

**AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 14, 2010 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - SEPTEMBER 15, 2010 - 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** regarding a second amendment to the **PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN** for Tax Increment Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) - **DISTRICT H - GONZALEZ**

**MAYOR'S REPORT** - Status Updates on Metro

**CONSENT AGENDA NUMBERS 2 through 36**

**MISCELLANEOUS** - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment of **MR. TERRY ALMON GARRISON** as Fire Chief
3. REQUEST from Mayor for confirmation of the appointment of the following individuals as Associate Municipal Court Judges, for two year terms:  
Position 37 - **MR. LAWRENCE A. ROUSSEAU**  
Position 46 - **MS. MEGAN A. MCLELLAN**
4. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE):**  
Position Two - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2012 and as Chair, for a term to expire December 31, 2010  
Position Seven - **MR. MICHAEL LASTER**, for a term to expire December 20, 2011
5. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2010 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code
6. RECOMMENDATION from Acting Fire Chief to approve the sale of Decommissioned Firefighting Bunker Gear to the "Sister City" of Karachi, Pakistan

**ACCEPT WORK** - NUMBERS 7 through 11

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,634,374.92 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Taxiway "H" Pavement Rehabilitation at Ellington Airport, Project No. 614 - 3.83% over the original contract amount - **DISTRICT E - SULLIVAN**
8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$2,150,653.26 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Wetlands Creation at Westside Mitigation Area, Project No. 586A - 4.81% over the original contract amount
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,262,785.64 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 7.16% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; F - HOANG; G - PENNINGTON and H - GONZALEZ**
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,037,458.53 and acceptance of work on contract with **REPIPE CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method 1.81% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,807,023.00 and acceptance of work on contract with **UTILITY SERVICE CO., INC** for Rehabilitation of Four Elevated Storage Tanks at Four Plant Sites, Kingwood-3, Kingwood-4, District 41-2 and Forest Cove-2 - 4.06% under the original contract amount - **DISTRICTS D - ADAMS and E - SULLIVAN**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 16

12. **FERRARA FIRE APPARATUS, INC** for Ferrara Truck Replacement Parts and Repair Services for Fire Department - \$755,915.42 - General Fund
13. **STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fees for Firefighters for Fire Department - \$190,000.00 - General Fund
14. ORDINANCE appropriating \$120,831.70 out of Fire Consolidated Construction Fund for Structural Remediation at Fire Station No. 29 for General Services Department
- a. **BASELINE PAVING AND CONSTRUCTION, INC** for Structural Remediation at Fire Station No. 29 for General Services Department - \$109,847.00 and contingencies for a total not to exceed \$120,831.70 - **DISTRICT I - RODRIGUEZ**
15. **DIAGNOSTIC HYBRIDS, INC** for Monoclonal Antibody Reagents and Control Kits for Houston Department of Health & Human Services - \$465,395.65 - General Fund
16. **S.P. LUFTBILD GmbH** for Sale of Helicopter Parts and Accessories for Houston Police Department - \$73,000.00 - Revenue

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 36

17. RESOLUTION designating properties located at 1511 Everett Street, 3601 South Sandman Street, 1110 Victor Street, 1113 Cleveland Street, and 1505-1507 Cushing Street within the City of Houston as landmarks and protected landmarks - **DISTRICTS C - CLUTTERBUCK; H - GONZALEZ and I - RODRIGUEZ**
18. ORDINANCE **AMENDING SECTION 15-23 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Contract Compliance Commission Hearing procedure
19. ORDINANCE **AMENDING ARTICLES II, III, AND VIII OF CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, transferring all permitting functions contained therein from the Houston Police Department to the Administration and Regulatory Affairs Department; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
20. ORDINANCE making findings concerning the use of 2.6 acres of land near Gillette Street and Allen Parkway previously designated as San Felipe Park
21. ORDINANCE amending Ordinance Numbers 2009-288 and 2009-689 to increase the maximum contract amount for **THE SHELTERING ARMS, HOUSTON, TEXAS** and **DINSMORE MEDICAL SYSTEMS, LLC**, respectively; approving and authorizing first amendment to contract for elderly services provided through the Harris County Area Agency on Aging between the City and **THE SHELTERING ARMS, HOUSTON, TEXAS** - \$1,146,420.47 - Grant Fund
22. ORDINANCE relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC within the City of Houston, Texas; setting a hearing to determine just and reasonable rates to be observed within the City of Houston  
**HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 29, 2010**
23. ORDINANCE authorizing the Mayor to accept funding in the amount of \$4,035,076.00 by executing an Other Transaction Agreement by and between the Department of Homeland Security Transportation Security Administration for Surveillance Program Enhancements at William P. Hobby Airport - Grant Fund - **DISTRICT I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

24. ORDINANCE authorizing the Mayor to accept funding in the amount of \$13,033,734.00 by executing an Other Transaction Agreement by and between the Department of Homeland Security Transportation Security Administration for Surveillance Program Enhancements at George Bush Intercontinental Airport/Houston - Grant Fund - **DISTRICT B - JOHNSON**
25. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System (Project 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
26. ORDINANCE approving an Agreement between the City of Houston, Texas and **AINBINDER HEIGHTS, LLC** pursuant to Chapter 380, Texas Local Government Code for Economic Development Assistance for Development of a Multi-Tenant Commercial Retail Project in the City **DISTRICT H - GONZALEZ**
27. ORDINANCE appropriating \$35,000.00 out of Reimbursement of Equipment/Projects Fund to be reimbursed by a subsequent payment from the Hardy/Near Northside Redevelopment Authority (Authority); authorizing and approving an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** and a Sponsorship Agreement between the City and Authority for the North San Jacinto Street Expansion Project - **DISTRICT H - GONZALEZ**
28. ORDINANCE appropriating \$550,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing contract between the City of Houston and **SOGETI USA, LLC** for analysis and design of a Queuing and Payment System for the Houston Permitting Center; providing a maximum contract amount; providing funding for contingencies relating to design and construction of facilities financed by the Reimbursement of Equipment/Projects Fund
29. ORDINANCE awarding contract to **RUSH TRUCK CENTERS OF TEXAS, LP dba RUSH TRUCK CENTER; HOUSTON** for Automotive, Heavy-Duty Front End Repair Services for Various Departments; providing a maximum contract amount - 3 years with two one-year options \$869,902.98 - General and Fleet Maintenance Funds
30. ORDINANCE awarding contract to **WELLS FARGO MERCHANT SERVICES, LLC** for Credit Card Processing Services for Various City Departments - 5 Years with three one-year options Revenue
31. ORDINANCE appropriating \$68,505.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to an Interlocal Agreement (Approved by Ordinance No. 2008-1202) between the City of Houston and **UPPER KIRBY REDEVELOPMENT AUTHORITY** for the Design and Construction of Kirby Drive from Richmond to Westheimer - **DISTRICT C - CLUTTERBUCK**
32. ORDINANCE No. 2010-698, passed first reading on September 1, 2010  
ORDINANCE granting to **BCS RESOURCE, L.L.C., A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
33. ORDINANCE No. 2010-699, passed first reading on September 1, 2010  
ORDINANCE granting to **J. A. GAMEZ TRUCKING SERVICES, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**



**RESOLUTIONS AND ORDINANCES** - continued

34. ORDINANCE No. 2010-700, passed first reading on September 1, 2010  
ORDINANCE granting to **GALLEGOS & SONS TRUCKING, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
35. ORDINANCE No. 2010-701, passed first reading on September 1, 2010  
ORDINANCE granting to **IESI, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
36. ORDINANCE No. 2010-682, passed second reading on September 1, 2010  
ORDINANCE granting to **GI ENVIRONMENTAL VACUUM SERVICE, INC, A Texas Corporation**, 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** - NUMBER 37

**PURCHASING AND TABULATION OF BIDS**

37. **AMEND MOTION #2010-579, 8/4/10, TO REDUCE** spending authority to **FISCHER SCIENTIFIC** by \$17,179.01 and approving corresponding increase of \$17,179.01 to **RAE SYSTEMS** for purchase of equipment for the Houston Fire Department Hazardous Materials Team due to an error in the request for council action - **REQUIRES THREE MOTIONS**

**MATTERS HELD** - NUMBERS 38 through 40

38. ORDINANCE appropriating \$3,000,000.00 out of FY11 Equipment Acquisition Consolidated Fund as an additional appropriation for Houston Municipal Courts Case Management System; approving and authorizing a first amendment to the contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863); providing for expenses relating to the development and implementation of the system - **TAGGED BY COUNCIL MEMBER BRADFORD**  
This was Item 24 on Agenda of September 1, 2010
39. ORDINANCE awarding contract to **RBEX, INC dba APPLE TOWING CO.** for Towing and Storage Services for Seized Vehicles for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,375,000.00 - Asset Forfeiture Fund  
**TAGGED BY COUNCIL MEMBER BRADFORD**  
This was Item 25 on Agenda of September 1, 2010

**MATTERS HELD** - continued

40. ORDINANCE awarding Job Order Contracts to **TIMES CONSTRUCTION, INC** and **J. E. DUNN CONSTRUCTION COMPANY** for Minor Construction, Repairs, Rehabilitations and Alterations of Various City Facilities; providing a maximum contract amount of \$10,000,000 for each contract 5 Years - **TAGGED BY COUNCIL MEMBERS LOVELL, ADAMS and JOHNSON**  
This was Item 28 on Agenda of September 1, 2010

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

### SUPPLEMENTAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Houston at its regular meeting Wednesday, September 15, 2010, which will convene at 9:00 a.m. in the City Council Chambers, Second Floor, City Hall, 901 Bagby, Houston, Texas, will consider the following item:

41. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals as Full-Time Municipal Court Judges, for two year terms:
- Position 7 - **MR. DAVID O. FRAGA**, reappointment
  - Position 11 - **MS. KIM R. TRUJILLO**, appointment

  
\_\_\_\_\_  
City Secretary

*CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
SEPTEMBER 14, 2010 – 2:00 PM*

*AGENDA*

<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
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<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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*NON-AGENDA*

<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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- MS. KAREN KRISTOPHER – 1415 S. Voss Rd., Ste. 110 - 77057 – 713-266-2715 – Sex Trafficking
- MS. ANNIE LYLES – 1001 Pinemont, No. 36 – 77018 – 713-263-7156 – Wrong doing of HPD Officers
- MR. DONALD BURNS – 13021 Donegal – 77047 – 713-882-0307 – 2016 Main private policing in my Homestead
- MS. MARY ANKRUM – 1229 Nola Ct. - 77013 – 713-453-1472 – Drilling for Oil/Gas in Hermann Brown Park
- MS. KATHY LUERSEN – 910½ W. Drew – 77006 – 713-521-2872 – Drilling in our Park
- MR. ANTHONY COLLINS – 6202 Star Lake – Humble – TX – 77396 – 713-294-0965 – Neighborhood Centers Inc.
- MR. OLIVER KINCHEN – 60223 Tincay Oaks – 77088 – 281-447-0049 – Property issues
- MS. KIM SHAW – 6363 W. Airport, No. 225 – 77035 – 713-729-8269 – Issues and Complaint Houston Housing Authority
- MS. DEZERA HILL – Post Office Box 993 – 77455 – 281-438-6360 – Rejection of Appeal after 7yrs – No Notification
- MS. BRIJ KAPUR – 9850 S. Kirkwood Dr. – 77099 – 281-455-7998 – Police case not handled properly; hit and run 85yr old
- MR. MITCH HOVERDICK – 1314 N. Boulevard – 77006 – 281-380-9622 – Historic Preservation Ordinance
- MR. ROBERT TAYLOR III – 3702 Alice St. - 77021 – 713-748-0395 –Ditches need to be cleaned in our neighborhood
- MR. MITCHEL ABRAMSKY – 4122 Barnes – 77007 – 713-440-0061 – Clarification of Employee Policy
- MR. RIYAD ABU-TAHA – 2001 Potomac Dr. – 77057 – 713-977-4923 – Islamic Center
- MS. TERRY REIS – 1810 Woodland Park Dr. – 77077 – 281-4974466 – Sewer odor in home
- MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 - Behavior; Fiesta Ballroom, 200 Jackson Street, Houston, disgracing Parents/Children
- MS. AMAL KUGNAR – 118 n. Woodstock Circle – The Woodlands – TX – 77381 – 281-731-0697 – Tow Truck Drivers
- MR. ANTONIO LOYA – 4621 Stillbrook St. – 77035 – 713-775-8158 – Accidents in City Park
- MR. STEVEN WILLIAMS – No address – No phone – Acres Home Library inordinate use of children, computers nine and ten
- MR. NORMAN E. ADAMS – 918 Drane Ct. – 77008 – 713-869-8346 – Drainage

*PREVIOUS*

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
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- REV. JOE ANGEL LOPEZ – 13334 Wells River – 77041 – 832-891-2724 – Houston SEARCH Coalition for Homeless - City Council lay bedside together

1  
SEP 15 2010

MOTION NO. 2010 0616

MOTION by Council Member Lovell that the recommendation of the Director of the Finance Department, to set a hearing date relative to a second amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Thirteen (Old Sixth Ward Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, September 15, 2010, in the City Council Chamber, Second Floor, City Hall.


Seconded by Council Member Costello and carried.

Mayor Parker, Council Members Stardig, Johnson,  
Clutterbuck, Adams, Sullivan, Hoang, Pennington,  
Gonzalez, Rodriguez, Costello, Lovell, Noriega  
and Bradford voting aye  
Nays none

Council Member Jones absent

PASSED AND ADOPTED this 18th day of August, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is August 24, 2010.

  
City Secretary

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Motion establishing a public hearing date for a Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Thirteen (Old Sixth Ward Zone).

Category #

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Agenda Item#

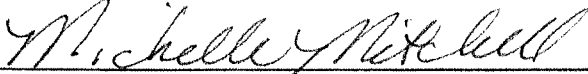
37

**FROM: (Department or other point of origin):**Michelle Mitchell, Director  
Finance Department

Origination Date

8/12/10

Agenda Date

~~AUG 18 2010~~**DIRECTOR'S SIGNATURE:**

Council Districts affected:

H

**For additional information contact:**Tim Douglass  
Ralph De LeonPhone: (713) 837-9857  
(713) 837-9573**Date and identification of prior authorizing Council Action:**

Ord. 1998-1256 on 12/22/98, Ord. 1999-794 on 07/28/99, Ord. 1999-827 on 08/11/99, Res. 2000-40 on 08/16/00

**RECOMMENDATION: (Summary)** Establish a public hearing date regarding a second amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Thirteen (Old Sixth Ward Zone).

**Amount of Funding:** No Funding Required**Finance Budget:****SOURCE OF FUNDING:**

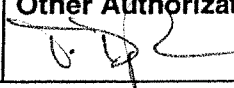
☐ General Fund    ☐ Grant Fund    ☐ Enterprise Fund  
☐ Other (Specify)

**SPECIFIC EXPLANATION:**

On August 11, 2010 the Board of Directors of the Old Sixth Ward Redevelopment Authority and the Board of Directors of Tax Increment Reinvestment Zone Number Thirteen approved the second amendment to the Project Plan and Reinvestment Zone Financing Plan for the Zone and have transmitted a proposed Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for City Council's consideration. Pursuant to Section 311.011(e) of the Texas Tax Code the ("TIRZ Act"), the City must hold a public hearing prior to the adoption of an Ordinance approving an amendment to the Project Plan and Reinvestment Zone Financing Plan. The Finance Department recommends establishing a public hearing for Wednesday, September 15, 2010.

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

## REQUIRED AUTHORIZATION

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



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

SEP 15 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: Y-205-10  
date

August 23, 2010

COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
City of Houston, Texas

Dear Council Members:

Pursuant to Section 34-52 of the Code of Ordinances, I am pleased to appoint Mr. Terry Almon Garrison as Fire Chief, subject to Council confirmation. Mr. Garrison's resume is attached for your review.

I expect to place his confirmation on the Council agenda of September 15, 2010 and will see that each of you have an opportunity to meet Mr. Garrison in the meantime.

Sincerely,

Annise D. Parker  
Mayor

attachment

cc: Waynette Chan  
Adam Harris  
Janice Evans  
Anna Russell  
Marty Stein  
Candy Aldridge

mls



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3  
SEP 15 2010

September 1, 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 9-1-10  
date

COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
Houston, Texas

**Re: Appointment of Associate Municipal Court Judges**

Dear Council Members:

I appoint the following individuals as Associate Municipal Court Judges, subject to Council confirmation. The Judges shall serve two year terms beginning immediately upon Council confirmation.

Names	Position
Lawrence A. Rousseau	37
Megan A. McLellan	46

Résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

Attachments

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts  
Ms. Marty Stein, Agenda Director, Mayor's Office







ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

4  
SEP 15 2010

COPY TO EACH MEMBER OF COUNCIL:

September 1, 2010

CITY SECRETARY: 9-1-10  
date

COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311, and City of Houston Ordinance No. 1999-1330, I am nominating the following individuals for reappointment to the Board of Directors of Reinvestment Zone Number Twenty, City of Houston, Texas, (Southwest Houston Zone), subject to Council confirmation:

Mr. Welcome W. Wilson, Jr., reappointment to Position Two, for a term to expire December 20, 2012 and as Chair, for a term to expire December 31, 2010; and Mr. Michael Laster, reappointment to Position Seven, for a term to expire December 20, 2011.

Pursuant to the bylaws of the Southwest Houston Redevelopment Authority, appointment of a director to the Board of Directors of this Zone will also constitute appointment of the director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumés of the nominees are attached for your review.

Sincerely,

Annise Parker  
Mayor

AP:JC:jsk

cc: Mr. Tim Douglass, Deputy Finance Director, City of Houston  
Mr. Ralph De Leon, Division Manager, City of Houston  
Mr. Bill Calderón, Legal Administrator, Hawes Hill Calderon, L.L.P.



## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Report of Tax Year 2010 Appraisal Roll Information, Certification of the Anticipated Collection Rate and Appoint Representatives to Calculate the Effective and Rollback Tax Rates

Category #

Page 1 of 1

Agenda Item#

5

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

Michelle Mitchell, Director  
Finance Department

Origination Date

September 7, 2010

Agenda Date

SEP 15 2010

**DIRECTOR'S SIGNATURE:**

*Kelley Downe* for Michelle Mitchell

Council Districts affected:

All

**For additional information contact:**

Jack Alexander, Deputy Director  
Sylvia Shaw, Division Manager

Phone: 713-837-9880

Phone: 713-221-0131

**Date and identification of prior authorizing Council Action**

September 22, 2009

Motion No. 2009 0673

**RECOMMENDATION: (Summary)** That City Council receive the tax year 2010 Appraisal Roll information, Certification of the Anticipated Collection Rate for "Truth-In-Taxation" purposes and appoint Sylvia Shaw, and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates.

**Amount of Funding:**

Not Applicable

F &amp; A Budget:

**SOURCE OF FUNDING:**

☐ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Truth-In-Taxation provisions of the State Tax Code require the City to take certain steps before adopting its ad valorem tax rate each year. The first of these steps are to, (1) submit the City's tax year 2010 appraisal roll information to City Council, (2) certify an anticipated collection rate to City Council, and (3) appoint representatives to calculate and publish the effective and rollback tax rates.

Attached are the required report of the tax year 2010 appraisal roll information and the certification of anticipated collection rate.

It is recommended that the City Council receive the tax year 2010 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's effective and rollback tax rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code.

cc: David M Feldman, City Attorney  
Marty Stein, Agenda Director

## REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

**CITY OF HOUSTON  
REPORT OF 2010 APPRAISAL ROLL INFORMATION  
AND ANTICIPATED AND EXCESS COLLECTIONS**

**2010 APPRAISAL ROLL  
(AS CERTIFIED BY THE CHIEF APPRAISERS OF APPRAISAL DISTRICTS)**

<b>Total Appraised/Assessed Value:</b>	<b>\$170,654,134,210</b>
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<b>Taxable Value of Certified Property:</b>	<b>\$128,080,627,237</b>
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<b>Taxable Value of Property Under Protest:</b>	<b>\$ 6,722,595,590</b>
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<b>Taxable Value of Property Still Not Certified:</b>	<b><u>\$ 7,658,294,163</u></b>
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<b>Taxable Value of All Properties:</b>	<b><u>\$142,461,516,990</u></b>
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<b>Taxable Value of New Improvements Included Above \$</b>	<b>2,492,585,760</b>
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**CERTIFIED ANTICIPATED COLLECTION RATE  
AND EXCESS COLLECTIONS**

The Tax Assessor-Collector of Harris County who acts as assessor and collector of ad valorem taxes for the City of Houston certified that the estimate of the anticipated collection rate for the City of Houston ad valorem taxes for tax year 2010 is 99.59% and there were no excess debt collections for tax year 2009.



Sylvia Shaw

Deputy Tax Assessor-Collector

## 2010 TAX SCHEDULE - FINAL

All references to the "Comptroller's manual" refer to the "Truth-in Taxation" guide for setting tax rates, as published by the State Comptroller in May 2010.

The Finance Department has determined that the proposed tax rate is lower than both the effective and rollback tax rates this year, thus public hearings are not required.

**July 26      Receipt of certified roll from MCAD**

**Aug 13      Receipt of certified roll from FBCAD**

**Sep 2      Receipt of certified roll from HCAD**

The Finance Department received the certified appraisal roll from the Harris County Appraisal District on September 2. The most substantial portion of the roll is from Harris County. The eventual adoption of a tax rate for 2010 must occur before the 60<sup>th</sup> day after the date the certified roll was received. TEX. TAX CODE § 26.05(a)

**Sep 15      Council Meeting - designation of officers**

As soon as practicable, the Director of the Finance Department must submit the certified appraisal roll to City Council. TEX. TAX CODE § 26.04(b).

As soon as practicable, the Director of the Finance Department must certify to City Council an estimate of the collection rate for the current fiscal year. TEX. TAX CODE § 26.04(b) and (h).

City Council must designate individual officers to calculate and publish the effective tax rate and the rollback tax rate. TEX. TAX CODE § 26.04(c) and (e).

**Sep 22      Council Meeting - a proposed tax rate**

As soon as practicable, the designated officers must submit the effective tax rate and rollback tax rate to City Council. TEX. TAX CODE § 26.04(e).

The Director of the Finance Department must recommend a proposed tax rate. Comptroller's manual, page 5.

