Gafrick
Reid Mrsny, P.E.
Marty Stein
Jeff Taylor

s:\dob\sy8-067.rc2.doc CUIC #20DOB032

REQUIRED AUTHORIZATION

Finance Department:	**Other Authorization:**	**Other Authorization:**
	Alfred J. Moran, Director Administration and Regulatory Affairs Department	Andrew F. Icken, Deputy Director Planning and Development Services Division

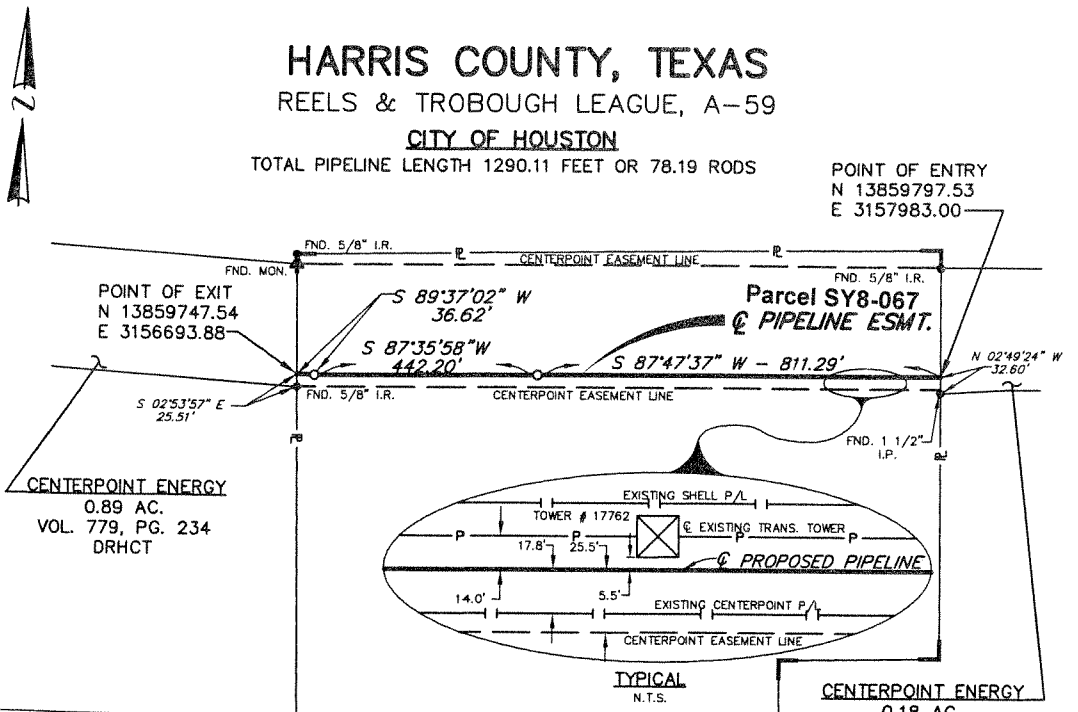
F&A 011.A Rev. 3/94
7530-0100403-00

HARRIS COUNTY, TEXAS

REELS & TROBOUGH LEAGUE, A-59

CITY OF HOUSTON

TOTAL PIPELINE LENGTH 1290.11 FEET OR 78.19 RODS



Conveyance to Magellan Pipeline Company, L.P. of a 38,700-square-foot subsurface pipeline easement within an existing CenterPoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**

56 AC.
VOL. 32, PG. 320
DRHCT

Hunting Bayou

NOTES

1. All bearings, distances and coordinates are referenced to the "Texas State Plane Coordinate System", South Central zone, North American Datum of 1983. The grid factor used was 0.9999864. The deed call bearings, where shown are noted for grid bearings comparison.
2. A centerline description was prepared by the surveyor in conjunction with this plat.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY RELATIVE TO THE PHYSICAL LOCATION OF THE PIPELINE EASEMENT SHOWN HEREON, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STEVEN RAY ESTES, R.P.L.S.
Texas Registration No. 5631
November 12, 2007

EXHIBIT "B"

REV	REVISION	DATE
0	ISSUED	11/07

DRAWN BY	DATE
KJJ	11/9/07
CHECKED BY	DATE
E. Price	11/12/07
ENGR. APPD.	DATE
PROJ. MGR. APPD.	DATE

eagleton
2900 N. Loop West, Suite 1000
Houston, Tx. 77092
Phone: 713-871-8787

ALIGN. DWG.

MAGELLAN PIPELINE CO., LP

PLAT OF THE CENTERLINE FOR A PIPELINE EASEMENT ACROSS CITY OF HOUSTON

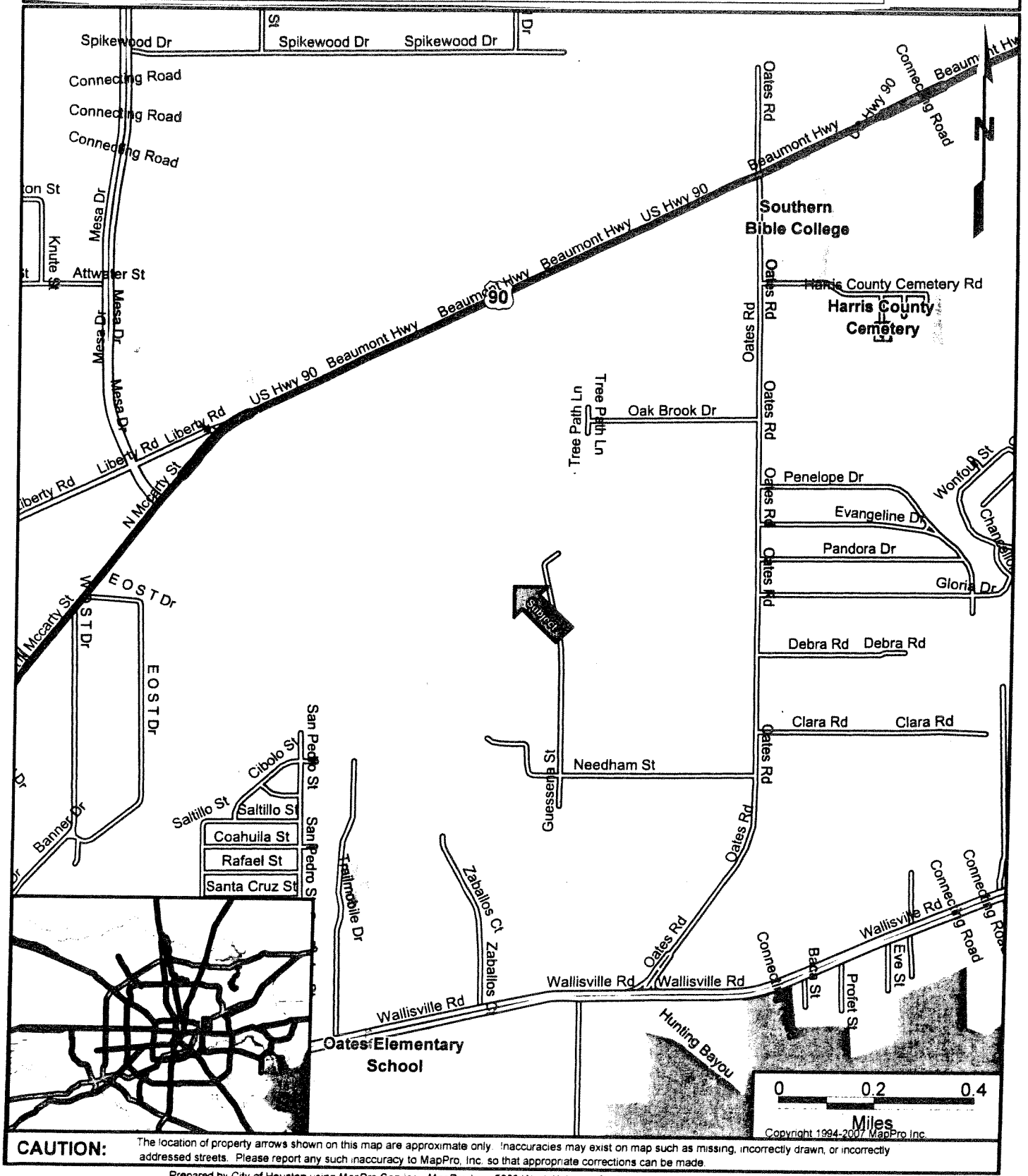
HARRIS COUNTY, TEXAS

SCALE	PROJ. NO.	DWG. NO.	REV.
1"=300'	MMP-008	MMP-008-8207	0

Date: 04/21/2008

LOCATION MAP

Conveyance to Magellan Pipeline Company, L.P. of a 38,700-square-foot subsurface pipeline easement within an existing CenterPoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**



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

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

MOTION NO. 2008 0547

MOTION by Council Member Khan 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 GDT Land Consultants, Inc., 12306 Ashford Valley Drive, Sugar Land, Texas, 77478, on behalf of Magellan Pipeline Company, L. P., for conveyance of a ±4300-square foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59, Parcel No. SY8-067, be adopted as follows:

1. The City conveyance of a ±4300-square foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59 to Magellan Pipeline Company, L. P.;

2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

3. The Legal Department be authorized to prepare the necessary transaction documents; and

4. Inasmuch as the value of the property interests is not expected to exceed $25,000.00, that the value be established by staff appraisal, according to City policy.

5. Inasmuch as the Houston Area Women's Center has contract with City and receives all The Battaglia Fund's annual earnings, that any funds resulting from the conclusion of this transaction be deposited into that fund, which is administered by the Administration and Regulatory Affairs Department.

Seconded by Council Member Garcia and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Green and Jones voting aye
Nays none

Council Member Noriega out of the City on personal business

PASSED AND ADOPTED this 1st day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 7, 2008.

City Secretary

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

SUBJECT: An Ordinance authorizing the execution of an Agreement between the City of Houston and the Receiver for H&J Utilities		**Page 1 of 1**	**Agenda Item #** 15
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/14/08	**Agenda Date** AUG 20 2008	
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., DEE, Director	**Council District affected: A**		
For additional information contact: Jun Chang, P.E. Senior Assistant Director **Phone:** (713) 837-0433	**Date and identification of prior authorizing Council action**		

RECOMMENDATION: (Summary)
To approve an ordinance authorizing an Agreement between the City of Houston and the Receiver for H&J Utilities.