City Council must pass a motion to place a specific proposed tax rate on a future City Council Agenda. Comptroller's manual, page 5.

**Sept 25      Publication of tax information**

The designated officers must publish in a newspaper the effective tax rate, rollback tax rate, and other specified tax information. TEX. TAX CODE § 26.04(e). The notice must also be posted on the City's Internet website from the date the notice is first published in the newspaper until the tax rate is adopted. TEX. TAX CODE §§ 26.06(c) 26.065(b). The notice must also be carried on the City's television channel. TEX. TAX CODE § 26.065(c).

**Sept 29      Council meeting to adopt tax rate**

If the ordinance adopting the tax rate imposes an amount of taxes to fund

maintenance and operations that exceeds the amount imposed in 2009, then the ordinance must include the statement in large font and capital letters that: "The tax rate will raise more taxes for maintenance and operations than last year's rate" and "The tax rate will effectively be raised by \_\_\_\_ % and will raise taxes for maintenance and operations a on a \$100,000 home by approximately \$\_\_\_\_". TEX. TAX CODE § 26.05(b).

If City Council adopts a 2010 tax rate for maintenance and operations that will impose an amount that exceeds the amount imposed for maintenance and operations in 2009, then the City must post certain specified information on its website. TEX. TAX CODE § 26.05(b).

**Nov 1**

**Deadline to adopt tax rate per Harris County Tax Assessor's Office**

City Council must adopt a tax rate before the 60<sup>th</sup> day after the date the certified appraisal roll was received. TEX. TAX CODE § 26.05(a). If City Council does not adopt a tax rate by that date, City Council is deemed to have adopted the lower of the effective tax rate or the rate adopted in 2009. TEX. TAX CODE § 26.05(c).

**Nov 6**

**Last day to call Council Meeting to "ratify" a deemed tax rate**

If City Council fails to adopt a tax rate before the 60<sup>th</sup> day after the date the certified appraisal roll was received, then City Council must meet again to "ratify" the deemed tax rate, which will be the lower of the 2010 effective tax rate or the tax rate adopted in 2009. This meeting to "ratify" the tax rate must take place before the fifth day after the date that the tax rate was deemed to have been adopted. TEX. TAX CODE § 26.05(c).

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8823**

**Subject:** Motion approving the sale of decommissioned firefighting bunker gear to the "Sister City" of Karachi, Pakistan.

Category #  
6

Page 1 of 1

Agenda Item  
**6**

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

Rick Flanagan  
Acting Fire Chief  
Fire

**Origination Date**

August 23, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont  
Neil Depascal

Phone: (713) 859-4934

Phone: (713) 247-8721

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

**RECOMMENDATION: (Summary)**

Adopt a Motion approving the sale of decommissioned firefighting bunker gear to the "Sister City" of Karachi, Pakistan.

**Amount of Funding:**

Revenue of \$1.00

**F & A Budget**

**SOURCE OF FUNDING:**

☒ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Fire Chief recommends that City Council adopt a motion approving the sale of decommissioned firefighting bunker gear for the sum of \$1.00 to the "Sister City" of Karachi, Pakistan. The Texas Constitution authorizes a municipality to donate decommissioned bunker gear to a developing country.

Following the adoption of a motion the Director of Finance will execute a Bill of Sale which will hold the City not responsible for any injury or damage to any person or property arising in connection with this equipment.

This sale will consist of 20 pallets of materials with an estimated salvage value of \$1,280.00. Price per pallet is based on previous auction sales conducted by the City of Houston Property Management Disposal Office.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:



January 25, 2010

Annis D. Parker  
Mayor  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251

Honorable Mayor Parker

As you may be aware of devastating fire that swept the city of Karachi last month claiming thousands of lives and destroying a major hub of the city resulting in loss of hundreds of thousands jobs for the poor. This fire continued burning for more than 3 weeks and the city of Karachi was helpless in putting the fire out due to lack firefighting equipment and fire trucks.

Since the inception of sister cities initiative, City of Houston has helped its sister cities in times of natural disasters through its sister city associations. Last year Houston City Council approved Houston- Karachi Sister City Association to be the 17<sup>th</sup> sister city with Houston.

Houston-Karachi Sister City is requesting the Honorable Mayor to help Karachi by way of donating any used, surplus and or out of commission fire equipment or supplies to Eighteen Million people of Karachi. It will help Karachi to cope with future fires and prevent unnecessary loss of lives. All costs relating to transportation to Karachi will be borne by Houston Karachi Sister City Association.

For your review please see the attached list of shortfall in existing fire stations in Karachi.

Thank you for your consideration of this noble cause.

Respectfully,

Haroon Sheikh,  
President  
Houston Karachi Sister City Association  
281-686-6112

SR 57364





## SURPLUS FIRE EQUIPMENT

### DONATION ITEMS

20- Pallets

### PRICE VALUE PER PALLET

\$64.00

### TOTAL VALUE OF DONATION

\$1,280.00

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>Subject:</b> Accept Work – SpawGlass Civil Construction, Inc. for Taxiway “H” Pavement Rehabilitation at Ellington Airport (EFD), Project No. 614 (WBS# A-000493-0001-4-01, WBS# A-000493-0001-4-02 and WBS# A-000493-0001-4-03 ; Contract No. 4600007371)		<b>Category</b> # 7	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 7
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> August 5, 2010		<b>Agenda Date</b> SEP 15 2010
<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Eric R. Potts</i>		<b>Council District affected:</b> E		
<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> 281-233-1941		<b>Date and identification of prior authorizing Council action:</b> 11/15/2006 (O) 2006-1151		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A		<b>Prior appropriations:</b> 11/15/2006..... \$ 3,903,335.00 Arpt Improvemt Fd (8011) 11/15/2006..... \$ 8,422,023.00 HAS FAA Grant Fund (8000) Total.....\$12,325,358.00		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$11,634,374.92 or 3.83 percent more than the original contract amount, accept work, and authorize final payment.				
<b>SPECIFIC EXPLANATION:</b> <p>The contractor, SpawGlass Civil Construction, Inc., has completed all the work required under their contract in the amount of \$11,204,870.50 for the pavement rehabilitation of Taxiway “H” at Ellington Airport (EFD). During construction, the Houston Airport System inspected this project.</p> <p>The final amount of the contract, including Change Order No. 1 in the amount of \$392,572.79 and line item overruns in the amount of \$36,931.63, will be \$11,634,374.92, which is 3.83 percent more than the original contract amount. The changes were due to unforeseen conditions that were undetermined at the time of design and necessitated additional demolition, removal and disposal of concrete in the safety area of Runway 17R/35L.</p> <p>SpawGlass Civil Construction, Inc. achieved 37.27% DBE participation on a 19.70% goal. The Office of Affirmative Action and Contract Compliance and the HAS Small Business Development and Contract Compliance Office awarded SpawGlass Civil Construction, Inc. an “Outstanding” rating.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>Subject:</b> Accept Work – TJ&T Enterprises, Inc. for Wetlands Creation at Westside Mitigation Area. Project No. 586A (WBS# A-000475-0001-4-01-01; Contract No. 4600008691)		<b>Category</b> # 7	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 8
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> August 16, 2010	<b>Agenda Date</b> SEP 15 2010	
<b>DIRECTOR'S SIGNATURE:</b> <i>M. T. Lee</i> <i>M. T. Lee</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> 281-233-1941		<b>Date and identification of prior authorizing Council action:</b> 03/26/2008 (O) 2008-239		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> None		<b>Prior appropriations:</b> 03/26/2008 .....\$2,277,587.00 Airport Improvement Fund (8011)		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$2,150,653.26 or 4.81 percent more than the original contract amount, accept work, and authorize final payment.				
<b>SPECIFIC EXPLANATION:</b>  The contractor, TJ&T Enterprises, Inc., has completed all the work required under their contract in the amount of \$2,051,880.00 for wetlands creation at the Westside Mitigation Area. During construction, the Houston Airport System inspected this project.  The final amount of the contract, including Change Order No. 1 in the amount of \$102,594.00 and an overall line item underrun in the amount of \$3,820.74, will be \$2,150,653.26, which is 4.81 percent more than the original contract amount. Changes were for unforeseen conditions that were undetermined at the time of design and necessitated additional corrugated PVC piping for improved drainage and the cutting, removal and disposal of trees (per USDA guidelines) to maintain the wetlands site.  TJ&T Enterprises, Inc. achieved 4.92% DBE participation on a 14% goal. The shortfall was due to the subcontractor not being able to deliver fuel to the contractor during construction. The Office of Affirmative Action and Contract Compliance and the HAS Small Business Development and Contract Compliance Office gave TJ&T Enterprises, Inc. a "Satisfactory" rating.  This item went to MWBE Committee on 8/30/10. No action was taken due to lack of quorum.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

NDT



## SUMMARY OF MWDBE ACTIVITIES

Project Number / Name: Aviation 586A - Wetlands Creation at Westside Mitigation Area Contract/CIP No: A-0475, AIP3-48-4812

Prime Contractor: TJ&T Enterprises, Inc.

Amount of Contract: \$2,051,880.00 Change Orders: \$102,594.00 Amount of Underruns: -\$3,820.74

Total Contract Amount: \$2,150,653.26

MWDBE Goal At Award of Contract: 14.00% Amount of MWDBE Goal Including Change Orders: \$301,626.36

Original MWDBEs Listed on RCA and Letter of Intent:

MWDBEs Used:	List of Original MWDBEs That Were Not Used:
A-1 Hydro-Mulching of Texas, Inc.	
Corporate Results, Inc.	
Deanie Hayes, Inc.	
TNL, Inc.	

MWDBE actual participation: 4.92% Verified by: M.J. Martin Date: May 24, 2010

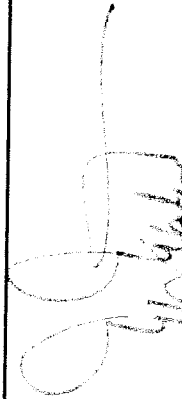
If goal was not achieved, list the amount and shortage. Briefly state the reason given by prime why the goal was not achieved and why the original MWDBEs listed in the RCA were not used

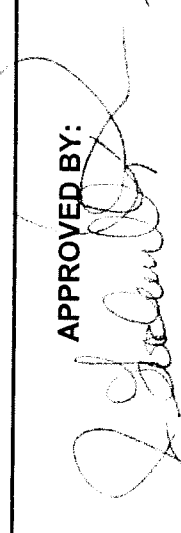
Prime Contractor was 9.08% short of the assigned goal as to the reasons outlined in the attached GFE correspondence. As such, the


SBDDC office of the HAS affirms with the reasons as outlined in Mr. Pierre's correspondence to Director Laws.

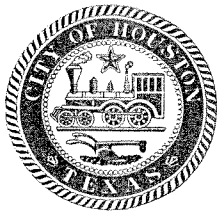
Briefly state the reason given by MWDBE why they were not used or not used to the full amount originally projected:

APPROVED BY:

  
Michael J. Martin, CCA  
Sr. Contract Compliance Officer  
HAS - SBDCC

  
J. Goodwille Pierre  
Division Manager  
HAS - Small Business Development Contract Compliance

  
Date: 24-May-10



# CITY OF HOUSTON

**Annise D. Parker**

**Mayor**



George Bush Intercontinental ~ William P. Hobby ~ Ellington Airport

Mario C. Diaz  
Director of Aviation

May 19, 2010

Mrs. Velma Laws  
Director  
Mayor's Office Affirmative Action and Contract  
Compliance Division  
611 Walker Street  
Houston, Texas 77002

Reference: Aviation Project 586A – Wetlands Creation at the Westside Mitigation Area  
TJ&T Enterprises, Inc. (Prime)

Dear Mrs. Laws:

We have reviewed and evaluated TJ&T Enterprises, Inc.'s Good Faith Efforts (GFE) regarding the project listed above. Our findings have determined that with the amount of full utilization of TNL, Inc. the current utilization percentage would have placed the total utilization for this project at 15.50%.

The Disadvantaged Business Enterprise (DBE) goal for this project was set at 14% and the contract amount was \$2,051,880.00.

- TJ&T Enterprises, Inc. current DBE participation is at 4.916%
- TJ&T Enterprises, Inc. obtained additional work via PDC Change Order/CO No.1 valued at \$102,594.00.
- The scope of work was to replace the eastern berms and concrete weirs with new ones that were designed to better resist the effects of erosion. The scope of service offered 14% of DBE opportunities, of which, 9.75% of the overall DBE goal was made available for TNL, Inc. a Diesel Fuel Supplier
- Because the Principal Representatives of TNL, Inc. did not have any trucks or fuel tanks to transport diesel fuel; was not qualified by the State of Texas to purchase untaxed diesel; and did not hold a Surety Bond, TJ&T Enterprise, Inc. was not able to meet the DBE assigned goal
- However; despite the TNL, Inc. not possessing the initial qualifications to meet a portion of the scope; the Prime contractor was still committed to the DBE certified contractor by purchasing various additional fuels needs from them

Council Members: Wanda Adams C.O. "Brad" Bradford Anne Clutterbuck Stephen C. Costello Edward Gonzalez Al Hoang Jarvis Johnson Jolanda "Jo" Jones  
Sue Lovell Melissa Noriega Oliver Pennington James G. Rodriguez Brenda Stardig Mike Sullivan Controller: Ronald C. Green

George Bush Intercontinental: PO Box 60106 Houston, Texas 77205-0106 ~ Phone: 281 230-3100 ~ Fax: 281 230-3108  
www.Fly2Houston.com. ~ www.houstontx.gov

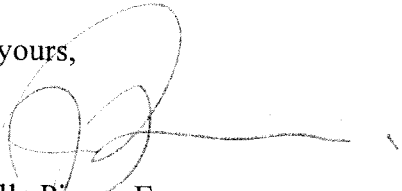
After careful review and evaluation, I have determined that TJ&T Enterprise, Inc. made several "Good Faith Efforts" (GFE) to the fullest extent possible to meet the 14% assigned DBE goal.

*The decision is based on the facts that:*

- 1) Change Order/CO No.1 valued at \$102,051.00, increased the initial total on this contract to \$2,154,474.00;
- 2) Minus the Change Order, TJ&T's goal (Less TNL, Inc's full participation) would stand at 9.084%
- 3) TJ&T Enterprises, Inc. pro-active and personal pursuit to support the subcontractor (TNL, Inc.) in meeting and obtaining their credentials as a diesel fuel supplier, demonstrated "excellent" Good Faith Efforts

If you have any questions or need additional information, please contact me at 281-233-7833.

Sincerely yours,



J. Goodwille Pierre, Esq.  
Manager, Houston Airport System  
Small Business Development Contract Compliance Office



\_\_\_\_\_  
Approved/Date  
Velma Laws, Director  
Mayor's Office Affirmative Action and Contract Compliance

Council Members: Wanda Adams C.O. "Brad" Bradford Anne Clutterbuck Stephen C. Costello Edward Gonzalez Al Hoang Jarvis Johnson Jolanda "Jo" Jones  
Sue Lovell Melissa Noriega Oliver Pennington James G. Rodriguez Brenda Stardig Mike Sullivan Controller: Ronald C. Green

# **TJ&T**

**Enterprises, Inc.**

1525 Lakeville Dr., Suite 109  
Kingwood, TX 77339  
Telephone (281) 348-0853  
Facsimile (281) 348-0854

July 21, 2008

Velma Laws  
Director  
City of Houston Affirmative Action & Contract Compliance  
611 Walker  
Houston, TX 77002

**RE: The City of Houston Airport System job; "Wetlands Creation at the Westside Mitigation Area" HAS 586A**

Ms. Laws,

TJ&T Enterprises, Inc. is the General Contractor for the Houston Airport System job referenced above. Prior to bidding this job, we were introduced to Mr. Sherman Lewis by Mr. Michael Martin and Mrs. Janice Ruley of your office. Mr. Lewis was newly certified by the City as a MDBE fuel supplier and we recognized this as a primary method of meeting the MWDBE goal % for the job. We were in fact the winning bidder and in February, 2008 I met personally with Mr. Sherman Lewis and his son at their place of business to discuss how we would work together on the project.

At that time, Mr. Lewis did not have any trucks or fuel tanks so I spent some time talking with he and his son about what I thought of the opportunity as a MDBE fuel supplier and strongly suggested they prepare themselves to begin distributing non taxed diesel fuel by obtaining some fuel tanks and trucks, even if they had to lease them in the beginning. I felt they were both very aware of the opportunity and commitment required when I left them.

As we prepared to start the job in May, 2008, we met Mr. Lewis at the pre-construction meeting and found that he still had no tanks or trucks. We suggested he call our normal supplier (Southcoast Resources) and get tanks from them. If necessary, we offered to purchase fuel from Southcoast through Mr. Lewis at a mark up until he was able to get his tanks and trucks so we could make our Goal.

Unfortunately, when it came time to order fuel, we also found out Mr. Lewis was not qualified by the State of Texas to purchase untaxed diesel. He had literally done nothing to prepare for selling fuel. In fact, I had to personally contact the State Comptrollers office to find out exactly what he needed to do to qualify. The qualifications are simple, complete an application and provide a surety bond. Even then, it has taken several weeks for this to be completed. We were contacted by Mr. Lewis on July 10, 2008 informing us that he was now qualified by the State to purchase untaxed fuel.

Our fuel purchases for this job were, by far, the major portion of our MWDBE goal %. Because of Mr. Lewis' inability to provide fuel, we have had to purchase from our normal supplier. We are 80-85% complete on the job at this point and will purchase any additional fuel needs through Mr. Lewis, but as a result of his inability to sell to us we will fall very short of our Goal.

We request an exception to our Contract based on these facts. Mr. Michael Martin has been in communication with us during this process as has Mrs. Janice Ruley. I believe they will both agree that we have attempted in good faith to reach our goal, but have been unable to do so because of the situation explained above.

If you have any questions, you can reach Jerry Wade at 713-248-7971 or Joe Broadhurst at 281-615-1305.




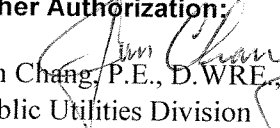
Sincerely,

Joe Broadhurst



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0106-4		<b>Page</b> 1 of 1	<b>Agenda Item</b> # 9
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> SEP 15 2010
<b>DIRECTOR'S SIGNATURE</b> 		<b>Council District affected:</b> C, F, G and H	
<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Sr. Assistant Director <b>Phone:</b> (281) 575-2847		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-1155, dated 10/17/2007	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$3,262,785.64, which is 7.16% under the original contract amount, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$3,797,956.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
<b>SPECIFIC EXPLANATION:</b>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,514,513.05. The Notice to Proceed date was 11/15/2007 and the project had 540 calendar days for completion.			
<b>LOCATION:</b> The project was located at various locations within Council Districts C, F, G and H.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,262,785.64, a decrease of \$251,727.41 or 7.16% under the original contract amount. Fewer point repairs were needed than anticipated.			
<b>MWDBE PARTICIPATION:</b> The MWDBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 20.91%. The contractor was awarded a "Satisfactory" rating from Affirmative Action.			
 JC:DHB:JI:DR:mf Attachments		This item went to MWBE Committee on 8/30/10. No action was taken due to lack of quorum.	
c: Velma Laws		Craig Foster	
<b>Project File 4257-85</b>		<b>REQUIRED AUTHORIZATION</b>	
<b>Finance Department</b>		<b>CUIC ID# 20DHB360</b>	
<b>Other Authorization:</b> 		<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	

[illegible]

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method  
WBS# R-000266-00G3-4

Page  
1 of 1

Agenda Item  
#

10

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

Department of Public Works and Engineering

**Origination Date**

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

Daniel W. Krueger, P.E.

**Council District affected:**

A, B, C, E, H and I

**For additional information contact:**

Dannelle H. Belhateche, P.E.

Sr. Assistant Director

**Phone:** (281) 575-2847

**Date and identification of prior authorizing Council action:**

Ordinance No. 2007-111, dated 01/24/2007

**RECOMMENDATION: (Summary)**

Pass a motion to approve the final contract amount of \$5,037,458.53, which is 1.81% over the original contract amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.

Original appropriation of \$5,318,702.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.

**DESCRIPTION/SCOPE:** This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Repipe Construction, LTD. with an original contract amount of \$4,948,077.12. The Notice to Proceed date was 03/14/2007 and the project had 730 calendar days for completion.

**LOCATION:** The project was located at various locations within Council Districts A, B, C, E, H and I.

**CONTRACT COMPLETION AND COST:** The contractor, Repipe Construction, LTD., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$5,037,458.53, an increase of \$89,381.41 or 1.81% over the original contract amount. More cured-in-place pipe was needed than anticipated.

**MWDBE PARTICIPATION:** The MWDBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 14.84%. The contractor was awarded a "Satisfactory" rating from Affirmative Action.

This item went to MWBE Committee on 8/30/10. No action was taken due to lack of quorum.

JC:DHB:JI:DR:mf

Attachments

c: Velma Laws

Craig Foster

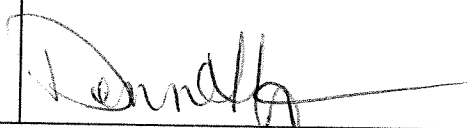
Project File 4258-25

**REQUIRED AUTHORIZATION**

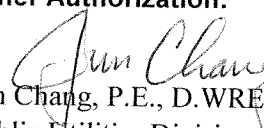
CUIC ID# 20DHB361 NDT

Finance Department

**Other Authorization:**



**Other Authorization:**

  
Jun Chang, P.E., D.WRE., Deputy Director  
Public Utilities Division

4258-25                      Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Methods  
R-000266-00G3-4        RePipe Texas, Inc.