Amount and Source of Funding: NO FUNDS REQUIRED; AGREEMENT TO TRANSFER CUSTOMERS OF H&J UTILITIES TO CITY OF HOUSTON

SPECIFIC EXPLANATION:

Request approval for an ordinance authorizing an Agreement between the City of Houston and John M. Fultz, Receiver for Vergil Martin, d/b/a H&J Utilities. Mr. Martin held a Certificate of Convenience and Necessity under the name of MATCO to provide water to the Wrenwood subdivision. Mr. Martin ceased operations. The State of Texas, through a state appointed Receiver, is in the process of closing out Mr. Martin's Certificate of Convenience and Necessity and his business operations with the end result of transferring the customers to the City of Houston.

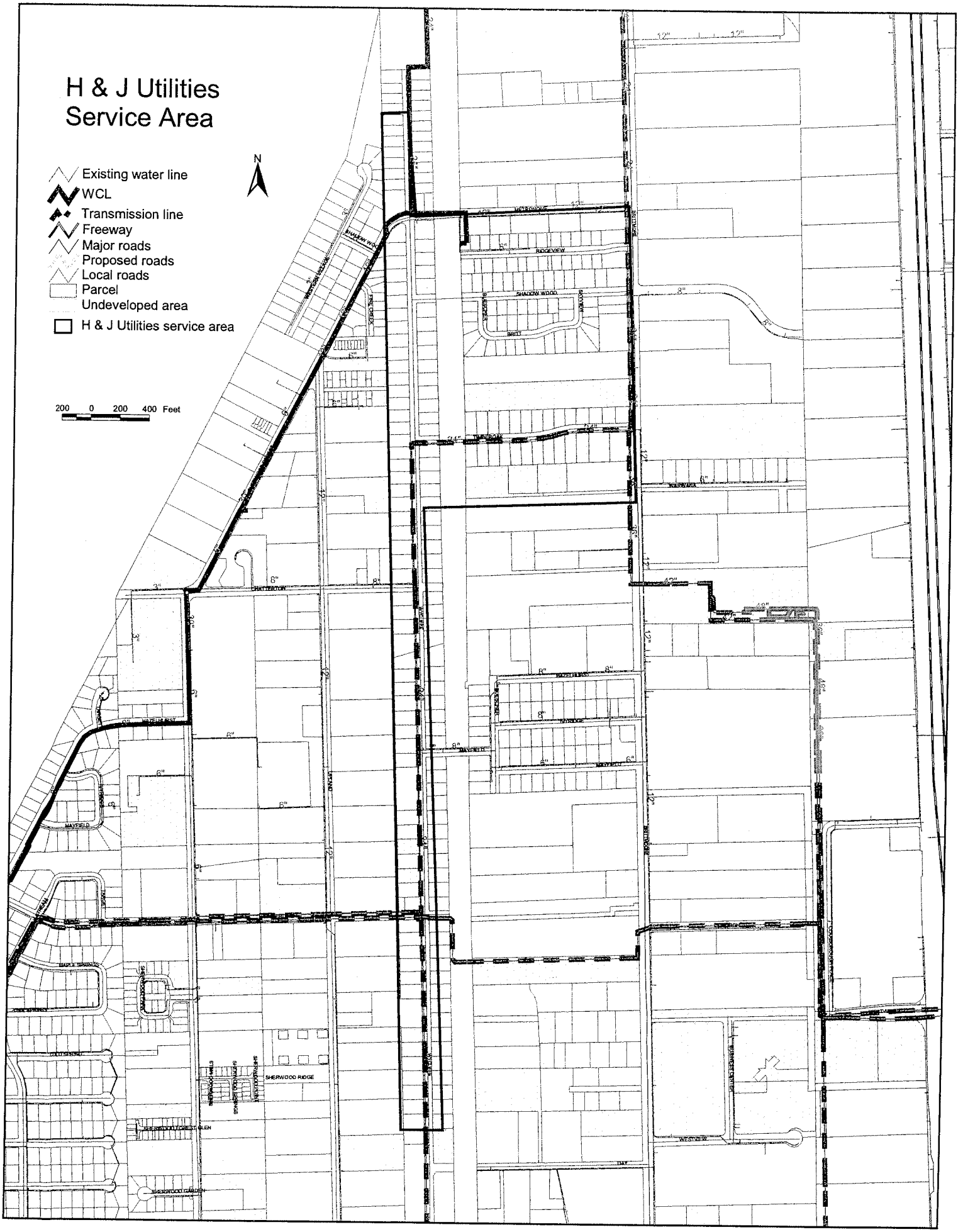
Due to the substandard facilities, the City of Houston determined that transfer of the customers to City of Houston retail water service would require construction of new distribution mains and installation of City of Houston connections and meters. Construction of the new main system is underway with an expected completion date of mid-February 2009. H&J customers will be transferred to City of Houston retail water service at that time.

The proposed Agreement details the respective responsibilities of the Receiver and the City of Houston regarding the preparation for and transfer of H&J customers. John Fultz, Receiver for H&J Utilities has obtained the Receivership Court's approval to execute the Agreement.

c: Marty Stein
Michael S. Marcotte, P.E., DEE
Waynette Chan
Gary Norman
Jeff Taylor
Melba T. Pourteau

20JZC464

F & A Director	Other Authorization: Andrew F. Icken Deputy Director	Other Authorization:


H & J Utilities
Service Area
Existing water line
WCL
Transmission line
Freeway
Major roads
Proposed roads
Local roads
Parcel
Undeveloped area
H & J Utilities service area
N
200 0 200 400 Feet
SHERWOOD RIDGE

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

SUBJECT: A Municipal Setting Designation ordinance prohibiting the use of designated groundwater for LUI Houston Studemont, L.P. for the Site located at 1200 Givens.	**Category #**	**Page** 1 of 1	**Agenda Item #** 16

FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8-14-08	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director 8/14/08	**Council District affected:** H	
For additional information contact: Carol A. Ellinger, P.E. Phone: (713) 837-7658 Senior Assistant Director CAE	**Date and identification of prior authorizing Council action:** August 22, 2007 – 2007-0959 May 14, 2008 – 2008-0327, July 1, 2008 – 2008-0550	

RECOMMENDATION: (Summary) It is recommended that City Council adopt a Municipal Setting Designation ordinance for LUI Houston Studemont, L.P. prohibiting the use of designated groundwater for a property located at 1200 Givens site and supporting issuance of an MSD by the Texas Commission on Environmental Quality.

Amount and Source of Funding: N/A	**F&A Budget:**

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which contaminated groundwater is prohibited for use as potable water. The law is administered by Texas Commission on Environmental Quality and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State. This Ordinance requires that written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD.

LUI HOUSTON STUDEMONT, L/P. APPLICATION: LUI Houston Studemont (LUI) is seeking an MSD for 1.36-acres of land located at 1200 Givens Street (the Site). The Site has had various commercial/industrial operations on the site since 1949. The most recent use was a bumper repair service shop. LUI acquired this site in August 2006. Environmental investigations activities have identified chemicals of concern in groundwater and soil. The Site is participating in TCEQ's Voluntary Cleanup Program. Through this effort, soil remediation occurred in December 2007 and no contaminants remain in the soil above action levels. There have been nine contaminants identified in groundwater. This groundwater plume is stable.

LUI is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. In addition, a public meeting (held on 5/20/2008) and a public hearing (held on 8/13/2008) are required to be held prior to City Council consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt an MSD ordinance for LUI Houston Studemont, L.P. prohibiting the use of designated groundwater for a property located at 1200 Givens site and supporting the issuance of an MSD by the Texas Commission on Environmental Quality.

MSM:AFI:CAE
Z:\MSD\UNION PACIFIC RAILROAD\2008-01-31 RCA - PUBLIC HEARING UPRR.DOC
C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price

REQUIRED AUTHORIZATION **CUIC ID# 20CAE22**

Other Authorization:	**Other Authorization:**	**Other Authorization:** Andy Icken, Deputy Director Planning & Development Services Division

F&A 011.A REV. 3/94
7530-0100403-00

15

CITY OF HOUSTON

Public Works & Engineering

Interoffice

Correspondence

To: Marty Stein
Agenda Director

From: Deputy Director
Planning & Development Services
Division

Date: August 14, 2008

Subject: Council Member Noriega – pop-off response

In response to Council Member Noriega's request for a list of pollutants found at the site located at 1200 Givens, I have attached the executive summary from the LUI Houston Studemont application. The contaminants of concern are listed in the 3rd paragraph.

Please let me know if you need anything further.

Andrew F. Icken

AFI:dm

c: Michael S. Marcotte, P.E., DEE
Gary Norman

EXECUTIVE SUMMARY

The designated property (also referred to as the *"Site"*) is located northwest of downtown Houston, Texas, in Harris County, approximately 0.25 miles south of Interstate Highway 10 (I-10), east of Studemont Street. The property address is 1200 Givens Street, Houston, Texas 77007 and consists of 1.36 acres of commercial land. The Site has had various commercial/industrial operations on the site since approximately 1949. The most recent property use was a bumper repair service shop.

The Site is surrounded by predominately commercial and industrial property to the north, south, east, and west. The property is bordered to the east by Diesel Street and the Old Houston Stockyards, to the south by Arne's Distributing, and to the west (downgradient) by Givens Street and Arne's Distributing parking lot. The property is currently owned by LUI Houston Studemont, L.P. The property is vacant and inactive and there are no current sources of soil or groundwater contamination. Future plans for the property include the sale of the property and redevelopment for residential use.

Environmental investigation activities have identified chemicals of concern (COCs) in groundwater and soil. The groundwater contaminant plumes are stable or contracting. The affected groundwater is approximately 22-feet (ft) below ground surface (bgs). Local groundwater flow beneath the site is generally toward the west to northwest. Nine COCs in groundwater have been identified with Protective Concentration Levels (PCLs) exceedance zones including benzene, 1,2-dichloroethane, cis-1,2-dichloroethene, naphthalene, tetrachloroethene, toluene, trichloroethene, vinyl chloride, MTBE. ***By implementing an MSD, groundwater analytical results will not exceed the TRRP residential non-ingestion PCLs.*** Additionally, nine COCs in the soil have been identified with Protective Concentration Levels (PCLs) exceedance zones. These COCs include benzene, ethylbenzene, methylene chloride, naphthalene, toluene, 1,2,4-trimethylbenzene, xylenes, 2-methylnaphthalene, and TPH. Soil remediation is planned in December 2007 and no soil exceedances will remain.

Seven state-registered water wells are located within one half-mile of the property based on the most recent GeoSearch records. Five of the seven wells are drilled to a total depth greater than 338 feet and are used for either domestic or industrial purposes. Since the groundwater contamination plume extends only to a depth of 22 feet and is stable or contracting, these wells are not threatened by the contamination at 1200 Givens Street. The remaining two wells were drilled to a total depth of 65 feet with a static water elevation of 20 and 32 feet below ground surface. Both wells are upgradient from the contaminant plume and are not threatened by the contamination. Furthermore, neither well is currently used for domestic purposes.

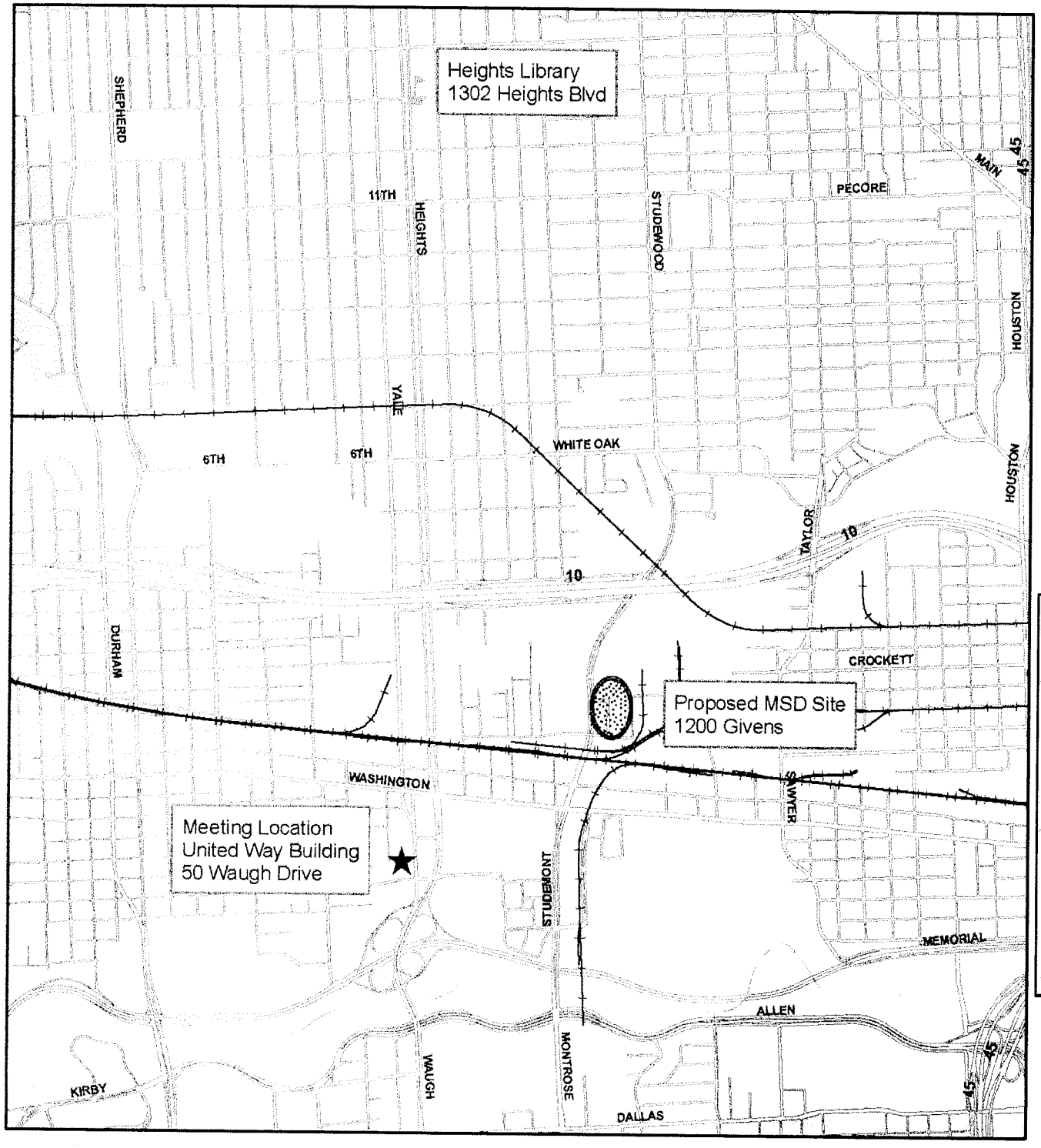
EXECUTIVE SUMMARY (cont.)

There are no municipalities within a ½ mile radius of the property other then the City of Houston. Further, the City of Houston and the City of West University are the only municipal utilities located within five miles of the site.

The applicant's current plan for the site is to obtain closure for groundwater issues through the TCEQ Voluntary Cleanup Program (VCP) after obtaining the MSD with the City of Houston and TCEQ. On-site impact to soils will also be closed under the VCP which is scheduled to take place by the end of 2007. Excavation and disposal of impacted soils above Texas Risk Reduction Program (TRRP) Tier 1 Residential PCLs will be performed to achieve a Remedy Standard A closure for on-site soils.

Municipal Settings Designation Application

2007-002-LUIHS
Vicinity Map



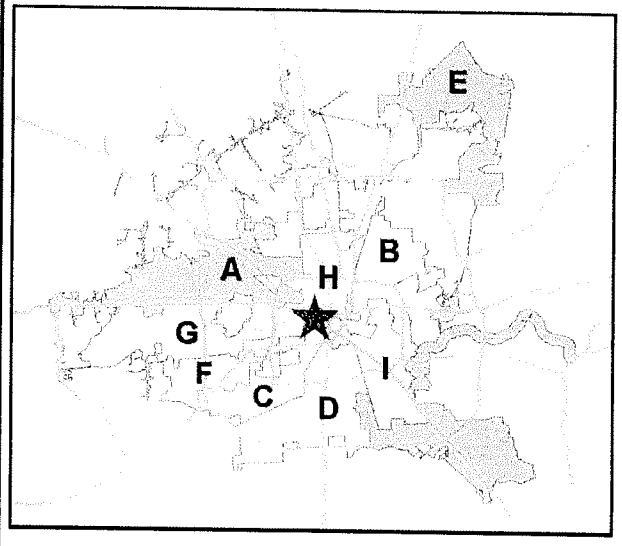
Legend

railroad

Waterways

Application Site Location

Locational Map



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verifications shoud be performed as necessary

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA#**

Subject: Contract for Third Party Administrative Services for the Long Term Disability Plan for city employees.	Category #	Page 1 of 2	Agenda Item 17

FROM (Department or other point of origin):	Origination Date	Agenda Date
Human Resources Department	August 12, 2008	AUG 2 0 2008

DIRECTOR'S SIGNATURE	Council District(s) affected:
CC Aldridge	ALL

For additional information contact:	Phone:	Date and Identification of prior authorizing Council Action:
Candy Clarke Aldridge	713.837.9333	Ord. 03-0758 dated 08-20-03

RECOMMENDATION: (Summary)

Adopt ordinance approving contract with Disability Management Alternatives, LLC for Third Party Administrative Services for the Long Term Disability Plan, and adopting an amended Long Term Disability Plan

Amount of Funding: Maximum Contract Amount - $935,000 – 3 years and 2 one-year options (FY09 $125,000)	**F & A Budget**

SOURCE OF FUNDING: **[] General Fund** **[] Grant Fund** **[] Enterprise Fund**

[X] Other (Specify) Long Term Disability Fund (9001)

SPECIFIC EXPLANATION:

Human Resources recommends that Council approve an ordinance to award a contract for Third Party Administrative Services for the Long Term Disability Plan to Disability Management Alternatives, LLC, and amend the Long Term Disability Plan.

1. Disability Management Alternatives, LLC offered the most competitive proposal to administer the Long Term Disability Plan that also maintains established quality service, with the least cost increase to the plan. The current contract with Disability Management Alternatives, LLC expires August 31, 2008.

BACKGROUND

May 2008, Human Resources released a Request for Proposal (RFP) for a Third Party Administrator for the Long Term Disability Plan. Primary goals of the RFP were to retain current benefits and quality, timely and reliable services for affordable rates.

Three companies met requirements of the RFP and submitted proposals to administer the Long Term Disability Plan for civilian employees and classified firefighters. Human Resources evaluated proposals that duplicate current administrative services, and recommends contacting with Disability Management Alternatives, LLC, the incumbent vendor.

Key Considerations

- DMA's proposal yields the lowest increase to the plan of all proposers, 23 percent over 5 years.
- Rates are guaranteed for five years, starting September 1, 2008.
- DMA kept flat rates for five years, 2003-2008, for the City to have total savings of $27,000+ or 10% of fees for years 4 & 5.
- Over the same 5-year period, DMA has provided accurate and timely claims adjudication, and a high level of customer service

REQUIRED AUTHORIZATION NDT

F&A Director:	Other Authorization:	Other Authorization:

Basic Services from the Administrator

- A monthly income is paid to qualifying disabled employees.
- Rehabilitation services assist disabled employees to re-enter the workforce.
- Services are available to assist employees to file claims for Social Security Disability benefits and to appeal denial of those benefits through the Administrative Law Judge level.

M/WDBE Participation for Disability Management Alternatives, LLC

Evaluating employees' applications for Long Term Disability benefits, paying claims, gathering documentation, and recordkeeping are primary services the proposed vendor will provide, minimizing subcontracting opportunities to vendors approved to participate in the City's Minority Women Disadvantaged Business Enterprise Program. The Director of Affirmative Action and Contract Compliance approved a Deviation Waiver for MWBDE participation for this contract. The vendor has committed compliance with requirements of the "Good Faith Effort" component of the Program.

2. **AMEND THE LONG TERM DISABILITY PLAN.**

Currently, civilian employees and classified firefighters become covered under the Long Term Disability Plan after a 2-year waiting period. We recommend amending the eligibility period from 2 years to 1 year, decreasing the wait for benefits to begin.

RECOMMENDATIONS

The Human Resources Department requests Council to approve:

- A 3-year contract, with two one-year options, with Disability Management Alternatives, LLC, effective September 1, 2008. Disability Management Alternatives, LLC will administer the Long Term Disability Plan for civilian employees and classified firefighters.

- An amendment to the Long Term Disability Plan to change the eligibility requirement from two years to one year after employment.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8009

Subject: Ordinance approving the appropriation of funds from the FY08 Equipment Acquisition Fund and the Fleet/Equipment Internal Service Fund for the purchase of NFPA compliant breathing air fill containment units and a power stretcher.	Category # 1	Page 1 of 1	Agenda Item 18

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Phil Boriskie Fire Chief Fire	August 11, 2008	AUG 2 0 2008

DIRECTOR'S SIGNATURE	**Council District(s) affected**
	All

For additional information contact:		**Date and Identification of prior authorizing Council Action:**
Karen Dupont	**Phone:** (713) 859-4934	
Jack Williams	**Phone:** (713) 247-8793	

RECOMMENDATION: (Summary)

The Houston Fire Department recommends City Council approve an Ordinance appropriating funds from the FY08 Equipment Acquisition Fund and the Fleet/Equipment Internal Service Fund for the purchase of NFPA compliant breathing air fill containment devices and a power stretcher.