Work Order	Key Map	Subdivision	Basin	CD
6	452Y	TIMBERGROVE MANOR SEC.6	II144	A
8	452X,Y	TIMBER GROVE SEC.6	IA001	A
1	372R	GREENS POINT SEC.1	NG120	B
4	373N,S	GREEN BRIAR SEC.1	NG114	B
14	456U	WALLISVILLE GARDENS	NEP02	B
5	491S	THREE FOUNTAIN SQUARE	SW001	C
11	532E	AYRSHIRE SEC.1	SW208	C
2	497E	HOME WONED ESTATE SEC.5	NE009	E
9	453R	BEVERLY PLACE	II024	H
13	493K	EVANS	II162	H
3	496A	SONGWOOD SEC.6	NE007	I
7	534G	PINE VALLEY SEC.11	SBP021	I
10	575G	SOUTH HOUSTON GARDEN SEC.6	EH343	I
12	575R	WIND MILL LAKES SEC.1 R/P	EH343	I



**City of Houston**  
**Affirmative Action and Contract Compliance**  
**Post-Award Good Faith Efforts Assessment**

**Date:** August 19, 2010

**Prime Contractor:** RePipe Construction, L.TD.

**Project No. /Description:** WW# 4258-25 SSR by cured in place method. R-000266-00G3-4-44600007277

**S/MWDBE Goal:** 17%    **S/MWDBE Goal Attained:** 14.84%    **S/MWDBE Rating:** Satisfactory

<b>Did the Contractor:</b>	<b><u>Yes</u></b>	<b><u>No</u></b>
Designate an S/MWBE Liaison?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Report MWBE Utilization Timely?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond Timely to AAD Information Requests?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit Deviation Requests, when necessary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Notify AAD of S/MWDBE issues that affected the goal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Enter into subcontracting agreements with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Respond to efforts to resolve disputes with subs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submit S/MWDBE Utilization Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agree to make up missed S/MWBE participation on another identified contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide S/MWBE's listed the maximum opportunity to participate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provide documentation on Good Faith Efforts to meet the goal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contacted City to assist in finding additional S/MWBE participation when needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Participate in Mentor-Protégé Program?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Rationale for Rating (including contractor history):**

RePipe fell short of the goal and overestimated the amount of work the subs would complete. This is a work order  
Driven contract and the prime did not engage the subs enough to meet the goal. The prime did agree to make up  
The participation with the subcontractors who were underutilized on another City of Houston project 4258-41 and  
AAD will track their participation on that project.

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

**SUBJECT:** Accept Work for Rehabilitation of Four Elevated Storage Tanks at Four Plant Sites, Kingwood-3, Kingwood-4, District 41-2 and Forest Cove-2.  
WBS No. S-000600-00B4-4.



Page 1 of 1

Agenda Item #

11

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

Department of Public Works and Engineering

**Origination Date**  
8/18/10**Agenda Date**  
SEP 15 2010**DIRECTOR'S SIGNATURE:**  
Michael S. Marcotte, P.E., D.WRE, BCEE, Director**Council Districts affected:**  
D & E **For additional information contact:**J. Timothy Lincoln, P.E.  
Senior Assistant Director  
**Phone:** (832) 395-2355**Date and Identification of prior authorizing Council Action:**  
Ord. #2006-555 dated 05/31/2006**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,807,023.00, which is 4.06% under the original Contract Amount, accept the Work and authorize the final payment.**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$2,340,000.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Storage Tank Rehabilitation and Replacement Program. It is required to meet the area's increased water demand and insure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.**DESCRIPTION/SCOPE:** The project consisted of rehabilitation of 1.5 MG elevated storage tanks at Kingwood 3 and Kingwood 4, 0.5 MG elevated storage tank at District 41-2 and 0.25 MG elevated storage tank at Forest Cove-2 water plant sites in accordance with the plans and specification. Pate Engineers, Inc. designed the project with 660 calendar days allowed for construction. The project was awarded to Utility Service Co., Inc. with an original Contract Amount of \$1,883,520.00.**LOCATION:** The project area is located at the following water plants:

<u>WATER PLANT</u>	<u>ADDRESS</u>	<u>KEY MAP GRID</u>	<u>COUNCIL DISTRICT</u>
1. Kingwood - 3	2903 High Valley	297-Z	E
2. Kingwood - 4	1500 Woodland Hills	336-G	E
3. District 41 - 2	3835 W. Orem	572-J	D
4. Forest Cove - 2	1110 Mustang Trail	336-F	E

**CONTRACT COMPLETION AND COST:** The Contractor, Utility Service Co., Inc. has completed the Work under subject Contract. The project was completed beyond the established completion date and liquidated damages in the amount of \$8,000.00 at \$500.00 per day for 16 days have been assessed and are reflected in final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities, liquidated damages and previously approved Change Order No. 1 is \$1,807,023.00, a decrease of \$76,497.00 or 4.06% under the original Contract Amount.

The cost underrun is primarily due to the work not requiring use of most Extra Unit Price Items.



**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 5.33%. The Contractor achieved an "Unsatisfactory" rating for M/WBE compliance.

This item went to MWBE Committee on 8/30/10. No action was taken due to lack of quorum.

MSM:DRM:JTL:SKF:mq

Z:\E&amp;C Construction\Facilities\Projects\S-0600-B4-3 Kingwood 3 Rehab Storage Tanks\Closure\RCA\RCA.DOC

c: File No. S-000600-00B4-4 - Closeout

**REQUIRED AUTHORIZATION****CUIC ID# 20MZQ165****Finance Department:****Other Authorization:**  
Jun Chang, P.E., D.WRE, Deputy Director  
Public Utilities Division**Other Authorization:**  
Daniel R. Menendez, P.E., Deputy Director  
Engineering and Construction Division

NOT

## Verification of SMWDBE Participation

Final Amount:	<b>\$1,807,023.00</b>	SMWDBE Goal:	<b>17%</b>
		Actual Participation:	<b>5.33%</b>

Utility Service closeout 6746

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8797

Subject: Formal Bid Received for Ferrara Truck Replacement Parts and Repair Services for the Fire Department  
S44-S23554

Category #  
4

Page 1 of 1

Agenda Item

12

FROM (Department or other point of origin):

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

Origination Date

September 01, 2010

Agenda Date

SEP 15 2010

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected  
All

For additional information contact:

Karen Dupont Phone: (713) 859-4934  
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Ferrara Fire Apparatus, Inc. on its sole bid in an amount not to exceed \$755,915.42 for Ferrara truck replacement parts and repair services for the Fire Department.

Estimated spending authority: \$755,915.42

Finance Budget

\$755,915.42 -General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Ferrara Fire Apparatus, Inc. on its sole bid in an amount not to exceed \$755,915.42 for Ferrara truck replacement parts and repair services for the Fire Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consists of a price list for Ferrara truck replacement parts; which includes; but is not limited to, cab tilt motors, gauge drivers, and hose reel gear, to be used by the Department to repair and maintain Ferrara brand fire trucks. This award also includes a \$75,600.00 labor component for repair services that cannot be performed by City personnel.

This project was advertised in accordance with the State of Texas Bid laws and one bid was received. Ferrara Fire Apparatus, Inc. is the sole authorized distributor for Ferrara truck replacement parts in the greater Houston area and the surrounding counties.

Buyer: John Tatman

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

Estimated Spending Authority

DEPARTMENT	FY2011	OUT YEARS	TOTAL
Fire Department	\$104,988.25	\$650,927.17	\$755,915.42

REQUIRED AUTHORIZATION

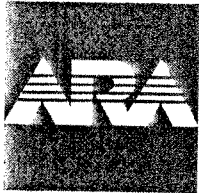
Finance Department:

Other Authorization:

Other Authorization:

OPEN



Administration &  
Regulatory Affairs

## Memorandum

**To:** Robert Gallegos, Deputy Assistant Director  
Affirmative Action Department

**From:** John Tatman  
Strategic Purchasing Division

**Date:** April 19, 2010

**Subject:** MWBE Participation Form

RECEIVED

APR 20 2010

City of Houston  
Affirmative Action

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

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

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

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

Solicitation Number: S44-S23554 Estimated Dollar Amount: \$755,915.42 Goal On Last Contract: 3%

Anticipated Advertisement Date: 04/23/10 Solicitation Due Date: 05/13/10 Was Goal met: Yes ☐ No ☒

If goal was not met, what did the vendor achieve: Zero percent

**Name and Intent of this Solicitation:** S44-S23554 Ferrara Truck Replacement Parts & Repairs Services. This solicitation will be used to provide parts and repair services for the Ferrara fire trucks in the Houston Fire Department's truck fleet.

Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement): (To be completed by SPD)  
The manufacturer of Ferrara Fire Apparatus is located in Holden, Louisiana. Replacement parts are shipped directly from the manufacturing facility, either to the Houston Fire Department or their local service representative. Any repairs performed by Ferrara Apparatus on the pumper trucks are completed by the Ferrara trained personnel. There is no divisible work available for sub-contractors on this award.

Concurrence:

John B. Tatman  
SPD Initiator

Desiree Smith  
Division Manager

Robert Gallegos  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8469

Subject: Approve the payment of certification and re-certification fees to the State of Texas Commission on Fire Protection for State Firefighter certifications.

Category #  
9

Page 1 of 1

Agenda Item

13

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

Rick Flanagan  
Acting Fire Chief  
Fire

**Origination Date**

September 17, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected**

All

**For additional information contact:**

Karen Dupont

Phone: (713) 859-4934

Neil Depascal

Phone: (713) 247-8721

**Date and Identification of prior authorizing**

**Council Action:**

Council Motion 2009-0664

**RECOMMENDATION: (Summary)**

City Council approve a motion authorizing payment to the Texas Fire Commission on Fire Protection for initial and annual re-certification of firefighters in an amount not to exceed \$190,000.00

Amount of Funding: \$190,000.00

General Fund

**F & A Budget**

**SOURCE OF FUNDING:**

☒ General Fund

☐ Grant Fund

☐ Enterprise Fund

\$190,000.00

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Fire Chief recommends City Council approve a motion authorizing payment to the Texas Fire Commission on Fire Protection for initial and annual re-certification of firefighters in an amount not to exceed \$190,000.00

Texas Government Code 419.024 requires that all firefighters employed in the State in a full time paid status be State certified. Certification must be renewed annually for each firefighter. Annual re-certification fees are to be paid to the State Commission prior to October 31<sup>st</sup> each year. Paying after October 31<sup>st</sup> results in a penalty of \$19.50 per firefighter.

Certifications include firefighting, Inspection, Rescue, Aircraft firefighting, and Master Instructors. Not every firefighter holds every certification. Each individual is certified according to their job responsibilities for the department. Based on current numbers of certified employees, projected trainees and special operations personnel to be certified this year we anticipate a total expenditure of no more than \$190,000.00.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8814

Subject: Formal Bids Received for Structural Remediation at Fire Station No. 29 for the General Services Department  
S50-C23678

Category #  
4

Page 1 of 2

Agenda Item

14-14A

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

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

**Origination Date**

August 16, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

1

**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 \$120,831.70 out of the Fire Consolidated Construction Fund (Fund 4500) and approve an award to Baseline Paving and Construction, Inc. on its low bid in the amount of \$109,847.00 and contingencies (10% for unforeseen changes within the scope of work) in an amount of \$10,984.70 for a total not to exceed \$120,831.70 for structural remediation at Fire Station No. 29 for the General Services Department.

Award Amount:\$120,831.70

**Finance Budget**

\$120,831.70 - Fire Consolidated Construction Fund (4500) WBS No. C-000182

**SPECIFIC EXPLANATION:**

The Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$120,831.70 out of the Fire Consolidated Construction Fund (Fund 4500). It is further recommended that City Council approve an award to Baseline Paving and Construction, Inc. on its low bid in the amount of \$109,847.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$10,984.70 for a total not to exceed \$120,831.70 for structural remediation at Fire Station No. 29 for the General Services Department and that authorization be given to issue purchase orders as necessary. The remediation consists of the stabilization of the existing apparatus slab and the replacement of the south exterior wall, which has been compromised due to slab settlement.

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

<u>Company</u>	<u>Total Amount</u>
1. Baseline Paving and Construction, Inc.	\$109,847.00
2. Watlee Construction, Inc.	\$118,497.00
3. Garcia Commercial Contractors Builders	\$127,077.00
4. Momentum Contractors, Inc.	\$144,000.00

The scope of work requires the construction contractor to provide all supervision, labor, materials, equipment, machinery, tools, transportation and ancillary items necessary to demolish the existing exterior masonry wall; install a new exterior masonry wall and concrete piers to repair the foundation at Fire Station No. 29, located at 4831 Galveston Road. The contractor shall also be required to repair the roof and replace the coping/flushing, acoustical ceiling tiles and paint the interior of the facility as needed. Materials and workmanship shall be warranted for one-year and the contractor shall have 30 calendar days to complete the work on this project upon receipt of the notice to proceed.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

MO

Date: 8/16/2010	Subject: Formal Bids Recieved for Structural Remediation at Fire Station No. 29 for the General Services Department S50-C23678	Originator's Initials AL	Page 2 of 2
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**Pay or Play Program:**

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

Buyer: Art Lopez

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8859

Subject: Sole Bid Received for Monoclonal Antibody Reagents and Control Kits for the Houston Department of Health and Human Services  
S21-S23699

Category #  
4

Page 1 of 1

Agenda Item

15

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

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

**Origination Date**

September 09, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Kathy Barton Phone: (713) 794-9998  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve an award to Diagnostic Hybrids, Inc. in an amount not to exceed \$465,395.65 for monoclonal antibody reagents and control kits for the Houston Department of Health and Human Services.

Estimated Spending Authority: \$465,395.65

**Finance Budget**

\$465,395.65 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Diagnostic Hybrids, Inc. on its sole bid in an amount not to exceed \$465,395.65 for monoclonal antibody reagents and control kits for the Houston Department of Health and Human Services. It is further requested that authorization be given to make purchases, as needed, for a 36-month period. This award consists of respiratory virus screening identification kits and detection supplies to perform tests on human samples that are analyzed to determine the presence of viruses as a cause of infection or disease by the Departments' Bureau of Laboratory Services. The HDHHS Bureau of Laboratory Services provides routine testing to patients visiting the public health clinics and in surge events that may be encountered during spontaneous public health events and or outbreaks citywide.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Seven prospective bidders downloaded the solicitation document from SPD's e-bidding website, and one bid was received. Due to the technical specification requirements for the HDHHS Bureau of Laboratory Services and its pre-existing diagnostic equipment, this solicitation resulted in a sole bid. Subsequent to this process it was determined that Diagnostic Hybrids, Inc. is the manufacturer and holder of the patents/rights to these kits which also makes this a sole source purchase.

Buyer: L. Marquez

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

**Estimated Spending Authority**

DEPARTMENT	FY2011	OUT YEARS	TOTAL
Houston Department of Health and Human Services	\$80,000.00	\$385,395.65	\$465,395.65

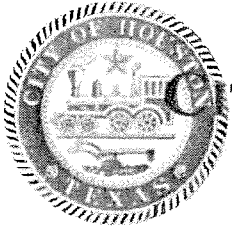
**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT



# CITY OF HOUSTON

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Calvin D. Wells, Deputy Director  
City Purchasing Agent

From: Laura A. Marquez

Date: March 26, 2010

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S21S23633 Estimated Dollar Amount: \$519,041.25

Anticipated Advertisement Date: 4/1/2010 Solicitation Due Date: 4/16/2010

Goal On Last Contract: n/a Was Goal met: Yes ☐ No ☐

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

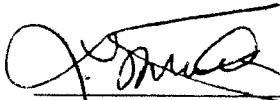
Name and Intent of this Solicitation:


Monoclonal Antibody Reagents and Control Kits for the Houston Department of Health and Human Services.


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

The monoclonal antibody reagents and control kits will be purchased directly from the sole source manufacturer and distributor that hold the patents/rights. This project encompasses miscellaneous diagnostic test kits that will be used on specific diagnostic test equipment located at the Health Department's laboratory that will be testing for rabies, HIV, TB tuberculosis, etc. These test kits must be compatible with the Health Department's equipment in order for it to render the appropriate and correct diagnosis.

Concurrence:

  
SPD Initiator

  
Division Manager

  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8857**

**Subject:** Formal Bids Received for the Sale of Helicopter Parts and Accessories for the Houston Police Department  
S12-N23658

Category #  
4

Page 1 of 1

Agenda Item

**16**

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

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

**Origination Date**

August 27, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*  
For additional information contact:

Joseph Fenninger *JAF 9/8/10* Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

**Council District(s) affected**

All

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

**RECOMMENDATION: (Summary)**

Approve the sale of helicopter parts and accessories in the total amount of \$73,000.00 for the Houston Police Department.

**Finance Budget**

Revenue Amount: \$73,000.00

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sale of helicopter parts and accessories to S.P. Luftbild GmbH on its high bid in the total amount of \$73,000.00 for the Houston Police Department. The revenue from the sale of these helicopter parts and accessories will be returned to the General Fund (Fund 1000).

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

**COMPANY**

1. Dakota Air Parts
2. S.P. Luftbild GmbH

**TOTAL AMOUNT**

\$ 9,522.00

\$ 73,000.00

This sale is "as is", "where is" and "without warranty" and includes pickup and removal of the Department's Schweizer Model 333 helicopter parts and accessories, which consist of tachometers, generators, a transmission, motor gearboxes, blades, duct and drive shaft assemblies, an audio panel, collective pins, a control unit and rubber stopper, breather hoses, pulleys, lanyards, temperature bulbs, truck transport clamps, fuel filter elements, a dual oil cooler, an autotronic warning unit, adapters, engine seals, tie downs, forward and aft landing gear damper assemblies, shut off valves, and v-belts. The helicopter parts and accessories, which range in age from 3 to 10 years, are no longer needed as the City's prior inventory of Schweizer Model 333 helicopters has been replaced with newer and more technologically advanced helicopters awarded via prior City Council Motions, Nos. 2008-0288 and 2008-0287.

Buyer: Martin L. King


**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

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

<b>SUBJECT:</b> Approval of a resolution designating 5 Historic Landmarks and Protected Landmarks in accordance with Chapter 33, Code of Ordinances		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 17
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> August 5, 2010		<b>Agenda Date</b> SEP 15 2010
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> C, H, I		
<b>For additional information contact:</b> Courtney Spillane Phone: (713) 837-7894		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approval of a resolution designating 5 Historic Landmarks and Protected Landmarks				
<b>Amount and Source of Funding:</b> N/A			<b>Finance Budget:</b>	

**SPECIFIC EXPLANATION:**

A property owner may initiate an application for the designation of a Historic Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. These applications for Historic Landmark and Protected Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on July 15, 2010 and July 22, 2010 respectively. There were no objections to the designations. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Historic Landmark and Protected Landmark designations.

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

	HISTORIC LANDMARK AND PROTECTED LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1	William Shipp House 1511 Everett Street	Owner	H	July 15, 2010	July 22, 2010
2	Millane Building 3601 S. Sandman Street	Owner	C	July 15, 2010	July 22, 2010
3	House at 1110 Victor Street	Owner	I	July 15, 2010	July 22, 2010
4	House at 1113 Cleveland Street	Owner	I	July 15, 2010	July 22, 2010
5	House at 1505-1507 Cushing Street	Owner	I	July 15, 2010	July 22, 2010

MG: rp

Attachments: Applications and Staff Reports

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs  
David M. Feldman, City Attorney  
Deborah McAbee, Land Use Division, Legal Department  
C.A. McClelland, Chief, Police Department  
Rick Flanagan, Acting Chief, Fire Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
--------------------------	-----------------------------	-----------------------------



# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** William L. Shipp House  
**OWNERS:** Ruben Obregon  
**APPLICANTS:** Same  
**LOCATION:** 1511 Everett Street – Near Northside  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** VI.a  
**HPO FILE NO:** 10PL91  
**DATE ACCEPTED:** 03-05-10  
**HAHC HEARING:** 07-15-10  
**PC HEARING:** 07-22-10

### SITE INFORMATION

Lot 10, Block 11, A.C. Allen Addition, NSBB, City of Houston, Harris County, Texas. The site includes a one-story wood-frame single-family residence and a small one-story accessory structure at the rear of the property.

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

### HISTORY AND SIGNIFICANCE SUMMARY

The William L. Shipp House is a Queen Anne style house built circa 1900 in Houston's historic Near Northside neighborhood. The Near Northside, located just north of downtown, was settled in the late 1800s, with many residents employed by the nearby railyards. The Southern Pacific shops in the Northside were said to be the largest in the southwest at the turn of the century, employing some 5,000 men and contributing greatly to the growth of the Northside neighborhood. Like many of his neighbors, William L. Shipp, the first owner of 1511 Everett Street, worked for the railroad. Many early residents were immigrants of Irish and German descent. After World War II, the Near Northside transitioned into a predominantly Hispanic neighborhood, which it remains today. The neighborhood still contains many examples of Victorian homes and cottages built by its earliest residents.

The William L. Shipp House features an unusual and unique pierced frieze above the porch, as well as other elaborate decorative woodwork, and is an architectural gem of the neighborhood. The house is an excellent representative of the Near Northside's early houses, and if designated, will be the City of Houston's first historic landmark in the neighborhood. The William L. Shipp House meets Criteria 1, 3, and 4, and was built before 1905 - all considerations for Landmark and Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

#### *Near Northside*

Houston's Near Northside neighborhood dates from the 1880s, when residential development began to meet the expansion of the adjacent railyards. The Near Northside was once part of the Fifth Ward that was formed in 1866 out of the First and Second wards north of Buffalo Bayou and east of White Oak Bayou. Houston's wards were established as political districts, each represented by elected aldermen. When Houston adopted a commission form of government in 1905, the political life of the wards ended yet their name continues to this day to describe geographic areas of the inner

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city. Today, the western boundary of the Fifth Ward zigzags between Maury and Hwy 59, and the area west of Maury to I-45 is known as the Near Northside.

Development of the Near Northside as a residential area began in the late 1800s, spurred by the neighborhood's proximity to the many railroads being built. The earliest land platted in the Northside was the Ryon plat, which was filed on November 17, 1862. Ryon's boundaries were Maury Street to the east, Line Street to the south, Terry and Robertson streets to the west and Gaines Street to the north. The A.C. Allen Addition was filed the next month, on December 30, 1862, and carved 65 blocks of varying sizes out of roughly 300 acres located north of Burnet Street to Morris Street, and from White Oak Bayou on the west to Common Street on the east. This plat laid out many of the main streets in today's Near Northside neighborhood – North Main, Fulton, Quitman, and Hogan.

South of Ryon, Miss Helen Culver of Chicago filed the plat for Cascara, a subdivision out of C.T. Hull's subdivision out of the Noble Tract, on December 10, 1890. This subdivision was platted with long blocks and narrow lots with alleys. Cascara school was located on Block 4 between Terry and McKee streets. The boundaries of the Cascara plat are two lots south of Noble Street for the northern boundary, Gano Street on the west, Maury Street on the east, and Harrington Street on the south. John R. Irvin filed the plat of Irvinton on May 3, 1891. This 86 block plat had a western boundary of Fulton, a northern boundary at Cavalcade, and east and west boundaries in an irregular paths on either side of Irvington Boulevard.