$28,525.00	**Finance Budget**

FY08 Equipment Acquisition Fund (Fund 1800) $15,878.00
Fleet/Equipment Internal Service Fund (Fund 9002) $12,647.00

SPECIFIC EXPLANATION:

The Houston Fire Department requests City Council approve an Ordinance appropriating $15,878.00 from the FY08 Equipment Acquisition Fund (Fund 1800) and $12,647.00 from the Fleet/Equipment Internal Service Fund (Fund 9002) for the purchase of three breathing air fill containment devices and one power stretcher.

When fighting fire or entering hazardous environments, a firefighter uses a self contained breathing apparatus (SCBA) filled with breathable air. Once a cylinder is used it must be refilled for the next event. HFD has thirteen fill sites across the City that are used daily. The National Fire Protection Association (NFPA) recommends that each site be equipped with an approved "fill containment system" to prevent accidents or injury that could occur if something goes wrong during the fill process. This purchase will bring our three remaining sites into compliance with recommendations in NFPA 1852 and NFPA 1901. Unit cost per device is $6,175.00.

The Houston Fire Department received a donation from an estate with the directive that the funds be used for something in the EMS Division. We would like to appropriate the $10,000.00 from Fund 9002 for the purchase of a power stretcher from Monster Medic. The intended purchase has a variety of features currently not available in models we are now purchasing. Of significant interest is the cumulative weight program that measures how much weight a stretcher has lifted within a specific period of time and the "Weightrax" calculator which is purported to calculate a patient's weight within 3% accuracy up to 400 pounds. This purchase will allow us to see the product in action in a variety of situations and locations and help us to make an informed decision on future Capital Equipment purchases.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT:	Category #	Page	Agenda Item #
Contract with Michael Robert Boyd d/b/a Boyd, Smith & Associates for Professional Polygraph Testing Services for the Houston Police Department	9	1 of 1	19

FROM (Department or other point of origin):	Origination Date	Agenda Date
Harold L. Hurtt, Chief of Police Houston Police Department	August 6, 2008	AUG 2 0 2008

DIRECTOR'S SIGNATURE:	Council District affected: All
For additional information contact: Richard Pfeil, Administrator Phone: 713-308-3038 Approved by: Joseph A. Fenninger, Deputy Director Phone: 713-308-1708	Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)
Approve an ordinance authorizing a contract with Michael Robert Boyd d/b/a Boyd, Smith & Associates in an amount not to exceed $514,000.00 for professional polygraph testing services for the Houston Police Department.

Amount and Source of Funding:	Finance Budget:
$514,000.00 General Fund FY09 $84,000.00 Out Years $430,000.00	

SPECIFIC EXPLANATION:
The Chief of Police recommends that City Council approve a three-year contract, with two one-year options to renew, to Michael Robert Boyd d/b/a Boyd, Smith & Associates for professional polygraph testing services in an amount not to exceed $514,000.00, for the Houston Police Department.

The scope of work requires the Contractor to provide professional polygraph testing services, including but not limited to, pre-employment polygraph testing services as needed for the department. Although the Houston Police Department polygraphs most of their own recruits, additional testing is needed due to the increase in recruiting cadets. Michael Robert Boyd d/b/a Boyd, Smith & Associates performed polygraph services for the department on a previous contract and the department was satisfied with their performance.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (4) of the Texas Local Government Code for exempted procurements.

HLH:JAF:tkc

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
		R.J. Pfeil by B. McDermott

CITY OF HOUSTON
Houston Police Department

Interoffice
Correspondence

To: Velma Laws – Director
Affirmative Action Department

From: John Erdeljac – Division Manager
Houston Police Department

Date: July 29, 2008

Subject: M/WBE 0% Goal Request for Polygraph Services for Houston Police Department

Is this to establish a goal for advertisement? **NO**

Goal on last contract: **ZERO**

Items or Scope of Bid:
Contractor provides pre-employment polygraph testing services as needed for department .The contractor handles the overload of recruits that are being considered for law enforcement jobs.

The total dollar value is approximately **$514,000.00 for a 5 year term**

I am requesting approval of 0 % goal.

Justification:
Due to the health and safety of the citizens, polygraph services for applicants being considered for law enforcement positions are critical and should not be subcontracted out, therefore, a zero percent goal is requested.

Concur:

John Erdeljac, Division Manager
Houston Police Department

Approved:

for Velma Laws, Director
Affirmative Action Department

O:/MWBE FORMS/zerogoal
Revised 3/7/01

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7991

Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Maintenance and Repair of Elevators and Escalators for the Convention & Entertainment Facilities Department. S33-T22893	Category # 4	Page 1 of 2	Agenda Item 21

FROM (Department or other point of origin): Calvin D. Wells, City Purchasing Agent, Administration & Regulatory Affairs Department	**Origination Date** August 04, 2008	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE Calvin D. Wells	**Council District(s) affected** I	
For additional information contact: Dawn Ullrich Phone: (713) 853-8083; Douglas Moore Phone: (832) 393-8724	**Date and Identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Elevator Repair Service, Inc. on its best value bid in an amount not to exceed $6,279,295.26 for maintenance and repair of elevators and escalators for the Convention and Entertainment Facilities Department.

Maximum Contract Amount: $6,279,295.26	**Finance Budget**
$6,279,295.26 - Civic Center Facility Revenue Fund (8601)	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Elevator Repair Service, Inc. on its best value bid in an amount not to exceed $6,279,295.26 for maintenance and repair of elevator and escalators for the Convention and Entertainment Facilities for the Convention & Entertainment Facilities Department (C&EF). The City Purchasing Agent or the Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all supervision, labor, replacement parts, equipment, materials, tools, expendable items, supplies, training and transportation necessary to provide preventative maintenance and repair of elevators, escalators, and related equipment. The contractor shall be required to perform all work in strict accordance with current and future City Building and American Society of Mechanical Engineers (ASME) Elevator Codes.

The Best Value Bid was advertised in accordance with the requirements of the State bid laws. Fourteen prospective bidders downloaded the solicitation document from the Strategic Purchasing Division website. Bids were received from A&F Elevator, Elevator Repair Service, Inc., EMR. Inc., Kone, Inc. and Schindler Elevator Corporation. The Evaluation Committee consisted of five evaluators. The proposals were evaluated based upon the following criteria:

- The reputation of the bidder and of the bidder's goods or services
- The purchase price
- The quality of the bidder's goods or services
- M/WBE Utilization

Elevator Repair Services, Inc. received the highest overall score.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

M/WBE Subcontractor:

This Best Value Bid was issued as a goal-oriented contract with a 4% M/WBE participaton level. Elevator Repair Service, Inc. has designated the below named companies as it certified M/WBE subcontractors:

Subcontractor Name	Type of Service	Dollar Amount	Percentage
Affordable Carpets	Supplies	$83,723.95	1.4%
Custom Precision Sheet Metal	Parts and Services	$83,723.94	1.3%
Gray-Chem, Inc.	Parts and Services	$83,723.94	1.3%

Buyer: Conley Jackson

Funding Information

Department	FY09	Out Years	Amount
Convention & Entertainment Facilities Department	**$912,098.80**	**$5,367,196.46**	**$6,279,295.26**

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7987

Subject: Approve an Ordinance Awarding a Contract for Litter Removal and Disposal Services for the Public Works & Engineering Department S23-L22989	Category # 4	Page 1 of 2	Agenda Item 22

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	August 06, 2008	AUG 2 0 2008
DIRECTOR'S SIGNATURE Calvin D Wells	**Council District(s) affected** All	
For additional information contact: David Guernsey **Phone:** (713) 238-5241 Ray DuRousseau **Phone:** (832) 393-8726	**Date and Identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to TIBH Industries, Inc., in an amount not to exceed $7,500,000.00 for litter removal and disposal services for the Public Works & Engineering Department.

Maximum Contract Amount: $7,500,000.00	**Finance Budget**
$7,500.000.00 - Stormwater Fund (2302)	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract to TIBH Industries, Inc. for litter removal and disposal services in an amount not to exceed $7,500,000.00 for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to furnish all equipment, labor, materials, supplies, supervision and transportation necessary to pick up litter discarded onto City of Houston right-of-ways. Litter includes refuse discarded onto right-of-ways, including, but not limited to, scrap metal, paper, wood, plastic and glass products. The contractor will provide four 12-person crews, including supervision, for eight hours per day (7:30 a.m. – 4:30 p.m.), five days per week, weather permitting, year-round. Debris and refuse collected will be transported to State-certified facilities and landfills.

TIBH Industries, Inc. employs mentally and physically disabled workers and the Department is satisfied with their performance under the current contract. There will be 48 disabled workers providing services on this contract, which will include approximately 6 veterans of the Iraq, Afghanistan and Bosnia conflicts.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its use from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such political subdivisions make pursuant to Section 122.017 of the Human Resources Code.

REQUIRED AUTHORIZATION 65CDW7987A

Finance Department:	Other Authorization:	Other Authorization:
	8/20/08	NOT

TIBH Industries, Inc. (TIBH) is a non-profit organization that was created by State law. Therefore, TIBH is exempt from the M/WBE and the Play-or-Pay requirements.

Buyer: Roy Breaux

Estimated Spending Authority

DEPARTMENT	FY2009	OUT YEARS	TOTAL
PUBLIC WORKS	$1,500,000.00	$6,000,000.00	$7,500,000.00

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

SUBJECT: Authorization for the Mayor to accept Transportation Security Administration (TSA) Other Transaction Agreement (OTA) funding in an amount not to exceed $16,440,750.00.	Category #2	Page 1 of 1	Agenda Item # 23

FROM (Department or other point of origin): Houston Airport System	Origination Date August 11, 2008	Agenda Date AUG 2 0 2008
DIRECTOR'S SIGNATURE:	Council District affected: B	
For additional information contact: Frank M. Haley, Jr. Phone: 281-233-1835 Lisa Kent 281-233-1971	Date and identification of prior authorizing Council action: N/A	
AMOUNT & SOURCE OF FUNDING: REVENUE: Transportation Security Administration (TSA) $16,440,750.00 Other Transaction Agreement (OTA)Funds	Prior appropriations: N/A	

RECOMMENDATION: (Summary)

Enact an Ordinance authorizing the Mayor to accept Transportation Security Administration (TSA) Other Transaction Agreement (OTA) funding in an amount not to exceed $16,440,750.00 for the construction of a Fully Automated In-Line Explosive Detection System Baggage Handling System (EDSBHS) at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION:

The Transportation Security Administration (TSA) may allocate Other Transaction Agreement (OTA) funds for Federal Fiscal Year 2008 to the Houston Airport System (HAS). This potential funding may require an immediate turnaround due to the TSA's availability of funds at the close of the Federal Fiscal Year, which ends September 30, 2008.

HAS is requesting authorization for the Mayor to accept these funds in the amount of $16,440,750.00 prior to its being offered in order to meet the TSA's deadline.

This funding is for Project 612K and involves the construction of a Fully Automated In-Line Explosive Detection and Baggage Handling Systems (EDSBHS) to replace manual screening and handling systems at Terminal D at George Bush Intercontinental Airport/Houston (IAH). This grant will support the HAS effort to determine the EDSBHS solution which will meet the increasing baggage screening and conveyance requirements for the foreseeable future. Project 612K is included in the CIP and will require contract approval by Council prior to commitment of any funds.

RMV:FMH:LK

cc: Ms. Marty Stein, Mr. Anthony W. Hall, Jr., Mr. Arturo G. Michel, Mr. Richard M. Vacar, Mr. Thomas B. Bartlett, Mr. Frank M. Haley, Jr., Mr. Eric R. Potts, Ms. Lisa Kent, Ms. Kathy Elek, Mr. Aleks Mraovic, Ms. Carolyn Walker, Ms. Marlene McClinton

REQUIRED AUTHORIZATION		
Finance Department:	**Other Authorization:**	**Other Authorization:**

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

SUBJECT: Construction Contract with SpawGlass Construction Corporation for renovation of all levels of Terminal C and adjacent curbsides at George Bush Intercontinental Airport/Houston (IAH); Project No. 490K (WBS No. A-000322-0007-4-01)	**Category #**	**Page 1 of 2**	**Agenda Item #** 24

FROM (Department or other point of origin): Houston Airport System	**Origination Date** August 8, 2008	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE:	**Council District affected:** "B"	
For additional information contact: Eric Potts for LWP **Phone:** 281/233-1999 Adil Godiwalla for AG 281/233-1934	**Date and identification of prior authorizing Council action:** N/A	
AMOUNT & SOURCE OF FUNDING: CIP No. A-0322.11 $64,855,402.00 Arpt Improvemt Fd (8011) CIP No. A-0422.23 $ 995,105.00 Arpt Improvemt Fd (8011) Total $65,850,507.00 (EE)	**Prior appropriations:** N/A	

RECOMMENDATION: (Summary)

Enact an Ordinance to award a construction contract to SpawGlass Construction Corporation for renovation of all levels of Terminal C and adjacent curbsides at George Bush Intercontinental Airport/Houston (IAH) and appropriate necessary funds to finance this project.

SPECIFIC EXPLANATION:

The project consists of renovation of all levels of Terminal C, and adjacent curbsides. The renovation will include replacement of the following: lighting, plumbing, HVAC systems, wall and pedestrian bridge cladding; curbside paving and stripping, and expansion joints. New finishes will be installed on ceilings, walls and floors of every level of the terminal. The ticketing and baggage claim lobbies will be expanded and new passenger check-in stations will be added in the East Garage. The baggage handling systems will be relocated to serve the expanded ticketing and baggage level. The project will also include additional telecommunication rooms with HVAC systems and cabling to support the Airport's and tenant's present and future needs.

PROJECT LOCATION: Terminal C at George Bush Intercontinental Airport/Houston (IAH)

PROJECT SUMMARY: Contract term of 585 days. Design and preparation of the contract documents was done by PARSONS 3D/INTERNATIONAL.

BIDS DATE: Bids were received on June 12, 2008 as follows:

(1) SpawGlass Construction Corporation	$56,863,187.00
(2) Manhattan Construction Company	$60,645,000.00
(3) Bartlett-Cocke/Walbridge, a Joint Venture	$72,605,998.00

REQUIRED AUTHORIZATION APT

Finance Department:	**Other Authorization:**	**Other Authorization:**

F&A 011.A REV. 12/94

ENGINEERING TESTING SERVICES CONTRACT: Engineering and testing services for this project will be provided by Paradigm Consultants, Inc. under Contract No. 53728.

PROJECT COSTS: The total amount to be appropriated is as follows:

$ 56, 863, 187. 00	Construction Contract Services
$ 5, 686, 319. 00	10% Contingency
$ 600, 000. 00	Engineering and Testing Services
$ 1, 705, 896. 00	2% Overhead and Salary Recovery for City Department
$ 995, 105. 00	1.75% Civic Art Program
$ 65, 850, 507. 00	TOTAL APPROPRIATION

MBE/WBE/SBE Participation: The contract has a 14% MBE goal, 1% WBE goal and a 15% SBE goal, for a total MWSBE goal of 30%. This goal will be met by the following certified firms:

Firm	Type of Work	Amount	Percent of Contract
Tag Electric Company (MBE)	Electrical Services	$ 6,462,250.00	11.36 %
Chavez Services Company, Inc. (MBE)	Drywall Systems	$ 2,649,326.00	4.66 %
Oxford Builders (MBE)	Carpentry	$ 112,270.00	.20 %
MEK Interiors (WBE)	Carpet/Flooring	$ 3,279,959.00	5.70 %
Aggregate Technologies (SBE)	Exterior Demolition/Sawing	$ 488,844.00	.85 %
The Gonzalez Group (SBE)	Construction Management	$ 6,977,585.00	12.20 %
Chavez Services Company, Inc. (SBE)	Painting Systems/Sandblasting	$ 1,076,963.00	1.80 %
	TOTAL:	$21,047,197.00	36.77 %

RMV:ERP:JSK:LES

cc: Ms. Marty Stein
Mr. Anthony W. Hall, Jr.
Mr. Arturo G. Michel
Ms. Velma Laws
Mr. Richard M. Vacar
Mr. Eric R. Potts
Mr. Tom Bartlett
Mr. David Arthur
Ms. Kathy Elek
Mr. Aleks Mraovic
Mr. J. Goodwille Pierre
Ms. Ellen Erenbaum
Mr. Carlos Ortiz
Mr. Adil Godiwalla
Mr. John Silva
Mr. Frank D. Crouch
Mr. Lawrence Sturm, Sr.
Ms. Marlene McClinton
Ms. Janice Woods
Ms. Cynthia Saldana

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Project Development Agreement with the City of Houston and Continental Airlines, Inc. for Construction Management Services for renovation of Terminal C at George Bush Intercontinental Airport/Houston (IAH); Project No. 490Y (WBS# A-000322-0008-4-01).	**Category #**	**Page** 1 of 2	**Agenda Item #** 24A

FROM (Department or other point of origin): Houston Airport System	**Origination Date** August 13, 2008	**Agenda Date**
DIRECTOR'S SIGNATURE:	**Council District affected:** B	
For additional information contact: Eric Potts **Phone:** 281/233-1999 Adil Godiwalla 281/233-1934	**Date and identification of prior authorizing Council action:** N/A	
AMOUNT & SOURCE OF FUNDING: CIP A-0322.07 $ 4,104,364.00 Arpt Improvemt Fd (8011) CIP A-0422.48 $ 71,826.00 Arpt Improvemt Fd (8011) Total $ 4,176,190.00	**Prior appropriations:** N/A	

RECOMMENDATION: (Summary)

Enact an ordinance to approve a Project Development Agreement (PDA) between the City of Houston and Continental Airlines, Inc. for Construction Management Services and appropriate the funds necessary to finance the cost of these services.

SPECIFIC EXPLANATION: The City has determined that, in order to minimize disruption to ongoing Terminal C operations and the traveling public, streamline coordination efforts, and be more time efficient, The City should make a partial assignment of the Construction Contract for Project 490K, and its related Engineering and Testing Laboratory Agreements, to Continental Airlines, Inc. (Continental), pursuant to a Project Development Agreement (PDA).

Project 490K consists of renovation of all levels of Terminal C and adjacent curbsides. The renovation will include replacement of the following: lighting, plumbing, HVAC systems, wall and pedestrian bridge cladding; curbside paving and stripping, and expansion joints. New finishes will be installed on ceilings, walls and floors of every level of the terminal. The ticketing and baggage claim lobbies will be expanded and new passenger check-in stations will be added in the East Garage. The baggage handling systems will be relocated to serve the expanded ticketing and baggage level. The project will also include additional telecommunication rooms with HVAC systems and cabling to support the Airport's and tenant's present and future needs.

The City will award Construction Contracts and Testing Laboratory Contracts in accordance with usual City procedures and then partially assign them to Continental. Services to be provided by Continental in the PDA include the supervision, management and coordination of the construction of HAS Project 490K. Continental has agreed to abide by all standard City contract requirements including, but not limited to, indemnification of the City, insurance requirements, drug policy, environmental laws, non-discrimination and any other applicable federal, state, city or airport rules and regulations. All qualified subcontractors shall be approved by the Director of Aviation. The City shall retain title to the project and work, at all times, and the City retains the management and control of all the airport premises.

REQUIRED AUTHORIZATION NDT

Finance Department:	**Other Authorization:**	**Other Authorization:**

In addition, the City has agreed to reimburse Continental Airlines, Inc. for pre-contract services up to the amount of $200,000.00. These services were performed at fair market value and were in the best interests of the City and Continental to expedite construction and support budgetary constraints.

The total compensation for Continental under this PDA is the reimbursement of reasonable costs incurred by Continental for providing these services, subject to the limit of appropriation.

PROJECT COSTS: The total amount to be appropriated is as follows:

$ 4,104,364. 00	Construction Management Services
$ 71,826. 00	1.75% Civic Art
$ 4,176,190. 00	TOTAL COST

MBE/WBE/SBE Participation: The Office of Affirmative Action and Contract Compliance established a 24% MBE goal. This goal will be met by the following certified firm:

Firm	Type of Work	Amount	Percent of Contract
CBIC (MBE/SBE)	Construction Management	$1,082,475.00	26.00 %
	TOTAL:	$1,082,475.00	26.00 %

RMV: ERP: LES:

cc:

Ms. Marty Stein
Mr. Anthony W. Hall, Jr.
Mr. Arturo G. Michel
Ms. Velma Laws
Mr. Richard M. Vacar
Mr. Eric R. Potts
Mr. Tom Bartlett
Mr. David Arthur
Ms. Kathy Elek
Mr. Aleks Mraovic
Mr. J. Goodwille Pierre
Ms. Ellen Erenbaum
Mr. Carlos Ortiz
Mr. Adil Godiwalla
Mr. John Silva
Mr. Frank D. Crouch
Mr. Lawrence Sturm, Sr.
Ms. Marlene McClinton
Ms. Janice Woods
Ms. Cynthia Saldana

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

SUBJECT: First Amendment to Construction Contract Times Construction, Inc. Renovation and Expansion of Fifth Ward Multi-Service Center WBS No. H-000054-0001-4	**Page** 1 of 2	**Agenda Item** 25
FROM (Department or other point of origin): General Services Department	**Origination Date** 08-11-08	**Agenda Date**
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 8/5/08	**Council District(s) affected:** B	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:** Ordinance 2006-0579; Dated June 7, 2006	

RECOMMENDATION: Approve First Amendment to Construction Contract and appropriate additional funds for the project.