In the far southern portion of Near Northside is Chapman's First plat, which spans the north and south sides of Buffalo Bayou. Filed by William Chapman on March 11, 1861, this plat extends into the Warehouse District south of I-10 up to the Southern Pacific railyards.

Much of the housing stock in the Near Northside dates from these early years in Houston's history. A significant portion of the neighborhood's structures dates from 1880-1910, with Queen Anne and Folk Victorian styles predominant. Most of the remaining housing consists of bungalows from the early 20th century, with some later ranch style houses. Industrial and commercial buildings from the period are scattered throughout the neighborhood.

Early residents of Houston's Near Northside were working class, with many of them employed in the nearby railyards. Many of these early residents were Irish and German immigrants. With the decrease of rail traffic and increase in suburban development, the neighborhood began to decline after World War II. The area transitioned into a predominately Hispanic neighborhood, which it remains today. Key landmarks in the neighborhood include Jeff Davis High School, Marshall Middle School, Carnegie Library, Moody Park, and Holy Name Catholic Church.

### *A.C. Allen Addition*

The A.C. Allen Addition was filed by Charlotte Baldwin Allen in 1862, who was a founder of the City of Houston. Charlotte was the wife of Augustus C. Allen, who along with his brother John Kirby Allen, platted the original town of Houston at the confluence of Buffalo and White Oak bayous in 1836. Charlotte Baldwin was the daughter of Dr. Jonas Baldwin, founder and mayor of Baldwinsville, New York. She married Augustus Allen in May 1831 in New York. Charlotte Allen followed her husband from New York, as did many other Allen and Baldwin family members.

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Although many of their relatives became prominent Houstonians, the two Allen brothers themselves did not remain long in the city. John Kirby Allen died in 1838 at age 28. Augustus Allen left Houston in the 1840s to go to Mexico, where he engaged in business and served as a U.S. consul until his death in Washington, D.C., in 1864. Charlotte and Augustus quietly separated in 1850, and she remained in Houston until her death in 1895 at the age of 90. Charlotte's daughter, Eliza, married James Converse, an engineer, and had a son Thomas Pierce, born in 1876. Charlotte left an estate of \$51,867 to be administered by her nephew, A.C. Allen. Her grandson Thomas Pierce Allen Converse was her only living descendant when she died.

In 1856, Augustus Allen conveyed to Charlotte an 'interest in all unsold property in and about' the city of Houston. Six years later, in December 1862, the A.C. Allen Addition was filed with the city of Houston, subdividing roughly 300 acres on the north side of Buffalo Bayou into 65 blocks of varying sizes. Block 11, located on the southernmost edge of the plat nearest to the Southern Pacific railyards, did not begin to develop, however, until thirty years later. In 1883, Charlotte Allen conveyed Block 11 to her son-in-law James Converse, for \$1000. Not until late 1896 did Converse, acting as attorney in fact for Thomas Pierce Converse, and H.M. Davis, sell the first lots in Block 11. The final lots sold, Lots 9 and 10, were purchased by William Shipp on March 10, 1900 for \$600.

William Shipp obtained a mortgage from Bayou City Building and Loan Association on Feb 4, 1901, for \$1200. It's possible that he used these funds to build the house at 1511 Everett, as well as 1509 Everett on Lot 9. Two years later, Shipp sold Lot 9, "a certain improved lot of ground" (the southern of the two lots), to Jennie F. DeLane for \$450. Mrs. DeLane (married to Philip DeLane) owned the lot for five years, until May 10, 1907, when she sold Lot 9 to Bettie R. Daniel. At the same time, Bettie Daniel also purchased Lot 10 from William Shipp, combining the two lots under common ownership once again. Daniel paid \$1600 to Shipp, and \$1750 to DeLane and her husband Philip.

William Shipp, the first purchaser of the lot at 1511 Everett, was boarding with the Sullivan family at 1611 Montgomery Street (now known as North Main) in the 1900 Census. He was born in Louisiana in 1862 and was still single at the time of the census. Shipp had been boarding with the Sullivans for over ten years, and worked as a freight clerk with Southern Pacific railroad until the mid 1890s, when he went to work for T&NO freight depot.

The house at 1511 Everett first appears in Houston's 1902-1903 City Directory. Other families living on the street at that time included the Fitzgeralds at the southwest corner of Everett and Waverly; the McElgunns at 1507 Everett; and the Johnsons at 1501 Everett. James Fitzgerald was a chief car inspector and foreman, Patrick McElgunn was a carpenter, and Walter Johnson was a switchman, all three employed at the Southern Pacific railyards. By the time William Shipp built his house on Everett, he had been employed by the Texas and New Orleans (T&NO) railroad, which was part of the Southern Pacific system, for several years as a freight clerk. The T&NO freight depot was located at the corner of Willow Street and Liberty Avenue, which was within walking distance of the Everett house.

By the time of the 1910 Census, Shipp was living in a much smaller house at 1813 Freeman Street, several blocks from 1511 Everett Street, with his wife Margaret (Maggie), and their young daughters, Virginia and Mary. The Shipp family eventually moved to Keene Street, also in the

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Near Northside, where they lived for a number of years. William Shipp died in 1936 and Margaret died in 1945.

In 1945, Dave and Laura Key sold the house at 1511 Everett to Antonia Flores, who transferred the house to Margaret Flores in 1972. On May 31, 2000, the house was purchased by its current owners, Ruben and Saul O'Bregon, who removed later incompatible alterations and restored the house's original façade.

### *Railroads*

In 1850s, Houston got its first railroad with a rail line from Harrisburg to Austin. By 1861, there were 357 miles of railway centering in Houston. By 1893, this number had increased to 8,857 miles with fourteen rail lines transporting predominantly cotton and cattle. The Near Northside, north of Buffalo Bayou from downtown Houston, was chosen for the majority of the new rail lines, as well as the Southern Pacific rail shops, due to the availability of open land and lack of development at the time.

Because of the abundance of jobs, the rail shops supported the development of the neighborhood as railroad employees chose to live near their work. Large industrial buildings were constructed on the Southern Pacific site to house fabrication and repair services. Neighborhood development occurred largely due to the presence of the Southern Pacific yards.

Railroads helped immeasurably in Houston's growth. By 1903-4 Houston City Directory states "Seventy-two passenger trains arrive and depart from Houston every 24 hours. Three times as many freight trains are operated in the city during the same time. No city south of St. Louis can show such a railway traffic as this." During the early 1900s, Houston's Chamber of Commerce adopted the slogan "Where Seventeen Railroads Meet the Sea." The official seal of the City of Houston encircles an ancient locomotive and a plow.

### *Southern Pacific*

The Southern Pacific Transportation Company was founded as a land holding company in 1865, later acquiring the Central Pacific Railroad by lease. By 1900, the Southern Pacific Company had grown into a major railroad system which incorporated many smaller companies, such as the Texas and New Orleans Railroad and Morgan's Louisiana and Texas Railroad, and which extended from New Orleans through Texas to El Paso, across New Mexico and through Tucson, to Los Angeles, throughout most of California including San Francisco and Sacramento; it also included the Central Pacific Railroad extending eastward across Nevada to Ogden, Utah and had lines reaching north throughout and across Oregon to Portland.

Many of the Southern Pacific rail shops in the Near Northside were constructed in the late 19th and early 20th centuries. The Southern Pacific shops were said to be the largest in the southwest at the turn of the century, employing some 5,000 men.

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### *T&NO Railroad*

The Texas and New Orleans Railroad was one of the antebellum railroads of Texas. At one point the company was the largest railroad in Texas, with 3,713 miles of track in 1934, but by 1961 there were only 3,385 miles remaining when it was merged with parent company Southern Pacific.

In 1881, the Southern Pacific Railroad Company bought the Texas and New Orleans as well as many other railroads in the southern United States. As a result of this acquisition by Southern Pacific, The Texas and New Orleans Railroad found itself as part of a major trans-continental route from San Francisco to New Orleans. In 1882, The T&NO made passenger earnings of \$235,000 and freight earnings of \$1.3 million and owned 36 locomotives as well as over 1000 pieces of rolling stock. Also in 1882 the T&NO acquired the 103-mile Sabine and East Texas Railway Company. Many more companies were merged into T&NO from 1880 to 1900. In the early years of the 20th century The Texas and New Orleans built over 160 miles of track in East Texas, opening up a through route from Dallas to Beaumont.

Although the Texas and New Orleans accounted for less than 13 percent of Southern Pacific owned mileage in Texas and Louisiana, it was the company used to simplify the corporate structure in the two states. On March 1, 1927, the railroad leased several lines in Texas, namely on April 1, 1928. In 1926-1928, to simplify SP's corporate holdings, the T&NO leased a number of SP lines in Texas and Louisiana, including the Galveston, Harrisburg and San Antonio Railway Company, the Houston and Texas Central Railroad Company, the Houston East and West Texas Railway Company, the San Antonio and Aransas Pass Railway Company, the Southern Pacific Terminal Company, the Dayton-Goose Creek Railway Company, and the Texas Midland Railroad. In 1934, all of these were merged into T&NO, making it the largest railroad in Texas with 3,713 miles of track. On November 1, 1961, the remaining 3,385 miles were merged into the Southern Pacific, and the T&NO's separate existence ended.

### *Streetcar*

The earliest public transportation in the Northside was a mule-drawn car that crossed Buffalo Bayou at San Jacinto Street. This car traveled north on Willow Street and made a zigzag loop onto Liberty, then north on McKee, east on Conti, south on Semmes, west on Providence, then south on McKee to Third and back to Liberty. This was the only streetcar line in the Northside at a time when lines south of Buffalo Bayou were expanding further to the south and west.

Electric rail service on the Montgomery route began in mid-1892; unlike most of the early electric lines, this was not a former mulecar service. The electric rail service allowed people to live further from downtown. A key motivation to provide service to the Northside was the Southern Pacific rail shops, for decades one of the city's largest industrial employers. The Montgomery route of the 1890s extended only as far north as Hogan Street, but it was later lengthened and by 1903 it provided a loop service. Cars now proceeded on Hogan and Lorraine as far as West Street. Service was provided to both industrial and residential neighborhoods as well as the massive Southern Pacific Lines railroad shops.

The Montgomery line initially crossed Buffalo Bayou over the narrow San Jacinto Street bridge. Construction of the Main Street Viaduct in 1913 was the first of two major improvements to

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service; the other was the double-tracking of Montgomery Road (renamed North Main Street in 1913) and Hogan. The line was renamed "North Side" the following January. North Side streetcars remained in operation until early 1939.

### *Bridges*

The Main Street viaduct opened in 1913 and was hailed by residents as the "Gateway to the Northside." The bridge, designed by F.L. Dormant, City Engineer, was the largest single-arch concrete span in Texas at the time of its construction. In later years, the McKee Street bridge provided another connection to the Northside from Houston's warehouse district on the northeast side of downtown. Built in the 1950s, the Elysian Viaduct provides a connection from Crawford Street downtown over the railyards to Elysian and Hardy streets on the eastern edge of the Northside neighborhood.

### *Prominent Buildings and Landmarks*

Sunset Hospital/Southern Pacific Hospital [now Thomas Street Clinic] was built in 1911 as a staff hospital for workers of the Southern Pacific's shops, the largest industrial employer in the Northside neighborhood in the last 1800s and early 1900s.

Hollywood Cemetery on North Main is on a 60-acre site on the banks of Little White Oak Bayou. Famous people buried there include Julia Ideson (1880-1945), largely credited with developing Houston's public library system and served as its first librarian. When Hollywood Cemetery opened in 1896, its location was described as on the west side of West Montgomery Road, half a mile north of the city limits. Holy Cross Cemetery, a Catholic cemetery adjacent to Hollywood Cemetery, opened in 1904. Buried here are Maurice Sullivan (1884-1961), an important Houston architect, and members of the Foley family. Sullivan designed Northside's Jefferson Davis High School in 1926, in collaboration with Birdsall P. Briscoe.

The Near Northside was named one of 'Texas' Most Endangered Historic Places' by Preservation Texas in 2005. The neighborhood is facing threats from redevelopment pressures as many lots in Houston's inner city neighborhoods are being subdivided for townhouses. Also, plans to widen IH-45 and to extend Hardy Toll Road through the neighborhood threaten many blocks of historic housing stock. Other projects currently being implemented are the extension of Metro's North light rail from downtown Houston to Northline Mall along Fulton Street. The Hardy Yards mixed-use project will extend San Jacinto Street from downtown to connect to Fulton at Burnett Street, just a few blocks east of the subject property.

Many properties in the Near Northside are potentially eligible for listing in the National Register of Historic Places. A section of the neighborhood, located west of North Main and north of Hogan Street, has been nominated as a National Register Historic District, still pending.

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## ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Queen Anne styled William Shipp house at 1511 Everett Street has changed hands several times. This style gained popularity in America during the last decades of Queen Victoria's reign in England. This style's popularity among homeowners rests largely upon increased industrialization and the growth of the railroad industry. Mass-produced wood, now easily transportable due to the expanding network of railroad tracks that lay in close proximity just south of where the home is situated, is used throughout the structure and exterior of the home beside the smooth paned glass used in the fenestration.

The home is sited centrally amongst a row of homes facing Everett Street, the lot's width along the street being half the distance of its length into the interior of the block. The home's L-shaped plan, a telling feature of the Folk Victorian home, stretches to a depth that takes advantage of the length of the lot. The shingled normally pitched front-gable roofed volume running along the length of the north half of the lot intersects with a shingled side-gable roofed single unit, a simple pent roof extending from the side-gable providing shelter over the porch, obscuring three-fifths of the front façade and accentuating the façade's asymmetry. A second hidden front-gable roofed structure occupies the remainder of the rectangular shaped lot in the southwestern corner.

Clad around the balloon frame structure of the home is horizontal lap wood siding framed by simple smooth planed wood trim. A few concrete steps guarded by solid white stoops lead up to the raised porch. The edges of the porch are guarded by the simple repeating element of slender turned balusters, a smooth band of wood rests on top forming a decorative yet functional rail. A series of full-sized turned balusters reach from the ground surface of the porch to the edge of the porch pent roof eave, their presence breaking the massing of the shaded porch space into a set of thirds. From the front of the home, the slim piers provide a frame of view to two full-length windows on the porch. A smaller set of two similarly proportioned windows are placed on the main front-gabled volume. Each window is trimmed by a decorative molded wood sill and smooth wood jambs.

Another feature that affirms the house's identity as a Folk Victorian home is the presence of spindlework detailing attached at the eaves of the home. A decorative arched spindlework detailing is mounted at the eave of the apex of the front-gable roof. An extension of an eave stretching from each end of the front-gable roof creates the form of a pediment; the surface of the tympanum differentiated and given primacy by being clad in a lapping fish-scale shaped wood siding. Another series of spindlework detailing is set just below the eave of the porch roof. Along the porch is an unusual and unique pierced frieze featuring wave or 'dragon' shaped trim.

When the current owners purchased the house, they removed an earlier alteration that had enclosed the porch, and discovered the house's original ornamentation intact. Although simple in form, the unique ornamentation and intact architectural features of 1511 Everett warrant its designation as a protected landmark.

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

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## APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

**S      NA**

**S - satisfies      NA - not applicable**

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

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☒ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;



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

**AND**

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

**OR**

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

**OR**

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

**OR**

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

### STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the William Shipp House at 1511 Everett Street.

### PLANNING COMMISSION ACTION

Recommended to City Council the Landmark and Protected Landmark Designation of the William Shipp House at 1511 Everett Street.

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EXHIBIT A  
WILLIAM L. SHIPP HOUSE  
1511 EVERETT STREET

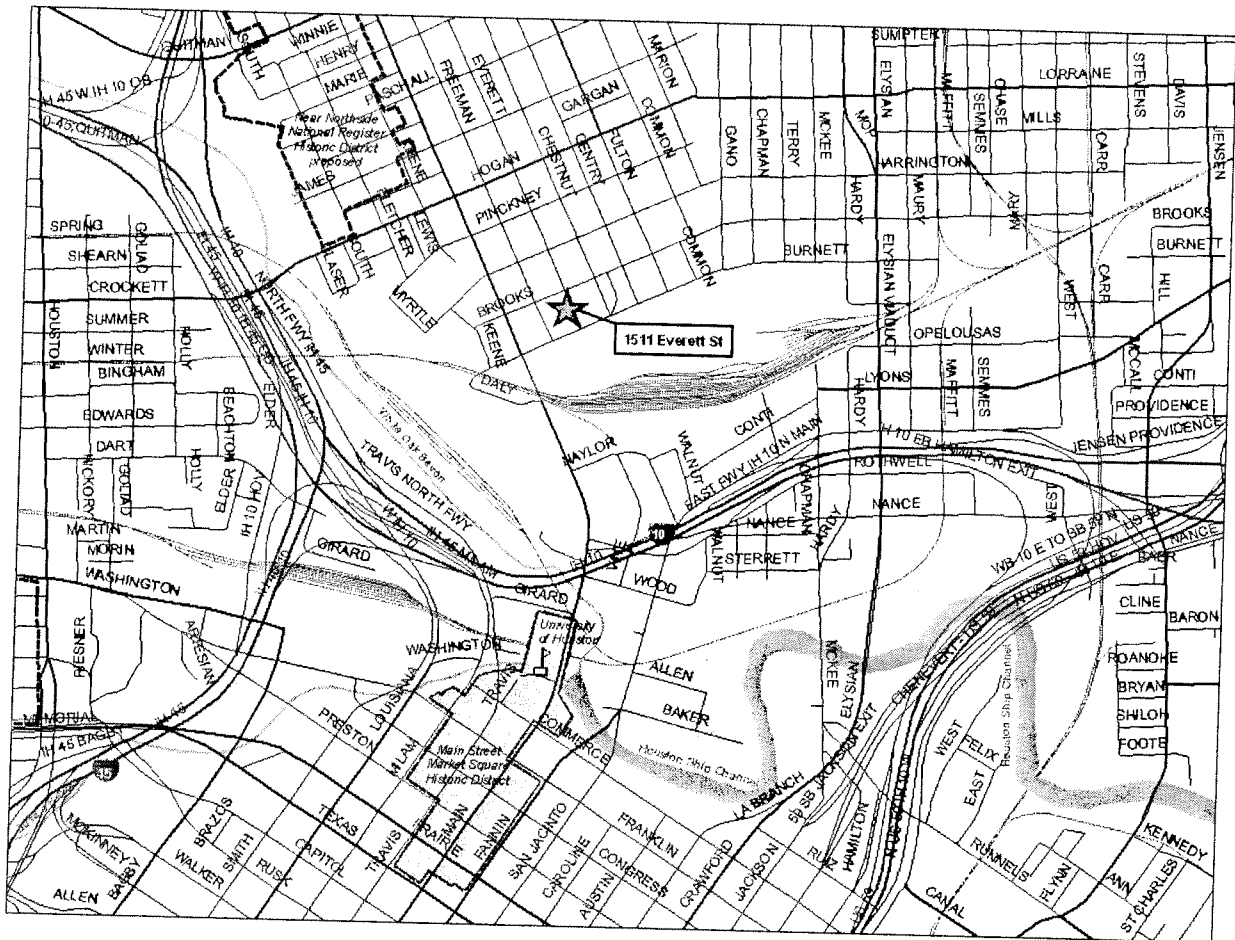


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**EXHIBIT B**  
**SITE LOCATION MAP**  
**WILLIAM L. SHIPP HOUSE**  
**1511 EVERETT STREET**  
**NOT TO SCALE**



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## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Millane Building

**OWNER:** Paul T. Barr

**APPLICANT:** Anna Mod, SWCA Environmental Consultants

**LOCATION:** 3601 S. Sandman Street

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

**AGENDA ITEM:** VI.b

**HPO FILE NO:** 10PL94

**DATE ACCEPTED:** May 19, 2010

**HAHC HEARING:** July 15, 2010

**PC HEARING:** July 22, 2010

**SITE INFORMATION:** Tracks 1, 2A, 5A and 6A, Block A, Albermarle Place, City of Houston, Harris County, Texas. The site includes a two-story, masonry, commercial building.

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

### SIGNIFICANCE SUMMARY

The Millane Building at 3601 S. Sandman Street was constructed circa 1957. The architect of the building has not been confirmed although it has been attributed to Eugene Werlin. Thomas Millane and his son John, transplants from Wisconsin, were partners in the development and operation of the Millane Building. The building is a visible reminder of the development of mid-century Houston and the early suburban movement of small businesses away from downtown into office buildings located on or near commercial corridors. Tenants over the years included insurance agents, geotechnical offices, a food broker, a bar, a hair salon, a meter manufacturer, pet food distributor, import companies, lithographer, and an architectural firm.

The Millane Building is an excellent example of early modernist commercial architecture. The building incorporates characteristic elements of the mid-century Modernist style including a flat roof, ribbon windows, expansive use of aluminum framed floor-to-ceiling storefront glass on the ground floor, and elongated, coursed, rough faced sandstone detailing. The building remains on its original site with minimal alterations.

The Millane Building meets Criteria 1, 4 and 5 for Landmark and Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

The Millane Building is an early example of modernist architecture along Richmond Avenue and shows the beginnings of commercial development west of the former Shepherd's Dam Road. Richmond Avenue was not a continuous street until the 1960s because large tracts of land -- including where the Millane building is located -- were privately held. The Millane Building provides a snapshot of Houston's growth after the end of World War II but before the development of Richmond Avenue as a continuous thoroughfare.

The Millane building is an excellent example of early modernist commercial architecture. The building's flat roof and sleek, unornamented design are representative of the style, and its small scale is typical of buildings from the late 1940s and 50s. This building is part of the evolution of modernism in Houston and contrasts with the later explosion of modernist design and office

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development along Richmond Avenue (2600-4200 blocks) in the 1960s by firms such as: Neuhaus & Taylor; Wilson, Morris, Crain & Anderson; and, Lloyd, Morgan & Jones. The small scale, proportions and materials of the building have more in common with the Village Theater (MacKie & Kammrath, 1941, demolished) and the Craig's Department Store (Eugene Werlin, 1955, altered), both on University Blvd. in the Rice Village. The architect of the building has not been confirmed although it has been attributed to Eugene Werlin. The building is the best example of this small scale, mid-century Modernist architectural form in the vicinity as the adjacent Shepherd Shopping Center has undergone extensive unsympathetic alterations. There is a small Miesian style office complex at 1955 Richmond Avenue, designed by Burdette Keeland and Harwood Taylor (1954), with a rear apartment (now office), a small courtyard and a second small building closer to the street. This small office residential/office complex was designed by Burdette Keeland and Harwood Taylor in 1954. The residential building in the rear is a brick, steel and concrete Miesian box and the front stucco building is raised on steel pilotis with parking below as foreshadowing of this uniquely Houston office building type popular in the 1960s along Richmond Avenue.