Amount and Source of Funding:
$409,000.00 Public Health Consolidated Construction Fund (4508)

Previous Funding:
$3,631,800.00 General Improvements Consolidated Construction Fund 441
$2,192,000.00 Public Health Consolidated Construction Fund 440
$5,823,800.00 Total Funding

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with Times Construction, Inc. to increase the director's authority to approve Change Orders up to 12.73% of the original contract price. During asbestos abatement of the facility, several unforeseen conditions such as mold and slab failures were discovered, which will exceed the original 5% contingency.

The requested appropriation is necessary to address the following:

- Mold remediation and replace 90% of existing drywall.
- Build-out of the vacated Library for additional Health Department classroom space.
- Slab repairs in the original building.
- Material cost escalations between Phase I and Phase II due to time delays.
- Additional 5% contingency for Phase II.

REQUIRED AUTHORIZATION CUIC ID # 25CONS55

General Services Department:	**Other Authorization:**	**Department of Health and Human Services:**
Humberto Bautista Chief of Design & Construction Division		Stephen L. Williams, M.ED, MPA Director

SPECIFIC EXPLANATION CONT. . .

- Mold and a deteriorated slab were unforeseen conditions that were discovered during renovation of the existing building (Phase II).
- The build-out of the vacated Library space was included in the original bid as an alternate but was not accepted. Subsequently, the Health Department requested that the space be built-out to create additional classroom space.
- The material cost escalations resulted from the 5-month delay between completion of the new facility (Phase I) and vacating the existing facility for renovation (Phase II). The project was performed in phases to keep the facility operational during construction. Phase II renovation was delayed until the Certificate of Occupancy was issued for Phase I and the Health Department could move to the new facility.
- The additional 5% contingency is necessary to complete the Phase II renovation. Most of the original 5% contingency was used to compensate the subcontractors for a new wage rate that was implemented during the original bid award process and for the mold remediation in Phase II.

PROJECT LOCATION: 4014 Market Street (494F)

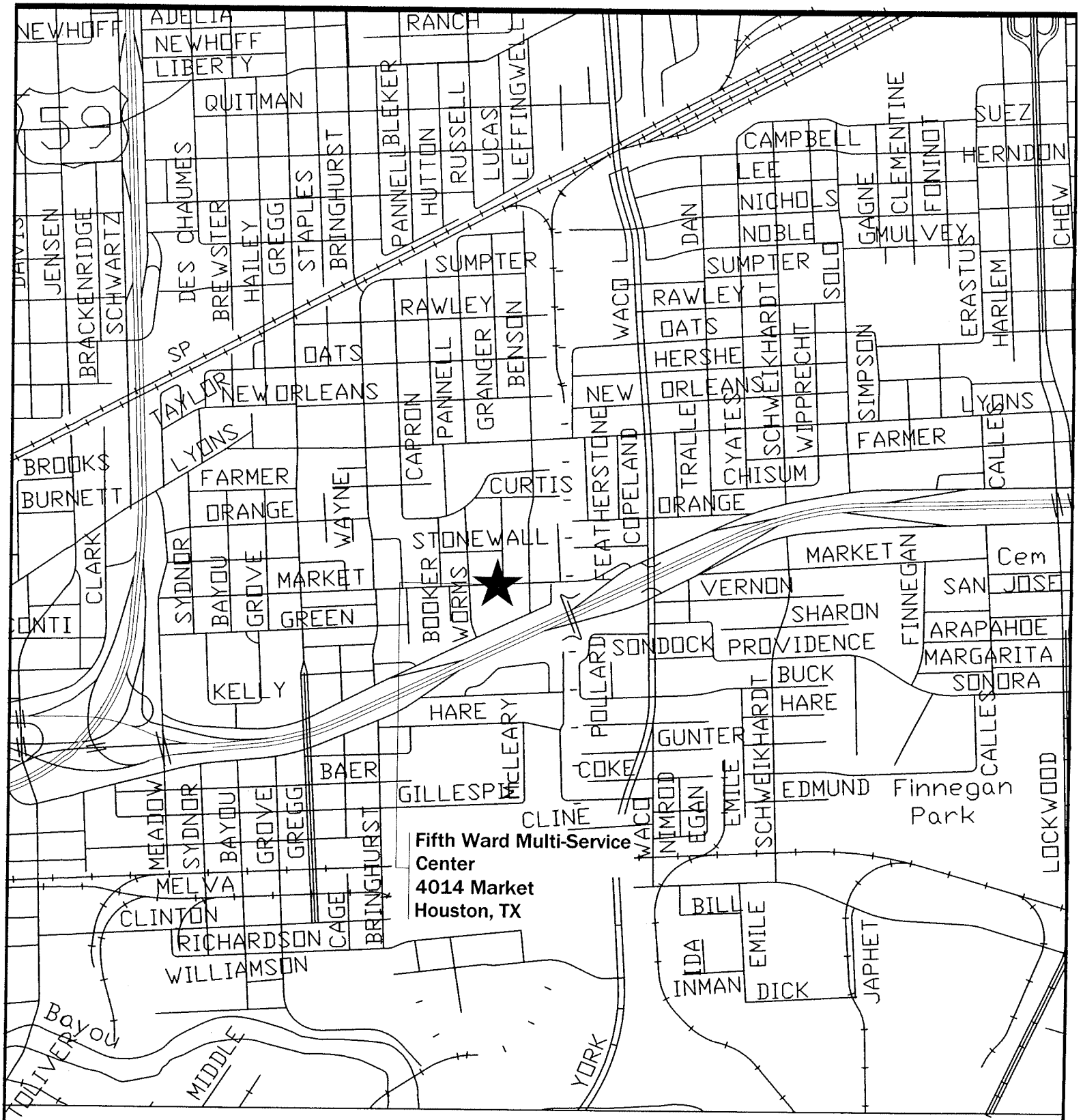
PREVIOUS HISTORY AND PROJECT DESCRIPTION: On June 7, 2006, City Council awarded a construction contract to Times Construction, Inc. to provide construction services for the renovation and expansion of Fifth Ward Multi-Service Center. The project is being performed in two phases to minimize disruptions to the Center's operations. Phase I constructed a new facility to expand the Center to include a larger multi-purpose room, kitchen, classroom space and office space.

Phase II involves renovation of the existing structure to include building code and ADA updates, plumbing repair and replacement, electrical upgrades, new fire alarm system, HVAC upgrade, and a new computer classroom.

M/WBE INFORMATION: The original contract and this additional appropriation have a 17% M/WBE goal. The contractor will utilize the M/WBEs referenced in the original contract to achieve the goal. To date, the contractor has achieved 15.14% M/WBE participation.

IZD:HB:JLN:MCP:KTH:kth

c: Marty Stein, Jacquelyn L. Nisby, Webb Mitchell, Velma Laws, Joseph Kurian, Kim Nguyen, Celina Ridge, File



Fifth Ward Multi-Service Center

4014 Market

Houston, TX 77020

COUNCIL DISTRICT "B"

KEYMAP No. 494F

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

SUBJECT: An Agreement for the City of Houston to receive funds from the Texas Commission on Environmental Quality for reimbursement of septic system removal/abandonment to reduce non-point source pollution entering Lake Houston		**Page 1 of 1**	**Agenda Item #** 26
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/7/08	**Agenda Date** AUG 20 2008	
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** E		
For additional information contact: Dannelle H. Belhateche, P.E. **Phone:** (713) 837-0847	**Date and identification of prior authorizing Council action**		

RECOMMENDATION: **(Summary)**

Approve an ordinance authorizing an Agreement for the City of Houston to receive funds from the Texas Commission on Environmental Quality for reimbursement of septic system removal/abandonment to reduce non-point source pollution entering Lake Houston

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION:

The Texas Commission on Environmental Quality has agreed to reimburse the City of Houston up to $500,000 of cost to remove or abandon in place existing septic systems within the Lake Houston Watershed and to connect low income residents to centralized sewerage systems. The goal of this project is to reduce sewage pollution entering Lake Houston. The cost reimbursement will meet 100% of the City of Houston cost necessary to transfer customers to the existing collection systems.

The City of Houston has recently installed sanitary sewer service to the Happy Hideaway, Spanish Cove, and Saddle Creek Ranch subdivisions, but some residents remain unconnected. Sewer connections will be made free for qualified low income residents as defined per federal Department of Housing and Urban Development criteria and on a cost share basis for those who do not meet low income criteria.

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

Required Authorization CUIC# 20DHB66

	Other Authorization: Jeff Taylor Deputy Director Public Utilities Division	**Other Authorization:** Dannelle H. Belhateche, P.E. Senior Assistant Director Drinking Water Operations

CITY OF HOUSTON

Public Works and Engineering Department

Interoffice

Correspondence

To: Marty Stein,
Agenda Director

From: Director

Date: August 15, 2008

Subject: **RCA 20DHB66 - ACCEPTING REIMBURSEMENT FROM TCEQ FOR SANITARY SEWER WORK IN THE LAKE HOUSTON AREA**

The above-listed RCA seeks Council approval of an agreement with the Texas Commission on Environmental Quality (TCEQ) to reimburse the City of Houston up to $500,000.00 for the cost to connect qualified low-income residents in the Lake Houston area to recently installed sanitary sewer lines. The residents reside in the Lake Houston watershed and currently are on private septic systems. This action will help protect the water quality of the lake, a major source of surface water for the citizens of Houston.

As the State of Texas's fiscal year expires on August 31, 2008, TCEQ will not have adequate time to process the agreement before the end of their year if it is not approved by City Council on August 20, 2008, rendering the item moot. Therefore, we respectfully request that the item be given No Tag status on the August 20, 2008 Council Agenda.

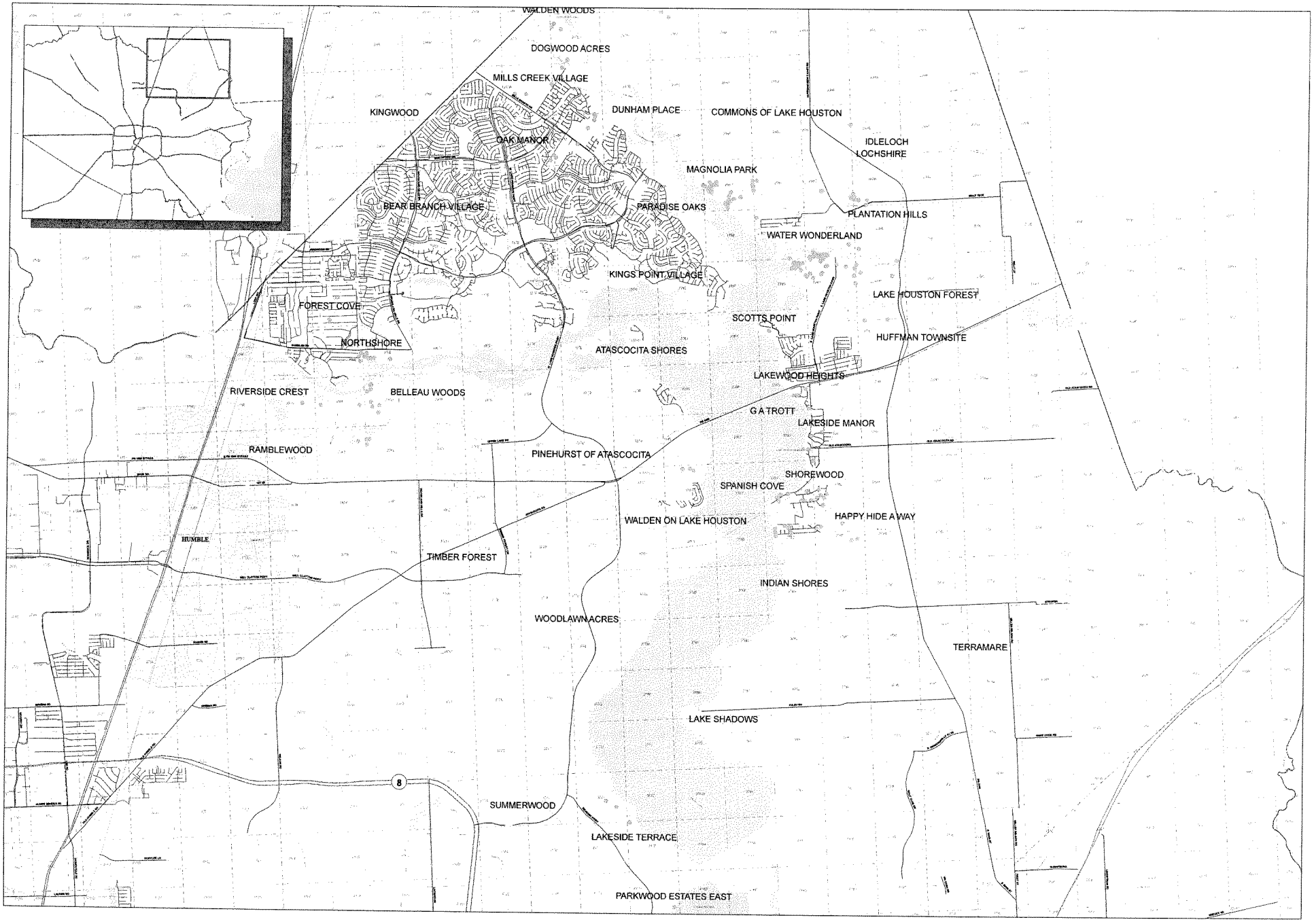
If you should require additional information regarding this request, please contact Mr. Jeff Taylor, Deputy Director, Public Utilities Division at 713-837-0448 or me at 713-837-0037.

Michael S. Marcotte, P.E., DEE

MSM:JT:WC:gdn

mcnew 8/15/08

Lake Houston Area Septic Systems



Legend

- Lake Houston Septic System Pumpouts
- Wastewater Lines
- Major Roads
- Railroads
- Water Bodies
- Streams
- Parks
- City of Houston

SOURCE:
City of Houston Planning & Development
City of Houston Public Works & Engineering
Houston Galveston Area Council

Thursday, July 25, 2007 5:00:00 PM
S:\GEMS Share\GEMSHARE\GIS Services
Wastewater Operations\Map Documents\
Lake Houston Septic Systems.mxd

CITY OF HOUSTON
Department of Public Works & Engineering
Public Utilities Division

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

Coordinate System:
Name: StatePlane South Central
Projection:
Lambert_Conformal_Conic
False_Easting: 1968501.999900
False_Northing: 13123333.333332
Central_Meridian: -99.000000
Standard_Parallel_1: 28.383333
Standard_Parallel_2: 30.283333
Latitude_Of_Origin: 27.833333
North American Datum 1983

1 inch equals 2,500 feet

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0125-4	**Page** 1 of 2	**Agenda Item #** 27
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/14/08	**Agenda Date** AUG 2 0 2008
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., DEE, Director	**Council District affected:** All	
For additional information contact: Joseph G. Majdalani, P.E. Senior Assistant Director **Phone:** (713) 641-9182	**Date and identification of prior authorizing Council action:** N/A	

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: $563,066.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. 07/17/08

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer cleaning and television inspection in support of rehabilitation. The contract duration for this project is 730 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Four (4) bids were received on May 15, 2008 for this project as follows:

Bidder	Bid Amount
1. CleanServe, Inc.	$524,006.00
2. Specialized Maintenance Services, Inc.	$527,718.00
3. SHE-Co., Inc.	$549,915.76
4. Chief Solutions, Inc.	$649,842.80

File/Project No. WW 4277-38 **REQUIRED AUTHORIZATION** **CUIC# 20JGM243**

Finance Department Michelle Mitchell	**Other Authorization:**	**Other Authorization:** Jeff Taylor, Deputy Director Public Utilities Division

F&A 011.A REV. 3/94
7530-01004-03-00

I:\FORMS\RCA\RCAAWARD.GEN (Rev. 04/18/2001)

AWARD: It is recommended that this construction contract be awarded to CleanServe, Inc. with a low bid of $524,006.00.

PROJECT COST: The total cost of this project is $563,066.00 to be appropriated as follows:

• Bid Amount	$524,006.00
• Contingencies	$26,200.30
• Project Management	$7,859.70
• Engineering Testing Services	$5,000.00

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

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board. No city M/WSBE participation goal has been established for this project.

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

MSM:JT:JGM:RK:JI:aa

cc: Marty Stein
Jeff Taylor
Susan Bandy, CPA
Velma Laws
Michael Ho, P.E.
File No. WW 4277-38

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:	**Category #**	**Page 1 of 1**	**Agenda Item#**
Ordinances granting Commercial Solid Waste Operator Franchises 2ND READING FINAL		28 ~~34~~ ~~33~~	
FROM: (Department or other point of origin): Alfred J. Moran Jr., Director Administration & Regulatory Affairs		**Origination Date** July 30, 2008	**Agenda Date** ~~AUG 0 6 2008~~ ~~AUG 1 3 2008~~ AUG 2 0 2008
DIRECTOR'S SIGNATURE: JFG		**Council Districts affected:** ALL	
For additional information contact: Juan Olguin **Phone:** (713) 837- 9623 Nikki Cooper **Phone:** (713) 837-9889		**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002–1166-December 18, 2002.	

RECOMMENDATION: (Summary)

Approve ordinance(s) granting Commercial Solid Waste Operator Franchise(s)

Amount of Funding: REVENUE	**F &A Budget:**

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinance(s) granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Around the Clock Trash Hauling

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

REQUIRED AUTHORIZATION

Finance Director:

F&A 011.A Rev. 5/11/98

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

SUBJECT: Motion establishing a public hearing date for amendments to Chapter 42, Code of Ordinances	**Category #**	**Page 1 of 1**	**Agenda Item #29**

FROM (Department or other point of origin): Department of Planning and Development	**Origination Date** 07-29-08	**Agenda Date** AUG 20 2008
DIRECTOR'S SIGNATURE: Marlene D. Gafrick	**Council District affected:** All	
For additional information contact: Michael Schaffer **Phone:** 713-837-7780	**Date and identification of prior authorizing Council action:** 3/24/99, Ord. No. 99-262	

RECOMMENDATION: (Summary)
Establish a public hearing to consider amendments to Chapter 42 relating to certain replats

Amount and Source of Funding: NA	**F & A Budget:**

SPECIFIC EXPLANATION:

Chapter 42 is being amended in response to a change in the state law governing replats during the last session of the Texas Legislature. These amendments prescribe the condition under which property within a subdivision plat that contains covenants or restrictions on the face of the plat may be replatted to amend a plat restriction.

Public hearings were held by the Houston Planning Commission on April 24, 2008 and May 22, 2008 where the amendments were recommended for approval. Notices were posted according to state law and on the Department's web site. The Department also utilized CitizensNet to provide notice. The ordinance amendments were presented to the Council Committee on Regulation, Development and Neighborhood Protection Committee on April 30, 2008 and July 21, 2008.

State law requires City Council to hold a public hearing before adopting the ordinance. The Planning and Development Department recommends establishing a public hearing date one week from the passage of the motion.

cc: Marty Stein
Arturo Michel, City Attorney
Deborah McAbee, City Legal
Dr. Carol Lewis, Houston Planning Commission

REQUIRED AUTHORIZATION

F & A Director:	**Other Authorization:**	**Other Authorization:**

CITY OF HOUSTON

TIRZ Program

Interoffice
Correspondence

To: Marty Stein

From: Robert Fiederlein

Date: August 13, 2008

cc: Michelle Mitchell
Tom Mesa

Subject: Motion to Set Hearing Date for Memorial Heights TIRZ Project Plan

The attached RCA is specific to a Second Amended TIRZ No. 5 Project Plan and Zone Refinancing Plan. This amendment is a component of the October 10, 2007 TIRZ No. 5 annexation of an additional 767 acres to the Zone. The Second Amended Project Plan restates and redefines the goals and objectives included in the September 11, 1999 Project Plan and adds two new project categories: provisions for affordable housing and redevelopment of cultural and public facilities.