### *Property and Ownership History*

The Millane building was constructed circa 1957 replacing two open-air, wood-framed sheds and a small office building, all part of the Richmond Lumber Company which had operated on the site since the 1920s. The building is representative of the development of mid-century Houston and the early suburban movement of small companies away from downtown into office buildings located on or near commercial corridors.

The property, located on Block A of Abermarle Place, was outside of the city limits until 1920. Genesee Street in Fourth Ward, approximately 2.5 miles northeast of the intersection of Richmond Avenue and S. Sandman, was the western city limit in 1900.<sup>1</sup> By 1913, the city had expanded to the 1600 block of Yoakum at Richmond Avenue, nine blocks east of the property.<sup>2</sup> On the 1913 City of Houston Street Guide by J.M. Kensen, present day S. Shepherd Drive is shown as Shepherd Dam Road and on other maps of the period as Shepherd's Dam Road. By 1920, the city limits were one block west of the intersection of Shepherd Dam Road and Richmond Avenue directly west of the Millane property, yet there are no platted lots shown at the intersection.<sup>3</sup> During the first half of the twentieth century, Richmond Avenue was not a continuous street and had only small, sporadic pockets of development west of S. Shepherd Drive.<sup>4</sup> The property occupies Lot One (1) and the adjoining West ½ of Lot Two (2) and the adjoining 23.5 feet of Lots Five (5) and Six (6), in Block A of Albemarle Place.<sup>5</sup> Obedience Smith was the owner of over 3,000 acres deeded to her by the Republic of Texas with the rough boundaries of W. Dallas on the north, Shepherd Drive on the west, Rice University on the south and Main Street on the east. <sup>6</sup> Early deeds of the Millane

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<sup>1</sup> Map of the City of Houston, P. Whitty, 1900

<sup>2</sup> Houston Street Guide, 1913, J. M. Kelsen

<sup>3</sup> Map of the City of Houston, 1920, Texas Map and Blueprint

<sup>4</sup> Map of the City of Houston, 1968, Ashburns

<sup>5</sup> Harris County Appraisal District (HCAD).

<sup>6</sup> Chapman, Betty. *Central Houston carved from land deeded to Obedience Fort Smith*. Houston Business Journal, Friday, February 26, 2010, (reprinted from the week of December 26, 1997 – January 1, 1998).

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Building property state the property was a part of Lot No. 3 of the Obedience Smith original survey, indicating Obedience Smith's holdings extended a bit farther west.<sup>7</sup>

The Houston City Directory from 1920-1921 includes only two listings west of Shepherd Dam Road: one for a dairy and the second for a residence. This is indicative of the rural nature of the street beyond the subject property. At this time, S. Sandman was known as Josephine Street; the name did not change until the 1920s.<sup>8</sup> The 1930 map shows the first plans for the "proposed loop around the congested district" including the proposed and extant Greenbriar/Shepherd/Farnham split, marking a significant change from the minimally developed nature of this intersection a decade earlier. By 1945 the city limits were extended to Ulrich (west of Sage), yet Richmond Avenue is still a discontinuous street west of Kirby Drive.

In April of 1923, Sam Houston, an attorney, sold the property (Block A) to William C. Crow, a real estate investor. Subsequent sales were to Belle V. Lindsay Letts, J. F. Means and Flora H. Bigger. The Sanborn map of 1926 show the Richmond Lumber Company located on the western half of Block A with a 2111 Richmond address. The company had two open-air, wood framed lumber sheds and a small office on the site. The company operated continuously there until 1955 when they moved to 1621 S. Post Oak Road. In 1942 the two lumber company partners, H. G. McDaniel and Oscar C. Baker, purchased the land.

Houston's explosive growth in the first half of the twentieth century was known to manufacturers and exporters nationwide. In February of 1949, an article<sup>9</sup> appeared in the Racine Journal Times announcing that Alfred E. Wright, co-founder of the Wright Rubber Products Company of Racine, was moving his company to Houston. Wright founded the Racine-based Wright Manufacturing Company in 1923 with his brother Clarence to manufacture rubber flooring. The company was bought by Taylor Manufacturing in 1943 and assumed the name of its new owner.<sup>10</sup> In January 1949 the original company named restored and its corporate office transferred to Houston, where construction began on a new headquarters. Company officers were Thomas F. Millane, president, and Frank Wilson, vice president.<sup>11</sup> In the newspaper, Mr. Wright explained his decision to relocate to Houston: "Houston is a seaport with access to the East and West Coasts; fast developing Central and South American markets; raw materials are close; lower power and heating costs; absence of state income taxes; large labor market; and, excellent and sufficient housing."<sup>12</sup> The 1955 Houston City Directory lists the address of the Wright Manufacturing Company as 5200 S. Post Oak Road, site of the present-day Meyer Park shopping complex.

In April of 1955, O. C. Baker of the Richmond Lumber Company sold the property to Thomas F. Millane and John F. Millane, father and son. In addition to being an executive at the Wright Manufacturing Company, Thomas F. Millane (1896-1959), was a licensed attorney who served by appointment in the U.S. Bankruptcy Courts in Racine from 1939 to September 1945 and was a

<sup>7</sup> General Warranty Deed, April 19, 1923; Volume 544, pages 163-164; Harris County Deed Records.

<sup>8</sup> General Warranty Deed, November 20, 1924, Volume 597, page 287, Deed Records of Harris County.

<sup>9</sup> Racine Journal Times, 21 March 1949.

<sup>10</sup> Racine Journal Times, 4 February 1949.

<sup>11</sup> Racine Journal Times, 4 February 1949

<sup>12</sup> Racine Journal Times, 21 March 1949

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member of the Milwaukee Bar Association.<sup>13</sup> He came to Houston from Wisconsin with the Wright Manufacturing Company.<sup>14</sup> His wife, Eugenia (née Jazwiecki), and the couple's son, John F. Millane and daughter-in-law, Wilomine Ruth Bibby ("Billie"), joined them in Texas.<sup>15</sup> Father and son were partners in the development and operation of the Millane building. Thomas F. Millane was a member of the Milwaukee Elks Lodge No. 46, the Milwaukee Athletic Club, the Braeburn County Club of Houston and the Houston Yacht Club.<sup>16</sup> While in Houston, in addition to the building and his role with the Wright Company, Thomas F. Millane is listed as chairman of the board for Merchants State Bank which in 1959 was located at 306 Main Street.<sup>17</sup> Millane's son, John F., died in 1967 at age 46; his widow Billie remained in Houston. After Thomas' death in 1959, his wife Eugenia continued to live in their house at 4510 Ivanhoe in Houston's Afton Oaks neighborhood.<sup>18</sup>

The subject building first appears on 1950s paste-overs of the 1926 Sanborn Map, and it is first listed as the "Millane Building" in the 1959 city directory. There is a 1955 listing for the General Controls Company at 3605 S. Sandman, indicating the building may have been standing yet not fully leased or completed.<sup>19</sup> Tenants over the years included insurance agents, geotechnical offices, a food broker, a bar (The Carnival Room), a hair salon, a meter manufacturer (General Controls Company), pet food distributor, import companies and a lithographer. An architectural firm, Cudworth & Bryson (later Cudworth Associates), led by Edmund Cudworth, AIA (B.Arch/BS Architectural Engineering, University of Houston, 1951) had an office in the building from late 1950s to the early 1970s. Examples of Cudworth's work include the Center Building in Deer Park, TX; an addition to Davis High School for Houston Independent School District (HISD); a bulk Storage/Material Handling Facility in Lima [sic], OH; Butler Stadium Complex, HISD; and, a Stadium Complex for Wharton ISD and Wharton Jr. College. The building continued to be called the Millane Building and city directories continue to list small businesses as tenants well into the late 1970s.

In 1959, the Millanes sold the property to Sol A. Levy who had his advertising office in the building in the 1960s. In the 1960s and 1970s, the American Opinion Library, the former outreach retail publication arm of the conservative John Birch Society, had an office at 2115 Richmond Avenue. The building was purchased by the current owner in 1983 and has remained in continuous use with small offices upstairs and ground floor tenants including an architectural firm, a lounge and remains in use with small offices upstairs and ground floor tenants.

The Millane Building provides a snapshot of Houston's growth after the end of World War II but before the development of Richmond Avenue as a continuous thoroughfare. It is an example of the small office buildings that developed outside of downtown as more Houstonians were able to travel about town in automobiles and is a good example of early modernist architecture of the period.

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<sup>13</sup> *Racine Journal Times*, Saturday 18 August 1945, p. 2

<sup>14</sup> Social Security Death Index

<sup>15</sup> *Milwaukee Sentinel*, 20 [28] June 1984

<sup>16</sup> *Milwaukee Journal*, 5 September 1959

<sup>17</sup> *City Directory of Houston*, 1959, p. 31

<sup>18</sup> *City Directory of Houston*, 1968.

<sup>19</sup> *City Directory of Houston*, 1955.

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Richmond Avenue was surveyed by Hicks & Company, a cultural and environmental consulting firm, in 2007 in compliance with the National Historic Preservation Act on behalf of the Metropolitan Transit Authority of Harris County, Texas (METRO). The survey was conducted to determine if any historic resources exist along Richmond Avenue and, if so, whether they would be impacted by the planned University Line light rail expansion. The survey identified the Millane building (called The Sandman Building) as well as the Richmond Avenue Modern Commercial District (bounded by Buffalo Speedway, Colquitt Street, eastside Street and Portsmouth Street) as eligible for listing on the National Register of Historic Places under Criterion C.20 These findings were accepted by the Texas Historical Commission in the Final Environmental Impact Statement issued in January 2010.<sup>21</sup> [This report left off the 1954 Fred Winchell Studio at 1955 Richmond Avenue and it is likely the Richmond Avenue modern district is more realistically bounded on the east by Kirby Drive and on the west by the railroad tracks.]

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

The Millane Building is located on the southeast corner of S. Sandman Street and Richmond Avenue, one block west of the intersection of S. Shepherd Drive, in an urban commercial area of Central Houston. The two-story commercial building has two primary facades: one facing north onto Richmond Avenue; and, one facing west onto S. Sandman and is surrounded by concrete sidewalks with no landscaping. The Modernist style masonry building has a rectangular plan with aluminum-framed two- and three-part glass storefronts staggered in a saw tooth pattern on the north and west facades. Ground floor commercial storefronts face north and west and there are additional small offices on the second floor. The building is set back from the street in line with the earlier residential development on the east side of S. Shepherd. This set back accommodates seven head-in parking spaces along Richmond Avenue. The building incorporates characteristic elements of the mid-century Modernist style including a flat roof, ribbon windows, expansive use of aluminum framed floor-to-ceiling storefront glass on the ground floor, and elongated, coursed, rough faced sandstone detailing. The building remains on its original site with minimal alterations.

The asymmetrical west facade has four bays and faces S. Sandman from north to south, the first bay is a two-part, repetitive aluminum-framed floor-to-ceiling glass storefront with transom. The second bay includes a central, coursed, rough-faced sandstone vertical stack that extends above the roofline mimicking a chimney. This stack is flanked by a solid, aluminum- framed panel and door, both with glass transoms. This bay marks the entry to the second floor with the building's address, 3601, appearing in the transom above the solid wooden door. Just inside, the coursed sandstone detailing continues as a railing/planter box adjacent to the single run staircase. The remaining three bays, defined by a narrow, brick-veneered vertical member, each have an angled aluminum framed glass store with single light transom. These three bays angle back in a regular saw tooth pattern with the entrances to each commercial space set on a 25-degree angle. The second floor follows the five-bay division with narrow, continuous, replacement aluminum framed ribbon windows in the first bay, coursed sandstone in the second and alternating horizontal two-light windows and corrugated metal siding in bays three through five. A small, wood-framed, full-width balcony with

<sup>20</sup> Historic Resources Survey Report, Hicks & Company, 2007.

<sup>21</sup> Final Environmental Impact Statement, University Corridor.



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metal balustrade and rail, projects slightly between the two floors and runs continuously along the west and north facades. The fascia of the balcony and roof are metal siding with horizontal ridges that emphasize the building's low profile and horizontality.

Bays two through four of north facade repeat the staggered saw tooth design of the west. The first bay has a small vertical column of coursed, rough-faced sandstone on its exterior (eastern) edge and this front storefront only is flush with building plane. All of the entry doors on this facade solid wood. The third bay storefront has a small (12 inch) base of the coursed, rough faced, sandstone and this aberration is the only example of a three-part storefront composition (base, large storefront window, transom) on the building. This small detail harks back to the more traditional storefront composition of the late-nineteenth and early-twentieth centuries. Ironically, these were derived from Classical building compositions that modernism sought to move beyond or outright reject. The second floor has a replacement, full width, aluminum framed ribbon window with alternating opening sizes. On the northeast corner of the building is a metal sign with the current name, "Sandman Building."

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

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- Obituary, Thomas F. Millane. *Milwaukee Journal*, [n.d.] September 1959.
- Obituary, John F. Millane. *The Milwaukee Journal*, 5 June 1967.
- Obituary, Billie Millane. *Milwaukee Sentinel*, 20 [28] June 1984.
- Racine Journal Times*, Saturday 18 August 1945, p. 2.
- University Corridor, Final Environmental Impact Statement, Chapter 3, January 2010.

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## Maps

City of Houston Maps:

Ashburns, 1947, 1968

Braceys 1945

Leslie E. Ogilvie, Jr. 1939

City of Houston Maps, no stated author, 1928, 1930

P. Whitty, 1900

R. L. Bayer, 1958

Texas Map and Blue Printing, 1910, 1920, 1924

Houston Street Guide, 1913, J. M. Kelsen

Sanborn Insurance Maps, 1924-1955

## APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

<b>S</b>	<b>NA</b>	<b>S - satisfies</b>	<b>D - does not satisfy</b>	<b>NA - not applicable</b>
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Meets at least three of the following (Sec. 33-229(a)(1):

- |                                     |                          |                                                                                                                                                                                                                       |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation; |
| <input type="checkbox"/>            | <input type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;                                                                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;                                               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;                                    |

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☐ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;

☐ ☐ (7) Whether specific evidence exists that unique archaeological resources are present;

☐ ☐ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

**AND**

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

**OR**

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

**OR**

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

**OR**

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

### STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Millane Building at 3601 S. Sandman Street.

### PLANNING COMMISSION ACTION

Recommended to City Council the Landmark and Protected Landmark Designation of the Millane Building at 3601 S. Sandman Street.

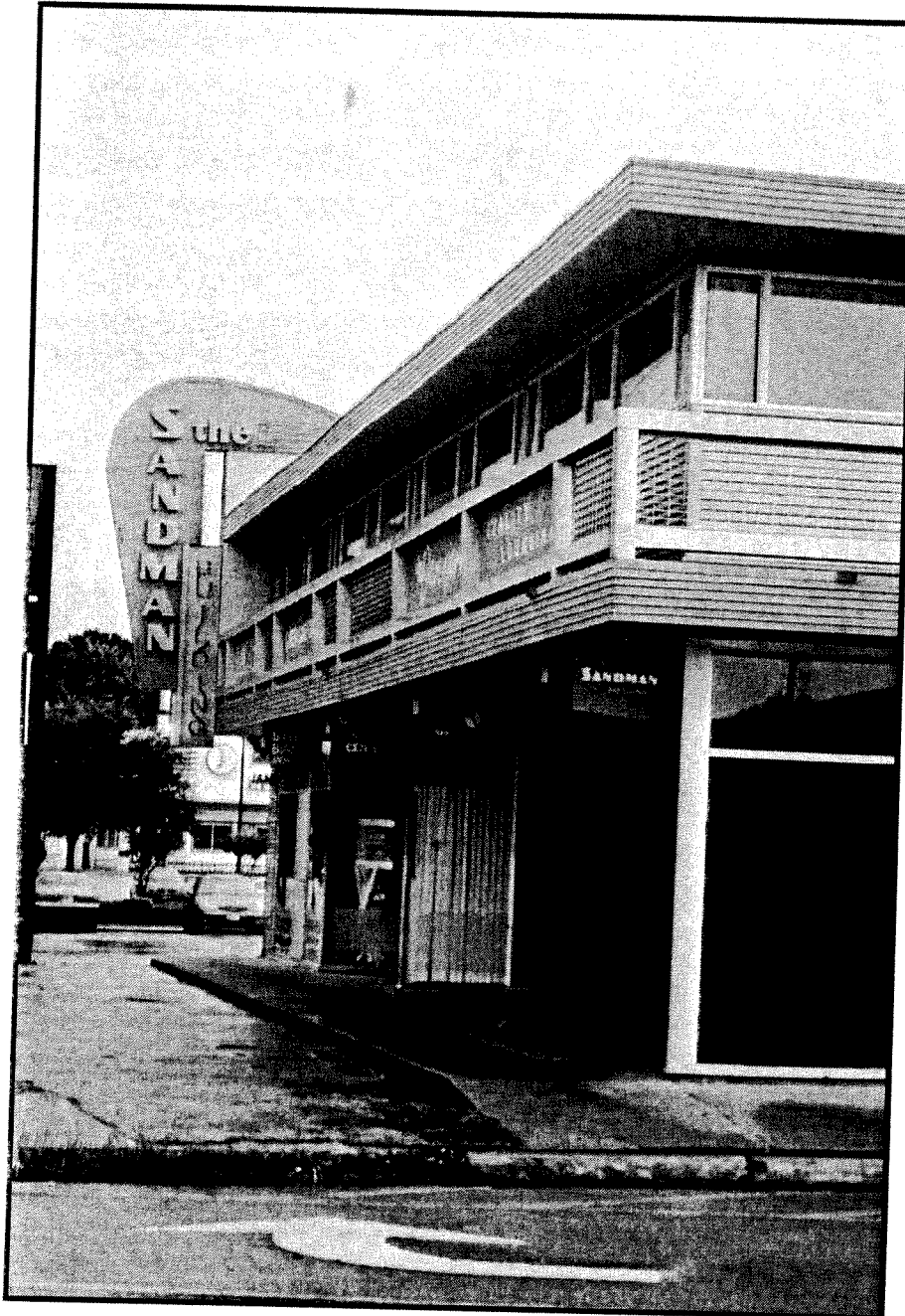
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## EXHIBIT A

MILLANE BUILDING  
3601 S. SANDMAN STREET



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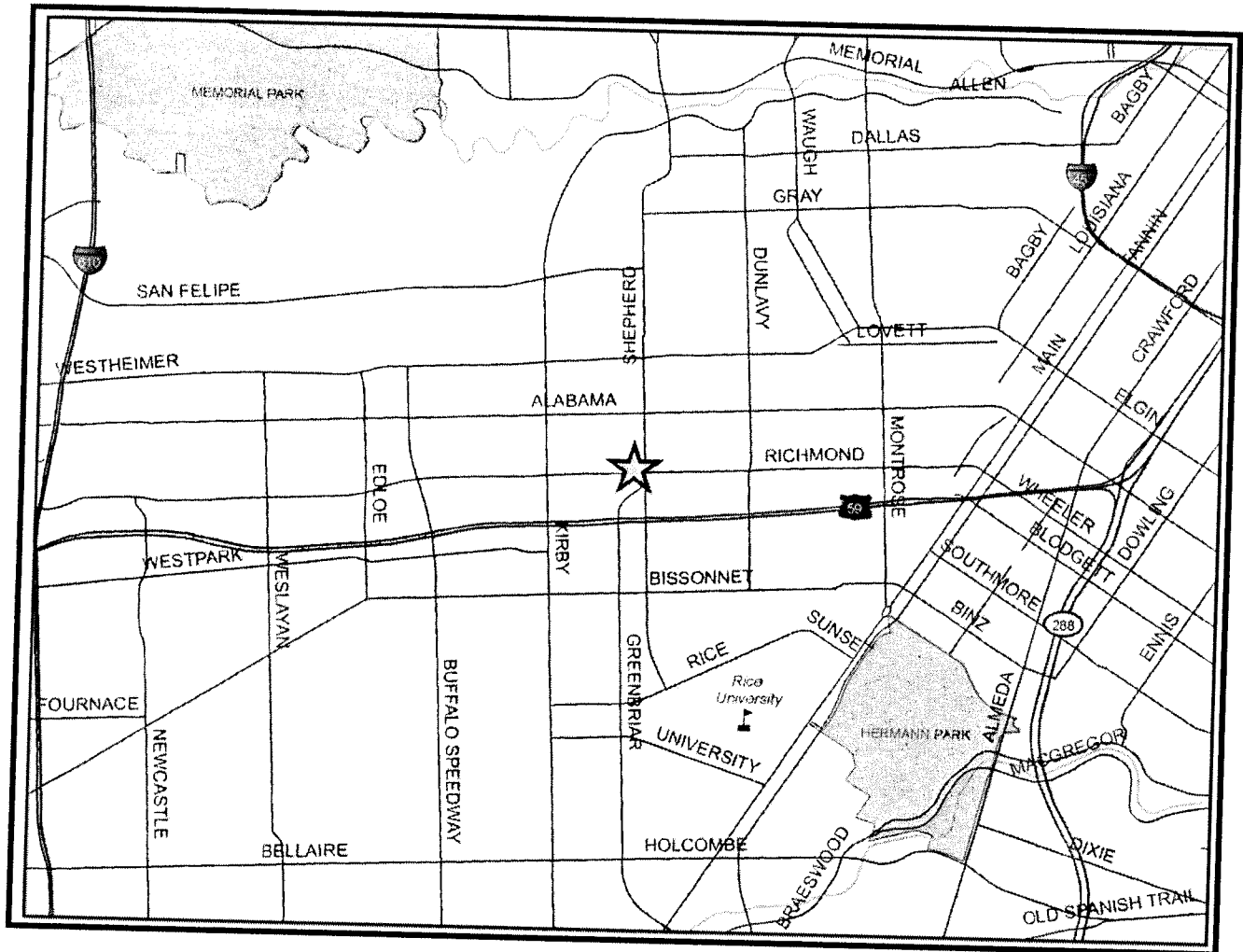
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Planning and Development Department

## EXHIBIT B SITE LOCATION MAP

MILLANE BUILDING  
3601 S. SANDMAN STREET

NOT TO SCALE



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## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** House at 1110 Victor Street  
**OWNERS:** Mt. Horeb Missionary Baptist Church  
**APPLICANTS:** Same  
**LOCATION:** 1110 Victor Street - Freedmen's Town  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** VI.c  
**HPO FILE NO:** 10PL95  
**DATE ACCEPTED:** Jul-1-2010  
**HAHC HEARING:** Jul-15-2010  
**PC HEARING:** Jul-22-2010

**SITE INFORMATION:** Lot 8, Block 58, W.R. Baker SSBB, City of Houston, Harris County, Texas. The site includes a one-story, wood frame, single family residence.