Projects to be funded by this Second Amended Plan include parks, plazas, hike and bike trails, pedestrian bridges, and improved access to the Buffalo Bayou trail complex between Memorial Drive and Allen Parkway from the Sabine to the Shepherd bridges.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Motion establishing a public hearing date for amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eighteen (Fifth Ward Zone).	**Category** # 1	**Page** 1 of 1	**Agenda Item** # 31
FROM: (Department or other point of origin): Finance	**Origination Date** August 14, 2008		**Agenda Date** AUG 20 2008
DIRECTOR'S SIGNATURE: MS Michelle Mitchell	**Council Districts affected:** B		
For additional information contact: Robert Fiederlein **Phone:** 832.393.8091 Tom Mesa **Phone:** 713.837.9857	**Date and identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary)
Establish a public hearing date regarding amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eighteen (Fifth Ward Zone).

Amount and Source of Funding: No Funding Required	Finance

Specific Explanation:

The board of directors of Tax Increment Reinvestment Zone Number Eighteen are considering amendments to the Project and Financing Plan for the Zone and will be transmitting a proposed amendment to the Amended Project and Financing Plan for City Council consideration shortly. Per Section 311.011(e) of the Tax Code (the "TIRZ Act"), a public hearing must be held prior to adopting an ordinance approving the proposed amendments. The TIRZ Program recommends establishing a public hearing of September 3, 2008.

The proposed amendment would redirect the TIRZ's project plan to address affordable housing, redevelopment along LyonsAvenue, and the potential reimbursement of developer costs for infrastructure. Additionally, the plan amendment makes provisions for County participation and potential County projects.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Deborah McAbee, Senior Assistant City Attorney
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION

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

F&A 011 A Rev. 3/94

7530-0100403-0

32

32

AUG 2 0 2008

MOTION NO. 2008

MOTION by Council Member Khan that the recommendation of the Director of the Building Services Department, relative to the condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, be adopted, and authority is hereby given for condemnation of .229 acres of land, consisting of Lots Nine (9) and Ten (10), Block Sixty-One (61) of the Baker Addition, a subdivision of the City of Houston, Harris County, Texas, more commonly known as 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, Harris County, Texas, owned by Estrellita H. Redus, Trustee of the Redus Revocable Trust, to provide additional parking for the Gregory School.

Seconded by Council Member Green

Council Member Lovell absent

Council Member Johnson absent on City business

Council Member Garcia absent on personal business

On 08/13/2008 the above motion was tagged by Council Member Rodriguez.

mla

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

SUBJECT: Condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street. WBS No. E-000144-0001-2 **Owner:** Estrellita H. Redus, Trustee of the Redus Revocable Trust		**Page** 1 of 1 **Agenda Item** 32 #
FROM (Department or other point of origin): General Services Department	**Origination Date** 7-24-08	**Agenda Date** AUG 13 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 7/24/08	**Council District affected:** I AUG 20 2008	
For additional information contact: Jacquelyn L. Nisby 832-393-8023	**Date and identification of prior authorizing council action:**	

RECOMMENDATION: Authorize by Council Motion the condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street.

Amount Of Funding: To be determined by condemnation proceeding. **Source Of Funding:** Reimbursement of Equipment/Projects Fund (1850)	**Finance Budget:**

SPECIFIC EXPLANATION: The historic Gregory School is located in Houston's Fourth Ward. The building is being renovated and restored to transform the school into an African American Library and Archival Center that will tell the history of African Americans in Houston through photographs, letters, documents and oral histories.

The City desires to acquire .229 acres of land to provide additional parking for the Gregory School, and to purchase from Estrellita H. Redus, Trustee of the Redus Revocable Trust, all of that certain tract of land consisting of Lots Nine (9) and Ten (10), Block Sixty-One (61) of the Baker Addition, a subdivision of the City of Houston, Harris County, Texas, more commonly known as 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, for a purchase price of $400,000.00. It is expected that the Reimbursement of Equipment/ Projects Fund will be reimbursed through future agreements with the Fourth Ward TIRZ No. 14. In the event an agreement is not reached, Public Improvement Bonds will be used to fund the purchase.

CONDEMNATION: Condemnation is being recommended to acquire this parcel due to the owner's inability to sell the land to the City, since there is a prior prospective purchaser who is alleging a right to purchase the land. The City's offer was based on recent sales in the neighborhood and was accepted by the Seller. The breakdown is as follows:

10,000 square feet (unencumbered) @ $40.00 PSF.....$400,000.00

Therefore, the General Services Department recommends that authority be given through Council Motion to condemn .229 acres of land consisting of Lots Nine (9) and Ten (10), Block Sixty-One (61) of the Baker Addition, a subdivision of the City of Houston, Harris County, Texas, more commonly known as 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, Harris County, Texas.

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Wendy Heger

REQUIRED AUTHORIZATION CUIC ID# 25 RB 29

General Services Department: Forest R. Christy, Jr., Director Real Estate Division		**Houston Public Library:** Rhea Brown Lawson, Ph.D. Director

F &A 011.A Rev. 3/940

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

R

SUBJECT: Ordinance amending Chapter 47 of the Code of Ordinances relating to Developer Participation Contracts		**Page** 1 of 1 **Agenda Item** #33
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/7/08	**Agenda Date** AUG 13 2008
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., DEE, Director		**Council District affected:** All
For additional information contact: Jun Chang, P.E. **Phone:** (713) 837-0433		**Date and identification of prior authorizing Council action 4/9/2008 Ord 2008-0307**

RECOMMENDATION: (Summary)
Adopt an ordinance to delegate to the Director of Public Works and Engineering the authority to extend Developer Participation Contracts executed prior to April 9, 2008

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION:

The recent changes to the Developer Participation Program outlined in Chapter 47 Article IV Section 47-164 allow for the Director of Public Works and Engineering to both approve and extend Developer Participation Contracts. However, Developer Participation Contracts approved by the City prior to April 9, 2008 must still go through Council for an extension.

A developer may need extensions for two different deadlines. The first deadline requires a Developer to initiate a Notice to Proceed to the contractor within 18 months after the date of the countersignature of the City Controller. The second deadline is that reimbursements must take place within 3 years of the date of Notice to Proceed. If either deadline is not met, the contract terminates.

Due to the current market conditions, there are numerous requests for extensions to Developer Participation Contracts. For the Director to approve an extension, PWE will adopt a policy requiring that the extension must be received within 6 months of the expiration under the Notice to Proceed and 12 months of the expiration of the reimbursement. Additionally, per the Ordinance the Director may not extend either of the time periods to begin or complete construction by more than one year. Council will given 10 days notice prior to the approval of the extension and the applicant must not owe City tax.

Council is therefore requested to delegate to the Director of the Department of Public Works and Engineering the authority to extend the Developer Participation Contracts that have been approved by Council prior to the passing of Ordinance 2008-0307 on April 9, 2008.

CUIC# 20JZC450A

F & A Director	**Other Authorization:** Andrew F. Icken, Deputy Director Planning and Development Services	**Other Authorization:**

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City of Houston, Texas, Ordinance No. _____

AN ORDINANCE AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO DEVELOPER PARTICIPATION CONTRACTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, development in the City of Houston has been slowed by the current condition of the market real estate market; and

WHEREAS, developers who have executed developer participation contracts are requesting that the terms of their contracts be extended so that their have time to complete the requirements of the contracts; and

WHEREAS, the City Council desires to amend Section 47-164 of the Code of Ordinances to allow the Director of Public Works and Engineering to extend developer participation contracts, including contracts executed prior to the effective date of this Ordinance; **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 Subsection 47-164(4) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

> "(4) A developer shall not be reimbursed for any eligible costs, including interest, and shall waive any right to claim such reimbursement if the developer fails to:
>
> a. Obtain a fully executed developer contract prior to beginning construction of the facilities;

b. Begin actual construction of the facilities described in the developer contract within 18 months after the date of countersignature of the developer contract by the city controller; or

c. Complete construction of 100 percent of the facilities described in the developer contract (and 25 percent of the number of housing units required by a 70 percent developer reimbursement contract) within three years of the date the developer commences construction.

The director may extend the contract term, including the time limits set out in (b) and (c) if the developer can show good cause for its delay. Provided, however, the director may not extend either of the time periods described in items (b) and (c). by more than one year.

In no case shall the city reimburse the contractor for an amount in excess of the amount set out in the developer contract, which must not ever exceed $1,000,000.00 per contract."

Section 2. This ordinance shall be given both prospective and retroactive effect.

Section 3. All ordinances in conflict herewith are hereby repealed to the extent of conflict only.

Section 4. If any portion of this Ordinance, or the application thereof to any person or set or circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or their application shall not be affected thereby.

Section 5. 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 immediately upon its passage and approval 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 _____, 20_____.

APPROVED this _____ day of _____, 20_____.

_____
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

_____
City Secretary

Prepared by Legal Dept. _____
EWB:jdw Senior Assistant City Attorney
Requested by Michael S. Marcotte, P.E., Director, Public Works and Engineering Department
L.D. File No.

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

SUBJECT: Ordinance appropriating FY09 funding for the Developer Participation Contracts S-000800-DPC1-4/R-000800-DPC1-4/M-000800-DPC1-4		**Page** 1 of 1 **Agenda Item #** 34 #9
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 8/7/08	**Agenda Date** ~~AUG 13 2008~~
DIRECTOR'S SIGNATURE Eric Dargan 07/29/08 Michael S. Marcotte, P.E., DEE, Director for		**Council District affected:** All
For additional information contact: DMS Jun Chang, P.E. **Phone:** (713) 837-0433		**Date and identification of prior authorizing Council action 4/9/2008 Ord 2008-0307**

RECOMMENDATION: (Summary)
Adopt an ordinance appropriating funding for Developer Participation Contracts for FY09

FY09 $17,500,000
$12,000,000 from the Water and Sewer System Consolidated Construction Fund 8500
$1,500,000 from the Drainage Improvement Commercial Paper Series F Fund 4030
$2,000,000 from the Homeless and Housing Consolidated Fund 4501
$2,000,000 from the Affordable Housing Uptown Series 2004 Fund 2417

SPECIFIC EXPLANATION:

In accordance with the changes to Chapter 47 regarding the Developer Participation Program passed April 9, 2008 by Ordinance Number 2008-0307, The Director of the Public Works and Engineering Department requests Council approval of the Appropriations necessary to fund Developer Participation Contracts for FY09. When a DPC application is administratively complete, but at least 10 days prior to approval by the Director, the Department shall provide the members of the City Council notice of the scope and location of the proposed development as well as contact information for the developer. The funding requested for FY09 is the amount as approved in the 5 Year Housing Plan. The Public Works and Engineering Department will make available a quarterly report detailing specific expenditures.

CUIC# 20JZC447

Finance Department Director	**Other Authorization:**	**Other Authorization:**
Michelle Mitchell	Andrew F. Icken, Deputy Director Planning and Development Services	