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

### SIGNIFICANCE SUMMARY

The house at 1110 Victor Street was constructed circa 1921-1922 as rental property for grocer Max Chesin and wife, Dora. The house is located in Freedmen's Town which was listed as a historic district in the National Register of Historic Places in 1984. Freedmen's Town is one of Houston's most important African-American historic communities; it was the city's first black settlement following the Civil War and emancipation. The vernacular architecture of the house is associated with Afro-American settlement in the South, with origins in Louisiana. It was a popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The house at 1110 Victor Street is a visible reminder of the development of Freedmen's Town; it exemplifies African-American vernacular architecture in Houston and is one of the few remaining examples of vernacular architecture of one of Houston's most important African-American historic communities.

The House at 1110 Victor Street meets Criteria 1, 3-5 and 8 and is a contributing structure to the Freedmen's Town National Register Historic District, all of which are considerations for Landmark and Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

The one-story, wood cottage at 1110 Victor Street is situated within the historic neighborhood of Freedmen's Town in Houston's Fourth Ward. The house was constructed circa 1921-1922 as rental property for grocer Max Chesin and wife, Dora. Throughout their ownership, the Chesins were absentee owners. The rental occupants of this cottage were mostly employed as domestics, laundresses, cooks, porters, bricklayers, longshoremen, carpenters, etc.

The architecture of the cottage at 1110 Victor Street is associated with Afro-American settlement in the South, with origins in Louisiana. It was an especially popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The houses represented a sense of community, unity, and closeness with others, for they housed entire families in tiny, cramped spaces. Also, with limited opportunities for economic and political mobility, some African Americans remained behind in the only housing available to them; many houses were home to three or four generations of African-American families.

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## *Freedmen's Town*

Freedmen's Town, situated just west of downtown, is one of Houston's most important African-American historic communities; it was the city's first African-American settlement following the Civil War and emancipation. For the record, this community, located south of the original site, was not completely African-American. However, as this particular community developed in the late nineteenth and early twentieth century, it eventually became a model for other black communities in the city and was considered the "Mother Ward" for black Houston.

As early as 1866, residential structures in this community can be seen on W.E. Wood's map located on the following unnamed streets at the time: San Felipe, (later West Dallas), Robin and Andrews Streets between Buckner and Gillette Streets. There were African-American owners of modest to substantial-sized residences who were prominent leaders of the community such as ministers, doctors, educators, attorneys, craftsmen and small business persons. However, the majority of the residences in the community consisted of rental property constructed as shotgun houses, two-story tenements and small wood frame houses erected by absentee land owners. Later, maps, city directories and deed records would reveal most of the construction in the community took place between 1900, 1930 or 1935.

Eventually, the gradual concentration and unusual repetition of common housing types and their placement on the narrow streets of the Freedmen's Town neighborhood grew to represent an early twentieth century urban environment unique in Texas. Clarksville, in east Austin, Texas was the only other early African-American neighborhood in the state which represented a more rural community similar to Freedmen's Town in the late nineteenth century. Clarksville was placed on the National Register in 1976.

In 1984, the Freedmen's Town community was listed as a historic district in the National Register of Historic Places. The Freedmen's Town historic district is composed of 580 predominantly residential structures occupying forty city blocks. Of 567 buildings in the district, 530 were identified as contributing structures. The cottage 1110 Victor Street is classified as a "contributing" structure of medium significance on the 1984 National Register Historic District inventory and is one of the few remaining examples of vernacular architecture in the community.

Over the years unexplained fires, along with inappropriate alterations and demolitions of historic structures have resulted in a loss of the community's African-American architectural fabric. Today, interspersed among the approximately 100 remaining historic structures are large concentrations of high-density residential units, composed of tin, brick, stucco and wood, none of which reflect the community's original and unique architectural heritage.

The cottage at 1110 Victor Street is currently owned by the Mt. Horeb Baptist Church congregation who purchased it in 1996. The church, also located in Freedmen's Town, is a member of the Coalition of Pastoral Leaders of Freedmen's Town Houston. The Coalition is a cluster of ten historic congregations whose mission is to provide spiritual leadership and support as a foundation for the restoration of historic Freedmen's Town. The Coalition envision a restored, healed

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## **Archaeological & Historical Commission**

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community where God is present and His presence is recognized within an atmosphere of unity, wholeness and respect; exemplified and encouraged by church leadership.

The Coalition of Pastoral Leaders of Freedmen's Town's overarching goals are extrapolated from Isaiah Chapter 58 and are as follows:

- Those from among the community shall rebuild what has been ruined;
- The age-old foundations shall be re-established;
- Broken places and broken lives shall be repaired;
- The community shall be restored for families to live in.

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

The house at 1110 Victor Street was constructed circa 1921-1922. It is a one-story 20 x 42 wood cottage featuring three bays, front facing gable, front veranda, and off-centered transom above entrance door. One original turned wood porch post is in place; the other two have been replaced.

The cottage 1110 Victor Street is classified as a "contributing" structure of medium significance on the 1984 National Register Historic District inventory and is one of the few remaining examples of vernacular architecture in the community.

The cottage is currently the subject of a City of Houston Neighborhood Protection order dated March 19, 2010 to repair or demolish it on site in 90 days. During the site visit the building was cited as:

- Dilapidated;
- Substandard or unfit for human habitation;
- A hazard to the health safety or welfare of its occupants (of which there are none);
- A dangerous building within the terms of Section 10-361 of the Code of Ordinances.

Though the Neighborhood Protection citation report looms overhead, the church has faith the cottage can be restored. The Rutherford B. H. Yates home, now a museum house, was also on the city's demolition list in the 1990s. It was saved in 1995 and funds were raised to restore it. Mt. Horeb is currently seeking requests from various funders to restore this historic cottage and plans to request an extension of the Neighborhood Protection order.

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Bracey's Block Book Maps of the City of Houston. 1919, 1929, 1942, 1946, 1950 and 1953.



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Harris County Building and Land Assessments.

1984 U.S. Department of the Interior, NPS Application for the Freedmen's Town Community.

E-mails from Stephen Fox, Adjunct Lecturer on Architecture at Rice University.

Scott, Emmett, J. The Red Book of Texas; A Compendium of Social , Professional, Religious, Educational and Industrial Interests of Houston's Colored Population. Houston: Soltex Publishing Company, 1915.

E-mails from Janet K. Wagner, local historian and landscape architect.

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

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

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

**S    NA**

**S - satisfies    NA - not applicable**

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

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☒ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;

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☒ ☐ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;

☐ ☒ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;

☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present;

☒ ☐ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

**AND**

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

**OR**

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

**OR**

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

**OR**

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

### STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the House at 1110 Victor Street.

### PLANNING COMMISSION ACTION

Recommended to City Council the Landmark and Protected Landmark Designation of the House at 1110 Victor Street.

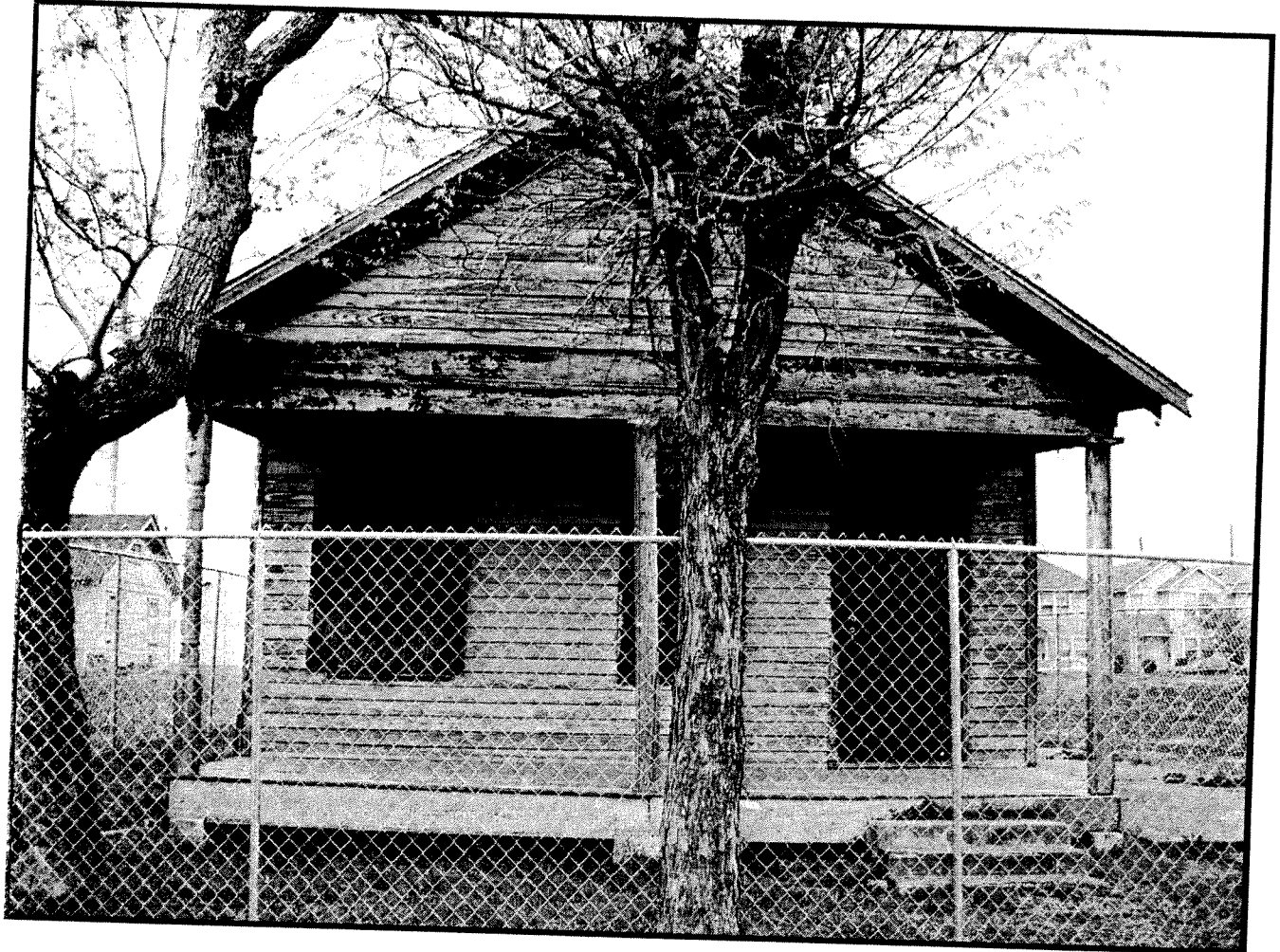
# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## EXHIBIT A

House at 1110 Victor Street



# CITY OF HOUSTON

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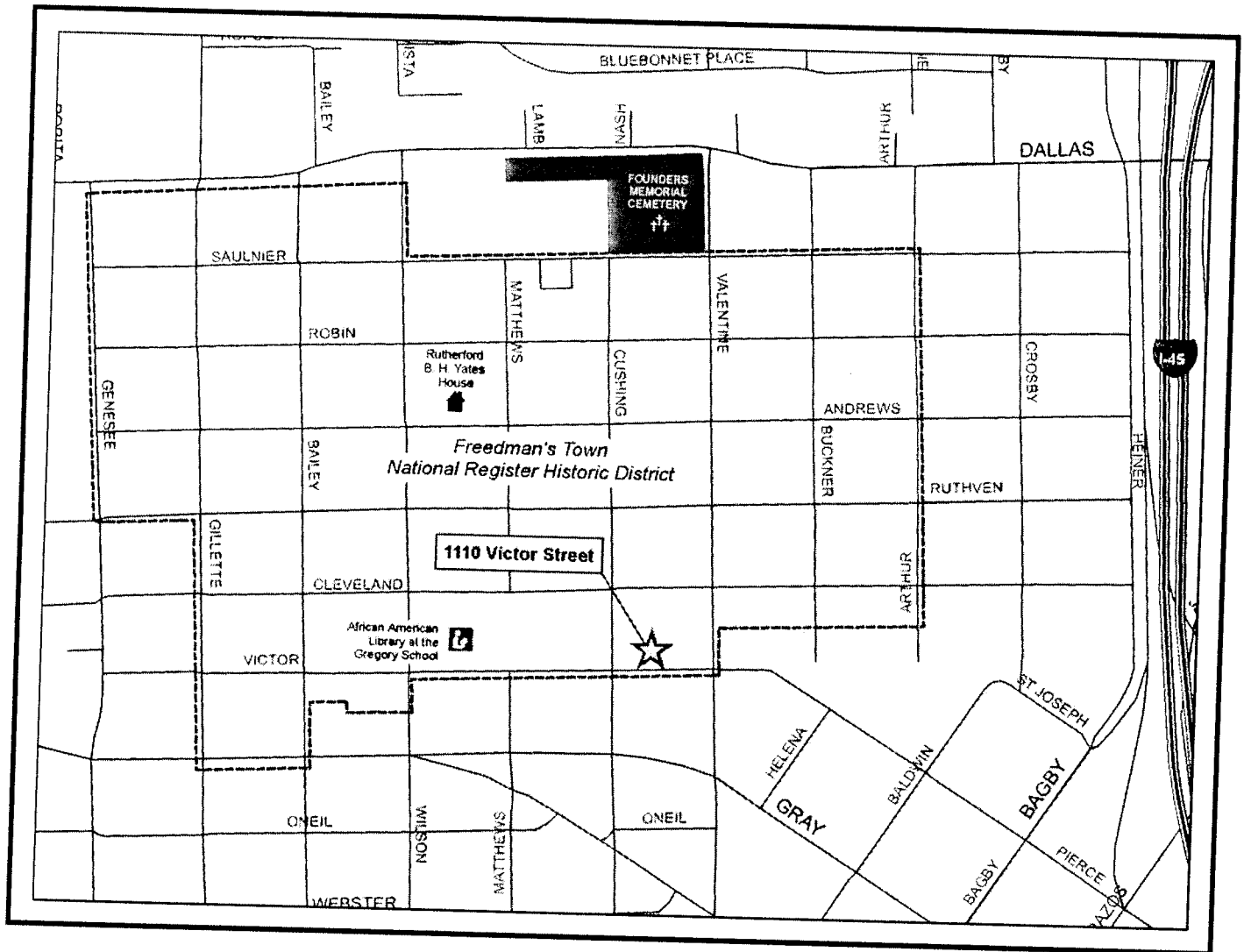
Planning and Development Department

## EXHIBIT B

### SITE LOCATION MAP

House at 1110 Victor Street

NOT TO SCALE



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Archaeological & Historical Commission

Planning and Development Department

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** House at 1113 Cleveland Street  
**OWNERS:** Mt. Horeb Missionary Baptist Church  
**APPLICANTS:** Same  
**LOCATION:** 1113 Cleveland Street - Freedmen's Town  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** VI.d  
**HPO FILE NO:** 10PL96  
**DATE ACCEPTED:** Jul-1-2010  
**HAHC HEARING:** Jul-15-2010  
**PC HEARING:** Jul-22-2010

**SITE INFORMATION:** Lot 5, Block 58, W.R. Baker SSBB, City of Houston, Harris County, Texas.  
The site includes a one-story, wood frame single family residence.

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

### SIGNIFICANCE SUMMARY

The house at 1113 Cleveland Street was constructed circa 1910 by the Jeff Bland Lumber and Building Company as rental property for grocer Max Chesin and wife, Dora. The house is located in Freedmen's Town which was listed as a historic district in the National Register of Historic Places in 1984. Freedmen's Town is one of Houston's most important African-American historic communities; it was the city's first black settlement following the Civil War and emancipation. The vernacular architecture of the house is associated with Afro-American settlement in the South, with origins in Louisiana. It was a popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The house at 1113 Cleveland Street is a visible reminder of the development of Freedmen's Town; it exemplifies African-American vernacular architecture in Houston and is one of the few remaining examples of vernacular architecture of one of Houston's most important African-American historic communities.

The House at 1113 Cleveland Street meets Criteria 1, 3-5, and 8 and is a contributing structure to the Freedmen's Town National Register Historic District, all of which are considerations for Landmark and Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

The one-story, wood cottage at 1113 Cleveland Street is situated within the historic neighborhood of Freedmen's Town in Houston's Fourth Ward. The house was constructed circa 1910 by the Jeff Bland Lumber and Building Company as rental property for grocer Max Chesin and wife, Dora. The Jeff Bland Lumber and Building Company is credited with building other residential and religious structures in the Freedmen's Town community. Chesin, an absentee owner, specified in the mechanic's lien that the structure was to be placed on brick piers, with shingle roofed, ceiled, papered, painted and weather-boarded. The interior would contain four rooms, two porches and a pantry.

The architecture of the cottage at 1113 Cleveland Street is associated with Afro-American settlement in the South, with origins in Louisiana. It was an especially popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The houses represented a sense of community, unity, and closeness with others, for they housed entire

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

families in tiny, cramped spaces. Also, with limited opportunities for economic and political mobility, some African Americans remained behind in the only housing available to them; many houses were home to three or four generations of African-American families.

### *Freedmen's Town*

Freedmen's Town, situated just west of downtown, is one of Houston's most important African-American historic communities; it was the city's first African-American settlement following the Civil War and emancipation. For the record, this community, located south of the original site, was not completely African-American. However, as this particular community developed in the late nineteenth and early twentieth century, it eventually became a model for other black communities in the city and was considered the "Mother Ward" for black Houston.

As early as 1866, residential structures in this community can be seen on W.E. Wood's map located on the following unnamed streets at the time: San Felipe, (later West Dallas), Robin and Andrews Streets between Buckner and Gillette Streets. There were African-American owners of modest to substantial-sized residences who were prominent leaders of the community such as ministers, doctors, educators, attorneys, craftsmen and small business persons. However, the majority of the residences in the community consisted of rental houses constructed as shotguns, (single and double), two-story tenements and small wood frame houses erected by absentee land owners. Later, maps, city directories and deed records would reveal most of the construction in the community took place between 1900, 1930 or 1935.

Eventually, the gradual concentration and unusual repetition of common housing types and their placement on the narrow streets of the Freedmen's Town neighborhood grew to represent an early twentieth century urban environment unique in Texas. Clarksville, in east Austin, Texas was the only other early African-American neighborhood in the state which represented a more rural community similar to Freedmen's Town in the late nineteenth century. Clarksville was placed on the National Register in 1976.

In 1984, the Freedmen's Town community was listed as a historic district in the National Register of Historic Places. The Freedmen's Town historic district is composed of 580 predominantly residential structures occupying forty city blocks. Of 567 buildings in the district, 530 were identified as contributing structures. The cottage at 1113 Cleveland Street is classified as a "contributing" structure of medium significance on the 1984 National Register Historic District inventory and is one of the few remaining examples of vernacular architecture in the community.

Over the years unexplained fires, along with inappropriate alterations and demolitions of historic structures have resulted in a loss of the community's African-American architectural fabric. Today, interspersed among the approximately 100 remaining historic structures are large concentrations of high-density residential units, composed of tin, brick, stucco and wood, none of which reflect the community's original and unique architectural heritage.

The cottage at 1113 Cleveland Street is currently owned by the Mt. Horeb Baptist Church congregation who purchased it in 1996. The church, also located in Freedmen's Town, is a member of the Coalition of Pastoral Leaders of Freedmen's Town Houston. The Coalition is a cluster of ten historic congregations whose mission is to provide spiritual leadership and support as a foundation for the restoration of historic Freedmen's Town. The Coalition envision a restored, healed

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## Archaeological & Historical Commission

## Planning and Development Department

community where God is present and His presence is recognized within an atmosphere of unity, wholeness and respect; exemplified and encouraged by church leadership.

The Coalition of Pastoral Leaders of Freedmen's Town's overarching goals are extrapolated from Isaiah Chapter 58 and are as follows:

- Those from among the community shall rebuild what has been ruined;
- The age-old foundations shall be re-established;
- Broken places and broken lives shall be repaired;
- The community shall be restored for families to live in.

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

The house at 1113 Cleveland Street was constructed circa 1910. It is a one-story 20 x 42 wood cottage, featuring three bays, raised on brick piers, with front facing gable, front veranda, and off-centered entrance door. One original turned wood porch post is in place while the other two have been replaced. The interstices of the front gable are surfaced with wood shingles. Differently shaped shingles are arrayed in horizontal bands as a form of architectural decoration. A rectangular vent window is centered beneath the roof gable.

The porch of this cottage represents a sense of community and, unity, and closeness with others:

This transitional porch space between home and community is, in fact, one of the most salient features of the district. It served, as it does to this day, not only as an adaptation to the miserably hot summer climate of Houston, but as a social space for conversing with neighbors and watching the children, who were often forced to play in the streets. Significantly, the porch is usually the only element of the houses that exhibits any architectural pretension. In the later part of the nineteenth and early part of the twentieth century, this took the form of turned posts and stylized Victorian brackets with dog-tooth molding.

The cottage at 1113 Cleveland Street is classified as a "contributing" structure of high significance on the 1984 National Historic District inventory and is one of the few remaining examples of vernacular architecture in the community.

The cottage is currently the subject of a City of Houston Neighborhood Protection order dated March 19, 2010 to repair or demolish it on site in 90 days. During the site visit the building was cited as:

- Dilapidated;
- Substandard or unfit for human habitation;
- A hazard to the health safety or welfare of its occupants (of which there are none);
- A dangerous building within the terms of Section 10-361 of the Code of Ordinances.

Though the Neighborhood Protection citation report looms overhead, the church has faith the cottage can be restored. The Rutherford B. H. Yates home, now a museum house, was also on the city's demolition list in the 1990s. It was saved in 1995 and funds were raised to restore it. Mt. Horeb is currently seeking requests from various funders to restore this historic cottage and plans to request an extension of the Neighborhood Protection order.

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Planning and Development Department

## BIBLIOGRAPHY

Harris County Deed Records.

Houston City Directories, 1910-1964.

U.S. Census Records. 1880- 1930 Ancestry.com. <http://www.ancestry.com>.

Sanborn Fire Insurance Maps for the City of Houston, Texas- 1907, 1924 and 1934.

Bracey's Block Book Maps of the City of Houston. 1919, 1929, 1942, 1946, 1950 and 1953.

Harris County Building and Land Assessments.

1984 U.S. Department of the Interior, NPS Application for the Freedmen's Town Community.

E-mails from Stephen Fox, Adjunct Lecturer on Architecture at Rice University.

Scott, Emmett, J. *The Red Book of Texas; A Compendium of Social , Professional, Religious, Educational and Industrial Interests of Houston's Colored Population*. Houston: Soltex Publishing Company, 1915.

E-mails from Janet K. Wagner, local historian and landscape architect.

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

## APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

**S      NA**

**S - satisfies      NA - not applicable**

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

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☐ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;



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- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
- ☒ ☐ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- ☐ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- ☐ ☐ (7) Whether specific evidence exists that unique archaeological resources are present;
- ☒ ☐ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.
- AND**
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).
- OR**
- ☐ ☒ The property was constructed before 1905 (Sec. 33-229(a)(2));
- OR**
- ☒ ☐ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));
- OR**
- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

### STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the House at 1113 Cleveland Street.

### PLANNING COMMISSION ACTION

Recommended to City Council the Landmark and Protected Landmark Designation of the House at 1113 Cleveland Street.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## EXHIBIT A HOUSE AT 1113 CLEVELAND STREET

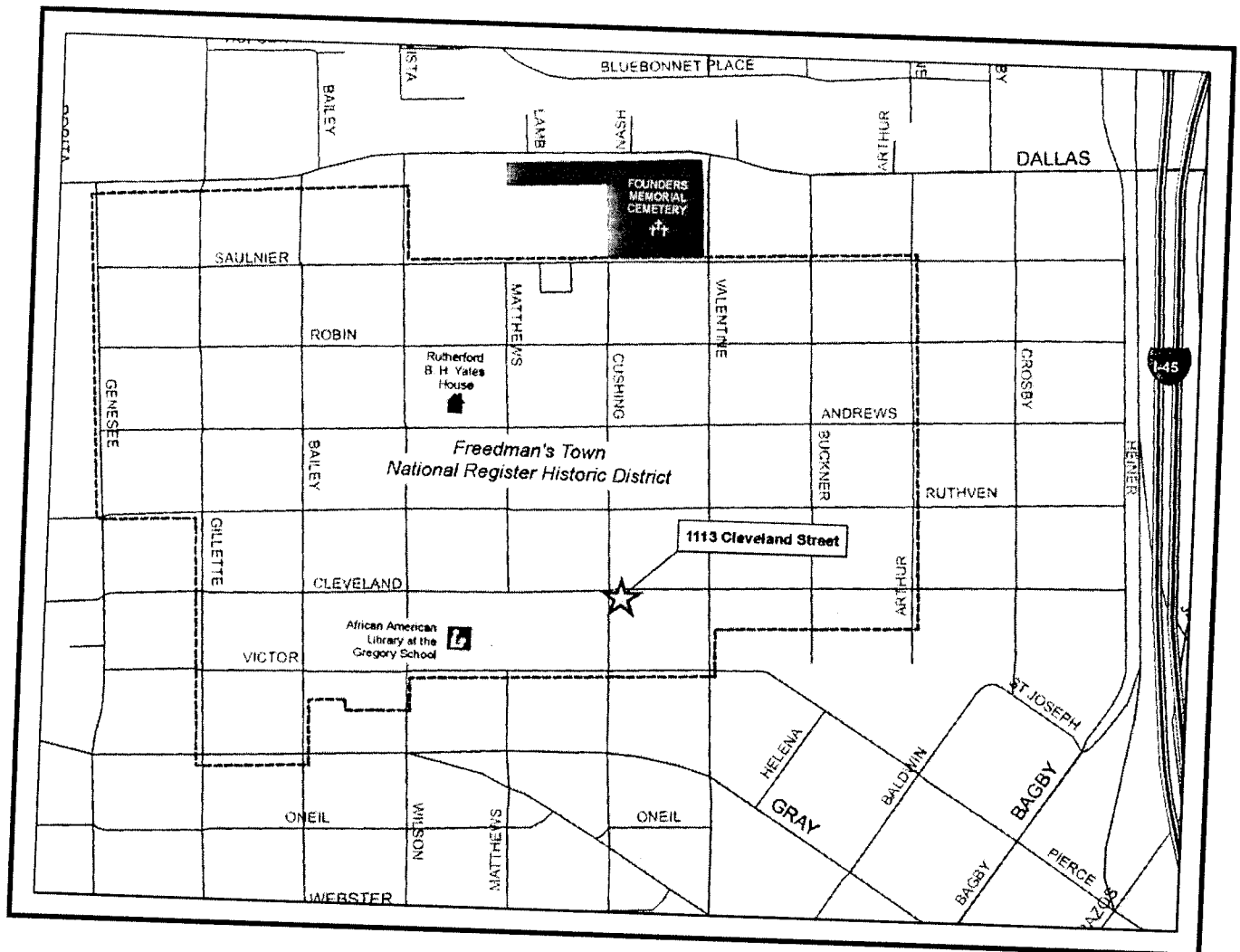


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## EXHIBIT B SITE LOCATION MAP HOUSE AT 1113 CLEVELAND STREET NOT TO SCALE



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Archaeological & Historical Commission

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## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** House at 1505-1507 Cushing Street  
**OWNERS:** Mt. Horeb Missionary Baptist Church  
**APPLICANTS:** Same  
**LOCATION:** 1505-1507 Cushing Street - Freedmen's Town  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** VI.e  
**HPO FILE NO:** 10PL97  
**DATE ACCEPTED:** Jul-1-2010  
**HAHC HEARING:** Jul-15-2010  
**PC HEARING:** Jul-22-2010

**SITE INFORMATION:** Lot 5, Block 58, W.R. Baker SSBB, City of Houston, Harris County, Texas. The site includes a one-story, wood frame duplex.

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

### SIGNIFICANCE SUMMARY

The house at 1505-1507 Cushing Street was constructed circa 1925 as rental property for Gaspare Candela and his wife. The house is located in Freedmen's Town which was listed as a historic district in the National Register of Historic Places in 1984. Freedmen's Town is one of Houston's most important African-American historic communities; it was the city's first black settlement following the Civil War and emancipation. The vernacular architecture of the house is associated with Afro-American settlement in the South, with origins in Louisiana. It was a popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The house at 1505-1507 Cushing Street is a visible reminder of the development of Freedmen's Town; it exemplifies African-American vernacular architecture in Houston and is one of the few remaining examples of vernacular architecture of one of Houston's most important African-American historic communities.

The House at 1505-1507 Cushing Street meets Criteria 1, 3-5, and 8 and is a contributing structure to the Freedmen's Town National Register Historic District, all of which are considerations for Landmark and Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

The one-story, wood duplex bungalow at 1505-1507 Cushing Street is situated within the historic neighborhood of Freedmen's Town, just west of downtown Houston. The house was constructed circa 1925 as rental property for Gaspare Candela and his wife. Mr. Candela, a resident of the community, was a grocer and realtor and owned several properties in Freedmen's Town.

The architecture of the cottage at 1505-1507 Cushing Street is associated with Afro-American settlement in the South, with origins in Louisiana. It was an especially popular house form, because it was relatively cheap, simple to construct, and easy to move if the occasion or need arose. The houses represented a sense of community, unity, and closeness with others, for they housed entire families in tiny, cramped spaces. Also, with limited opportunities for economic and political mobility, some African Americans remained behind in the only housing available to them; many houses were home to three or four generations of African-American families.

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## Planning and Development Department

### *Freedmen's Town*

Freedmen's Town, situated just west of downtown, is one of Houston's most important African-American historic communities; it was the city's first African-American settlement following the Civil War and emancipation. For the record, this community, located south of the original site, was not completely African-American. However, as this particular community developed in the late nineteenth and early twentieth century, it eventually became a model for other black communities in the city and was considered the "Mother Ward" for black Houston.

As early as 1866, residential structures in this community can be seen on W.E. Wood's map located on the following unnamed streets at the time: San Felipe, (later West Dallas), Robin and Andrews Streets between Buckner and Gillette Streets. There were African-American owners of modest to substantial-sized residences who were prominent leaders of the community such as ministers, doctors, educators, attorneys, craftsmen and small business persons. However, the majority of the residences in the community consisted of rental houses constructed as shotguns, (single and double), two-story tenements and small wood frame houses erected by absentee land owners. Later, maps, city directories and deed records would reveal most of the construction in the community took place between 1900, 1930 or 1935.

Eventually, the gradual concentration and unusual repetition of common housing types and their placement on the narrow streets of the Freedmen's Town neighborhood grew to represent an early twentieth century urban environment unique in Texas. Clarksville, in east Austin, Texas was the only other early African-American neighborhood in the state which represented a more rural community similar to Freedmen's Town in the late nineteenth century. Clarksville was placed on the National Register in 1976.

In 1984, the Freedmen's Town community was listed as a historic district in the National Register of Historic Places. The Freedmen's Town historic district is composed of 580 predominantly residential structures occupying forty city blocks. Of 567 buildings in the district, 530 were identified as contributing structures. The cottage 1505-1507 Cushing Street is classified as a "contributing" structure of medium significance on the 1984 National Register Historic District inventory and is one of the few remaining examples of vernacular architecture in the community.

Over the years unexplained fires, along with inappropriate alterations and demolitions of historic structures have resulted in a loss of the community's African-American architectural fabric. Today, interspersed among the approximately 100 remaining historic structures are large concentrations of high-density residential units, composed of tin, brick, stucco and wood, none of which reflect the community's original and unique architectural heritage.

The cottage at 1505-1507 Cushing Street is currently owned by the Mt. Horeb Baptist Church congregation who purchased it in 1996. The church, also located in Freedmen's Town, is a member of the Coalition of Pastoral Leaders of Freedmen's Town Houston. The Coalition is a cluster of ten historic congregations whose mission is to provide spiritual leadership and support as a foundation for the restoration of historic Freedmen's Town. The Coalition envision a restored, healed community where God is present and His presence is recognized within an atmosphere of unity, wholeness and respect; exemplified and encouraged by church leadership.

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## **Archaeological & Historical Commission**

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The Coalition of Pastoral Leaders of Freedmen's Town's overarching goals are extrapolated from Isaiah Chapter 58 and are as follows:

- Those from among the community shall rebuild what has been ruined;
- The age-old foundations shall be re-established;
- Broken places and broken lives shall be repaired;
- The community shall be restored for families to live in.

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

The house at 1505-1507 Cushing Street was constructed circa 1925. It is a one-story, wood duplex bungalow, featuring four bays and street facing gable roof. It has symmetrical front porches with subsidiary gabled hoods supported on wood posts located at each end of street front; alongside them are a pair of sash windows lighting the front room of each dwelling. A rectangular vent opening is centered beneath the roof gable; it is trimmed with wood similar in detail to the first-floor windows heads, jambs, and sills.

The bungalow at 1505-1507 Cushing Street is classified as a "contributing" structure of medium significance on the 1984 National Register of Historic Places inventory and is one of the few remaining examples of vernacular architecture in the community.

It must be noted that 1505-1507 Cushing is misidentified as "1413" Cushing on the National Register of Historic Places Nomination form.

The cottage at 1505-1507 Cushing Street is the subject of a Neighborhood Protection order dated March 19, 2010 to "repair or demolish it on site in 90 days." During the site visit the building was cited as:

- Dilapidated
- Substandard or unfit for human habitation
- A hazard to the health safety or welfare of its occupants (of which there are none)
- A dangerous building within the terms of Section 10-361 of the Code of Ordinances

Though the Neighborhood Protection citation report looms overhead, the church has faith the cottage can be restored. The Rutherford B. H. Yates home, now a museum house, was also on the city's demolition list in the 1990s. It was saved in 1995 and funds were raised to restore it. Mt. Horeb is currently seeking requests from various funders to restore this historic cottage and plans to request an extension of the Neighborhood Protection order.

# CITY OF HOUSTON

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E-mails from Janet K. Wagner, local historian and landscape architect.

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

## APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

**S      NA**

**S - satisfies      NA - not applicable**

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

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☐ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;

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

**AND**

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

**OR**

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

**OR**

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

**OR**

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

### STAFF RECOMMENDATION

Accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the House at 1505-1507 Cushing Street.

### PLANNING COMMISSION ACTION

Recommended to City Council the Landmark and Protected Landmark Designation of the House at 1505-1507 Cushing Street.



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Archaeological & Historical Commission

Planning and Development Department

## EXHIBIT A

House at 1505-1507 Cushing Street



# CITY OF HOUSTON

Archaeological & Historical Commission

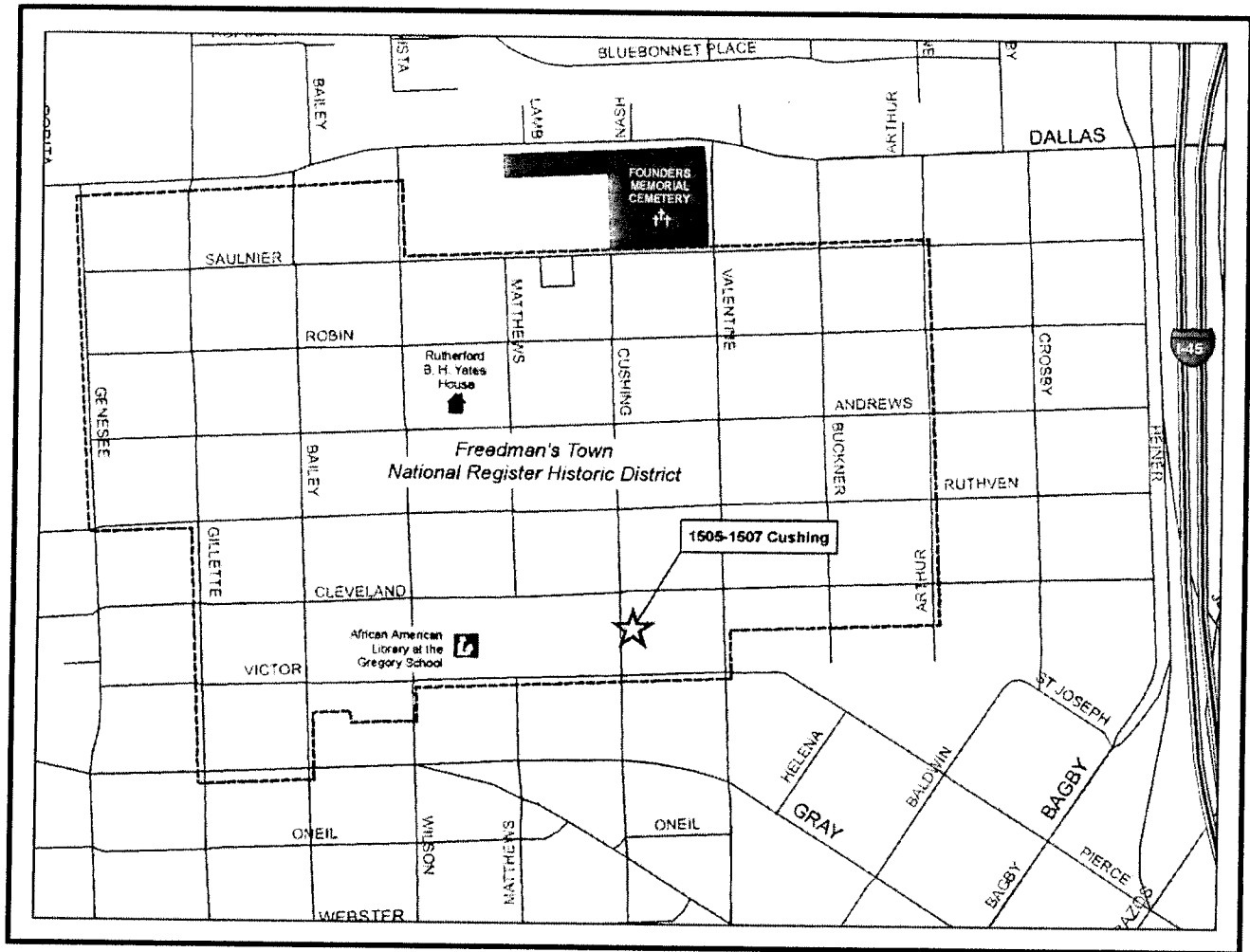
Planning and Development Department

## EXHIBIT B

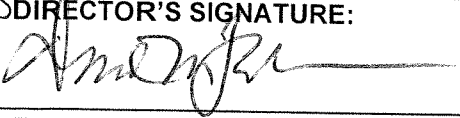
### SITE LOCATION MAP

House at 1505-1507 Cushing Street

NOT TO SCALE



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

<b>SUBJECT:</b> Chapter 15, Article II, Section 15-23, Code of Ordinances, Houston, Texas, relating to the Legal Department's role and participation in representing the city's interest during hearings held by the Contract Compliance Commission		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  18
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b>	<b>Agenda Date</b>  SEP 15 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Rashaad Gambrell <b>Phone:</b> 832.393.6439		<b>Date and identification of prior authorizing Council action:</b>  N/A		
<b>RECOMMENDATION: (Summary)</b> That City Council pass an ordinance amending Chapter 15, Article II, Section 15-23, Code of Ordinances, Houston, Texas, relating to the Legal Department's role and participation in representing the city's interest during hearings held by the Contract Compliance Commission.				
<b>Amount of Funding:</b>		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> Chapter 15, Article II of the City of Houston Code of Ordinances provides a process whereby contract compliance officers monitor the wage, hiring, and employment practices of city contractors. When deficiencies are found in a city contractor's wage, hiring, or employment practices, a contract compliance officer is obligated to issue written notice to the contractor of such deficiencies and allow the contractor 14 days to show cause why sanctions should not be imposed. If the contractor fails to show good cause why sanctions should not be imposed, the contract compliance officer is required to issue a notice of proposed sanctions to the contractor and the Contract Compliance Commission. The contractor then has the opportunity to request a hearing before the Contract Compliance Commission.  The hearing procedures (section 15-23 of the City Code) currently provide that an attorney from the city's legal department shall be present at all hearings before the Contract Compliance Commission; however, current Code limits the legal department's role to advising the commission on procedural matters only. Contractors are often represented by very active and very able counsel, but given the language of the current ordinance, the Affirmative Action Division does not have the same level of representation.  Therefore, it is recommended that city council adopt the proposed amendments to the Contract Compliance Commission hearing procedures to provide the Affirmative Action Division with active and substantive legal representation in contested matters.				

## CHAPTER 15

### CONTRACTS

#### ARTICLE II. ANTI-DISCRIMINATION PROVISIONS IN CITY CONTRACTS

\*\*\*

##### Sec. 15-23. Hearing procedure.

(a) All hearings held by the contract compliance commission shall be public and shall be conducted under rules consistent with the nature of the proceedings; provided, however, that the following rules shall apply to such hearing:

- (1) The formal rules of evidence applicable to judicial proceedings are not required. The contract compliance commission may receive hearsay testimony or evidence which, while technically objectionable, is in its discretion relevant and reasonably reliable.
- (2) The contract compliance commission may exclude irrelevant, cumulative, immaterial, or repetitious evidence.
- (3) Only evidence presented before the contract compliance commission at such hearing may be considered in rendering a final order.
- (4) All parties to the hearing may be represented by a licensed attorney, though an attorney is not required.
- (5) Each party may present witnesses in his own behalf.
- (6) Each party has the right to cross-examine all witnesses.
- (7) All witnesses may be placed under the witness rule at the request of any party. The legal department of the city shall have an attorney present who shall represent the city's interest at each hearing held by the contract compliance commission. ~~Such attorney shall advise the contract compliance commission as to procedural matters only, and shall not give any opinion as to the weight of the evidence or partake in any determination of the facts.~~

(b) If the contractor does not appear before the contract compliance commission at the date and time specified, the contract compliance officer may introduce evidence showing the noncompliance of the contractor, vendor or supplier.

(c) After completion of the presentation of evidence by all parties appearing, the

contract compliance commission shall make written findings and a final order as to whether a violation of this Code exists, setting forth in such written findings the specific conditions which classify the contractor to be in noncompliance in violation of this Code, federal regulations, or executive order. If the contract compliance commission finds that violation of this Code, federal regulations or executive order exists, the contract compliance commission shall submit its recommendation to the mayor and city council.

\*\*\*

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: An Ordinance Amending Articles II, III, and VII of Chapter 28 of the Code of Ordinances, Houston, Texas, transferring all permitting functions related to Sexually Oriented Businesses contained therein from the Houston Police Department to the Administration & Regulatory Affairs Department.	Category #	Page 1 of 1	Agenda Item  <b>19</b>
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FROM (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	Origination Date  August 11, 2010	Agenda Date  SEP 15 2010
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: Tina Paez Kathryn Bruning	Phone: (713) 837-9630 Phone: (713) 837-9873	Date and Identification of prior authorizing Council Action: Ordinance No. 97-75, approved January 15, 1997
---------------------------------------------------------------------	------------------------------------------------	----------------------------------------------------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
Approve an ordinance amending Chapter 28 of the Code of Ordinances, approving and authorizing the transfer of the permitting function for Sexually Oriented Businesses from the Houston Police Department to the Administration & Regulatory Affairs Department

Amount of Funding: N/A	Finance Budget
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**SOURCE OF FUNDING:** N/A

## **SPECIFIC EXPLANATION:**

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 28 of the Code of Ordinances, approving and authorizing the transfer of the permitting function for Sexually Oriented Businesses from Houston Police Department to Administration & Regulatory Affairs Department.

During the FY11 budget preparation process, City departments were directed to review their business processes for potential changes that would allow for cost savings and/or increased efficiencies. With that in mind, in April 2010, the Vice Division of the Houston Police Department (HPD) approached Administration & Regulatory Affairs (ARA) about the feasibility of transferring the Sexually Oriented Business (SOB) permitting function to ARA's Commercial Permitting & Enforcement Section (CPE). Over the past three months the two departments thoroughly reviewed the SOB permitting business process and determined that it would serve the City's best interests to transfer this administrative function.

Only the administrative permitting function will be transferred to ARA, consisting of inspections and measurements for application approval, and distribution of permits and licenses. **All enforcement functions will continue to be performed by HPD officers**, as well as all criminal background checks for required personnel. HPD estimates that transferring the permitting duties to ARA will reallocate approximately \$500,000 of police resources to law enforcement duties. HPD currently has four Sr. Police Officers and one Sergeant tasked to the issuance of SOB permits. Under the current Ordinance, these officers are required to be in the office, three days per week, from 8:00 a.m. until noon, performing clerical permitting functions. During the hours these personnel are not in the office, they are required to go undercover into both permitted and non-permitted facilities to perform vice-related law enforcement duties. The undercover nature of their work is undermined by the permitting functions they are required to perform. This proposal would allow these ~~five~~ **five** individuals to return to law enforcement full time, bolstering the Vice Division's enforcement activities without requiring the hiring of additional police officers for the Division. In addition to the cost savings, it would allow the officers to remain anonymous to better perform their undercover duties related to these facilities.

ARA currently regulates more than 50 types of commercial businesses using civilian personnel. The transfer of the SOB permitting function from HPD can be accomplished without hiring any additional personnel in ARA, based on the current annual volume of SOB applications processed annually.

The recommended amendments to the Code of Ordinances were presented to the Neighborhood Protection & Quality of Life Committee on August 5, 2010.

## **REQUIRED AUTHORIZATION**

Finance Department:	Other Authorization:	Other Authorization:
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City of Houston, Texas, Ordinance No. 2010-\_\_\_\_\_

AN ORDINANCE AMENDING ARTICLES II, III, AND VIII OF CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TRANSFERRING ALL PERMITTING FUNCTIONS CONTAINED THEREIN FROM THE HOUSTON POLICE DEPARTMENT TO THE ADMINISTRATION AND REGULATORY AFFAIRS DEPARTMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \* \* \*

**WHEREAS**, the task of regulating and permitting sexually oriented business enterprises, including inspections of the location, interior configuration, signage, and other aspects of the enterprise, as well as the licensing of managers and entertainers employed in such businesses, has historically been administered through the Houston Police Department, operating primarily through its Vice Division; and

**WHEREAS**, the Administration and Regulatory Affairs Department is now charged with overseeing and managing of regulatory services, including commercial permitting, which is deemed to include the issuance of permits to sexually oriented businesses and the licensing of the managers and entertainers employed in such businesses; and

**WHEREAS**, the City of Houston desires to consolidate the regulation and permitting process of sexually oriented businesses and the licensing of managers and entertainers employed in such businesses together with other commercial permitting administered by the Administration and Regulatory Affairs Department; **NOW, THEREFORE**,

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

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

**Section 2.** That Section 28-81 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *police chief* and adding, in the appropriate alphabetical order position, the following new definition:

"*Director* shall mean the director of the department of administration and regulatory affairs and any employee(s) of the department assigned by him to perform the duties prescribed in this article."

**Section 3.** That Article III of Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the term *police chief* wherever it appears, including captions, with the term *director*, such replacement to include the possessive as well as the singular case of the term to be replaced.

**Section 4.** That Subsection (f) of Section 28-92 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the words *captain of the vice division, Houston Police Department* with the words *the director*.

**Section 5.** That Subsection (g) of Section 28-93 of the Code of Ordinances, Houston, Texas, is hereby amended to insert the word *cash*, followed by a comma, before the word *certified*.

**Section 6.** That the definition of the term *director* in Section 28-121 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

*"Director.* The director and such employee(s) of the department of administration and regulatory affairs as he may designate to perform the duties of the director under this article."

**Section 7.** That Subitem b of Item (1) of Subsection (b) of Section 28-123 of the Code of Ordinances, Houston, Texas, is hereby amended to insert the word *cash*, followed by a comma, before the word *certified*.

**Section 8.** That Item (2) of Subsection (b) of Section 28-123 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Business and Commerce Code, Chapter 71) if the enterprise is to be operated under an assumed name;"



**Section 9.** That Items (5) and (6) of Subsection (b) of Section 28-123 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

- "(5) If the enterprise is a limited partnership formed under the laws of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State under the applicable provisions of the Texas Limited Partnership Law (Texas Business Organizations Code, Title 1);
- (6) If the enterprise is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the Secretary of State under the applicable provisions of the Texas Limited Partnership Law (Texas Business Organizations Code, Title 1);"

**Section 10.** That Subsection (e) of Section 28-123 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the words *Vice Division of the Houston Police Department* with the words *Department of Administration and Regulatory Affairs*.

**Section 11.** That Subsection (c) of Section 28-128 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the term *captain of the vice division* with the word *director*.

**Section 12.** That Subsection (b) of Section 28-132 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the term *captain of the vice division* with the word *director*.

**Section 13.** That the definition of the term *director* in Section 28-251 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"*Director.* The director and such employee(s) of the department of administration and regulatory affairs as he may designate to perform the duties of the director under this article."

**Section 14.** That Subsections (a) and (e) of Section 28-254 of the Code of Ordinances, Houston, Texas, are hereby amended to replace the words *vice division of the police department* with the word *director*, the term *12:00 p.m.* with the term *3:00 p.m.*, and the words *Monday, Wednesday or Friday* with the words *Monday through Friday*.

**Section 15.** That the last sentence of Subsection (e) of Section 28-254 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"If the hearing officer rules against the applicant, then the applicant shall be given notice of the right to seek an injunction or judicial review of the decision as provided in section 1-9 of the Code and applicable laws, including Title 2 of the Texas Occupations Code."

**Section 16.** That Subsection (g) of Section 28-254 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the words *vice division* with the word *director*.

**Section 17.** That Subsection (c) of Section 28-255 of the Code of Ordinances, Houston, Texas, is hereby amended to replace the words *vice division of the police department* with the word *director*.

**Section 18.** That the last sentence of Section 28-257 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"In the event that the hearing officer determines that the permit should be revoked, he shall issue his final decree to be effective on the 30th day following the mailing of notice of the decree to the permit holder in order to allow the permit holder an opportunity to seek an injunction or judicial review of the decision before the permit must be surrendered as authorized in section 1-9 of this Code and applicable laws, including Title 2 of the Texas Occupations Code."


**Section 19.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for

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

**Section 20.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on October 4, 2010.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

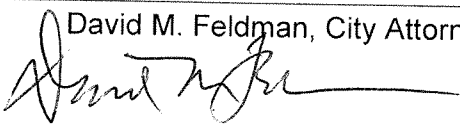
 Prepared by Legal Dept.  
CMD:asw 09/08/2010

  
Assistant City Attorney

Requested by Alfred J. Moran, Jr., Director, Department of Administration and Regulatory Affairs  
L.D. File No. 0371000119001

TO: Mayor via City Secretary


REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance Making Findings Concerning San Felipe Park		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  20
<b>FROM (Department or other point of origin):</b> Legal Department		<b>Origination Date</b> September 9, 2010		<b>Agenda Date</b> September 15, 2010
<b>DIRECTOR'S SIGNATURE:</b>  David M. Feldman, City Attorney		<b>Council District affected:</b> "1"		
<b>For additional information contact:</b> Robert Johnson <b>Phone:</b> 832-393-6284 Bob Christy            832-393-8013 Joe Turner                832-395-7050		<b>Date and identification of prior authorizing Council action:</b>		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance making findings concerning San Felipe Park.				
<b>SPECIFIC EXPLANATION:</b> <p>San Felipe Park is 2.6 acres of land, located adjacent to Gillette Street and Allen Parkway, and east of the Federal Reserve Bank building. The City proposes to remove the park designation from the land comprising San Felipe Park, and in connection therewith, acquire, improve and designate for park purposes other land of equivalent size at a more central location to the Fourth Ward neighborhood and communities (the "Project").</p> <p>San Felipe Park has been fenced and closed to the public since 2002 when glass and metal shards and other contaminants were found in the soil. The City faces significant costs to remediate the soil to standards appropriate for recreational use by children.</p> <p>San Felipe Park fronts on Allen Parkway, a multi-lane major thoroughfare with a high volume of traffic at high speeds. Buffalo Bayou Park and Eleanor Tinsley Park are on the opposite side of Allen Parkway and include 124 acres with various park amenities.</p> <p>Because of the cost to remediate the soil to levels appropriate to recreational use, and the site's location on a busy major thoroughfare, Houston proposes relocating the park to another site of equivalent size at a more central location to the Fourth Ward community.</p> <p>Pursuant to Chapter 26 of the Texas Parks &amp; Wildlife Code, City Council held a public hearing on the Project on September 1, 2010. No member of the public spoke at the hearing. The proposed ordinance makes findings concerning San Felipe Park and the September 1 public hearing.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance authorizing increasing the maximum contract amount for The Sheltering Arms, Houston Texas and Dinsmore Medical Systems, LLC.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 21
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<b>FROM (Department or other point of origin):</b> Department of Health and Human Services	<b>Origination Date</b> 08/11/10	<b>Agenda Date</b> SEP 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Kathy Barton Telephone: 832-393-5045; Cell: 713-826-5801	<b>Date and identification of prior authorizing Council action:</b> 04-1-09; 09-0288, 07-29-2009; 09-0689
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**RECOMMENDATION:** An ordinance authorizing increasing the maximum contract amount for The Sheltering Arms, Houston Texas and Dinsmore Medical Systems, LLC.

<b>Amount of Funding:</b> New Maximum Contract Amount: \$4,200,000.00 Total Funding Increase: \$1,146,420.47 Federal State Local – Pass through Fund (5030)	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [ X ] Grant Fund [ ] Enterprise Fund [ ]  
**Other (Specify):**

The Houston Department of Health and Human Services (HDSHS) requests City Council to approve an ordinance authorizing increasing the maximum contract amount for The Sheltering Arms, Houston Texas and Dinsmore Medical Systems, LLC. These supportive service providers were selected through a request for proposal process in 2008 to provide adult day care, caregiver respite in-home, home maker, personal assistance, instruction and training and emergency response services, seniors (60+) who reside in the City of Houston and Harris County. The respective contracts were approved April 1, 2009 and July 29, 2009 under Ordinance No. 09-0288 and 09-0689, each contract was effective on the date of countersignature and extends through September 30, 2010 with three one-year renewal periods.

The providers are recipients of Social Service Block Grant (SSBG) Funding for FY2010. The Harris County Area Agency on Aging (HCAAA) received SSBG funding from the Houston Galveston Area Council (H-GAC) which expire September 30, 2010. The funding will enable HCAAA to provide additional supportive services, i.e. vision services to eligible seniors (60+) who reside in the City of Houston and Harris County.

Contractor	Original Contract Cap	Contract Cap Increase	New Contract Cap	Services
Sheltering Arms, Houston Texas	\$3,007,356.53	\$992,643.47	\$4,000,000.00	Adult Day Care, Caregiver Respite In-Home, Home Maker, Personal Assistance and Instruction and Training
Dinsmore Medical Systems, LLC	\$46,223.00	\$53,777.00	\$200,000.00	Emergency Response

This matter was presented to the Council Committee on Technology Initiatives and Human Services on May 10, 2010.

cc: Finance Department  
Legal Department  
Agenda Director

<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

NDT

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT: AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; SETTING A HEARING TO DETERMINE JUST AND REASONABLE RATES TO BE OBSERVED WITHIN THE CITY OF HOUSTON**

Category #

Page 1 of 1

Agenda Item#

22

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

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

**Origination Date**

September 8, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

All

**For additional information contact:**

Tina Paez Phone: 713-837-9630  
Alisa Talley Phone: 713-837-0849

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

Ordinance No. 2010-0610, passed July 28, 2010

**RECOMMENDATION: (Summary)**

Adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC; setting a hearing to determine just and reasonable rates to be observed within the city of Houston.

**Amount of Funding:** N/A

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC ("CenterPoint"); setting a public hearing for September 29, 2010 to determine just and reasonable rates to be observed within the city of Houston. CenterPoint operates the power transmission and distribution systems in the Houston metropolitan area. The City of Houston exercises original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Public Utility Regulatory Act ("PURA") for customers inside city limits.

On June 30, 2010, CenterPoint filed a Statement of Intent to Change Rates ("Statement of Intent") within its service territory, including the city of Houston. The proposed rate change will impact approximately 2.1 million customers in CenterPoint's service area, including approximately 880,000 Houston customers— 760,000 residential, 119,000 commercial and 1,000 industrial customers.

CenterPoint initially requested an increase of approximately \$94 million in its transmission and distribution utility rates, which included a \$76 million increase for service to retail electric customers. However, on August 4, 2010, CenterPoint amended its requested increase for retail electric customer rates to \$92 million, resulting in a total increase of approximately \$110 million. If CenterPoint's proposed rates are adopted, the average residential customer using 1,000 kWh per month would experience an approximate 5% increase — \$5.41 per month increase (versus the initial \$5.53 proposed increase) — assuming an existing retail rate of \$0.1115 per kWh. Residential customers will experience an increase, while decreases are proposed for certain rate classes of commercial and industrial customers. The Company is also requesting a \$7 million increase in revenue requirement for street lights which would impact the City of Houston.

On July 28, 2010 City Council approved Ordinance No. 2010-0610 suspending the new rates for 90 days beyond the proposed August 4, 2010 effective date to November 2, 2010. The suspension of the rates was approved to allow the City to engage a team of experts to review the rate case, request information from the Company related to the proposed rate change, and assist in the preparation of the final rate recommendation to City Council. During the suspension period, the City also held public meetings (August 17 and August 24) for CenterPoint in-city customers to allow ratepayers the opportunity to voice quality of service concerns and/or objections to the proposed rate change.


During the proposed Public Hearing on September 29, 2010, ARA and the City's rate consultants will present a summary of findings and rate recommendations. CenterPoint and Intervenor will also have the opportunity to present their respective positions. Customer concerns raised at the public meetings and written comments will be summarized. A proposed electric rate ordinance incorporating the findings and recommendations will be presented to City Council for approval on October 6, 2010.

## REQUIRED AUTHORIZATION

ARA Director:

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Authorization for the Mayor to accept Transportation Security Administration (TSA) Other Transaction Agreement (OTA) funding in an amount not to exceed \$4,035,076.00.		<b>Category #2</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  23
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> August 19, 2010	<b>Agenda Date</b> SEP 15 2010	
<b>DIRECTOR'S SIGNATURE:</b>  <i>Kae</i>		<b>Council District affected:</b> I		
<b>For additional information contact:</b> Lisa Kent <i>KK</i> Phone: 281-233-1971		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Transportation Security Administration (TSA) \$4,035,076.00 Other Transaction Agreement (OTA) Funds <i>INW</i> Grant Funds		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an Ordinance authorizing the Mayor to accept Transportation Security Administration (TSA) Other Transaction Agreement (OTA) funding in an amount not to exceed \$4,035,076.00 for Advanced Surveillance Program enhancements at William P. Hobby Airport (HOU).				
<b>SPECIFIC EXPLANATION:</b>  The Transportation Security Administration (TSA) has tentatively approved Other Transaction Agreement (OTA) funds for Advanced Surveillance Program (ASP) enhancements at William P. Hobby Airport (HOU). The Houston Airport System (HAS) is requesting authorization for the Mayor to accept these funds, if they become available, in an amount not to exceed \$4,035,076.00. This funding requires acceptance by the close of the Federal Fiscal Year, September 30, 2010.  The OTA funds will be used for enhancements to Closed-circuit television (CCTV) and related systems. Specifically, the enhanced system will supplement surveillance of the critical security areas identified by TSA and the airport. The project will upgrade a number of existing cameras, along with placement of new cameras, and will enable TSA and the airport to have access to visual surveillance and recorded media. The upgrade and addition of these cameras will provide a better security posture for HOU by increasing the general airport security and providing better personnel deployment.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>	<b>Other Authorization:</b>	

190-CW-TSA OTA ASP @ HOU AM

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 \$13,033,734.00.		Category #2	Page 1 of 1	Agenda Item # <b>24</b>
FROM (Department or other point of origin): Houston Airport System		Origination Date August 19, 2010	Agenda Date SEP 15 2010	
DIRECTOR'S SIGNATURE: <i>Maud Bay</i>		Council District affected: B		
For additional information contact: Lisa Kent <i>RL</i> Phone: 281-233-1971		Date and identification of prior authorizing Council action: N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Transportation Security Administration (TSA) \$13,033,734.00 Other Transaction Agreement (OTA) Funds <i>INW</i> Grant Funds		Prior appropriations: N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an Ordinance authorizing the Mayor to accept Transportation Security Administration (TSA) Other Transaction Agreement (OTA) funding in an amount not to exceed \$13,033,734.00 for Advanced Surveillance Program enhancements at George Bush Intercontinental Airport/Houston (IAH).				
<b>SPECIFIC EXPLANATION:</b>  The Transportation Security Administration (TSA) has tentatively approved Other Transaction Agreement (OTA) funds for Advanced Surveillance Program (ASP) enhancements at George Bush Intercontinental Airport/Houston (IAH). The Houston Airport System (HAS) is requesting authorization for the Mayor to accept these funds, if they become available, in an amount not to exceed \$13,033,734.00. This funding requires acceptance by the close of the Federal Fiscal Year, September 30, 2010.  The OTA funds will be used for enhancements to Closed-circuit television (CCTV) and related systems. Specifically, the enhanced system will supplement surveillance of the critical security areas identified by TSA and the airport. The project will upgrade a number of existing cameras, along with placement of new cameras, and will enable TSA and the airport to have access to visual surveillance and recorded media. The upgrade and addition of these cameras will provide a better security posture for IAH by increasing the general airport security and providing better personnel deployment.				
<b>REQUIRED AUTHORIZATION</b>				
Finance Department:		Other Authorization:		Other Authorization:

190-CW-TSA OTA @ IAH AM



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 2 to Professional Engineering Services Agreement with Concept Engineers, Inc. for Miscellaneous Projects for the Houston Airport System; Project No. 615J (WBS #A-000138-0017-3-01 ; Contract No. 4600008356)		<b>Category # 7</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <i>25</i>
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> August 5, 2010		<b>Agenda Date</b> SEP 15 2010
<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Eric R. Potts</i>		<b>Council District affected:</b> B, E & I		
<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> 281-233-1941		<b>Date and identification of prior authorizing Council action:</b> 10/17/2007 (O) 2007-1162 08/05/2009 (O) 2009-730		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0138.83 \$200,000.00 Arpt Improvement Fd (8011) <i>J</i> <i>new</i>		<b>Prior appropriations:</b> 10/17/07 \$200,000.00 Arpt Improvement Fd (8011) 08/05/09 \$200,000.00 Arpt Improvement Fd (8011) Total \$400,000.00		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance to approve Amendment No. 2 to Professional Engineering Services Agreement with Concept Engineers, Inc. for miscellaneous projects and appropriate the necessary funds to finance the cost of these services.				
<b>SPECIFIC EXPLANATION:</b> On October 17, 2007, Council approved a contract for professional engineering services with Concept Engineers, Inc. to provide professional engineering services for miscellaneous projects at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD). Services provided to date include condition assessment of three structures at EFD, evaluation of corrosion on the parking structure at HOU and the preparation of design and construction documents for repairs to facilities damaged by Hurricane Ike at IAH, HOU and EFD.  On August 5, 2009, Council approved Amendment No. 1 to provide funding for additional miscellaneous engineering services, including repairs to facilities damaged by Hurricane Ike at IAH, HOU and EFD to expedite the design and repair process and return the affected facilities to full service.  It is now requested that Council approve Amendment No. 2 to provide funding for additional miscellaneous engineering services support in the form of field evaluation, analysis and design of structural systems at IAH, HOU and EFD that include the following: <ul style="list-style-type: none"><li>• Engineering and design services for miscellaneous projects.</li><li>• Design and construction documents to repair the control tower at EFD. These repairs will preserve the useful life of the existing control tower until a new one is constructed.</li></ul> The proposed contract amendment requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

<b>Date</b> August 5, 2010	<b>Subject:</b> Amendment No. 2 to Professional Engineering Services Agreement with Concept Engineers, Inc. for Miscellaneous Projects for the Houston Airport System; Project No. 615J (WBS #A-000138-0017-3-01 ; Contract No. 4600008356)	<b>Originator's Initials</b> RLN	<b>Page</b> 2 of 2
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**M/WBE PARTICIPATION:** The M/WBE goal for this contract is seven and one half percent (7.5%) and will be met by the following certified firms:

Firms	Type of Work	Amount	% of Contract
B & E Reprographics, Inc.	Printing	\$ 4,000.00	2.0%
Redline Courier Express, Inc.	Courier Service	\$ 1,000.00	0.5%
Tejas Office Products, Inc.	Office Supply	\$ 2,000.00	1.0%
ESPA Corp.	Architectural Services	<u>\$ 8,000.00</u>	<u>4.0%</u>
	Total	\$15,000.00	7.5%

Concept Engineers, Inc. is currently achieving 6.63% M/WBE participation on a 7.5% goal.

At the request of HAS, Concept Engineers, Inc. performed professional engineering services in response to damages resulting from Hurricane Ike in which there was limited opportunity to achieve the goal of 7.5% due to the limited scope of services and the emergency nature of the request. Since then, the contractor has recovered part of the shortfall and remains committed to achieve the goal by working closely with HAS Small Business Development and Contract Compliance Office.

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:** Ordinance approving an infrastructure development agreement between the City and Ainbinder Heights, LLC ("Developer") pursuant to Chapter 380, Texas Local Government Code.

**Category #**

**Page 1 of 1**

**Agenda Item#**

**26**

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

Andy Icken, Chief Development Officer

Mayor's Office

**SIGNATURE:**



**Origination Date**

**Agenda Date**

SEP 15 2010

**Council Districts affected:**

Council Member Gonzalez, District H

**For additional information contact:**

Tim Douglass

**Phone:** 713-837-9857

Keith R. Phillips

**Phone:** 713-837-0610

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

Ordinance No. 99-674 dated 6/30/99

**RECOMMENDATION: (Summary)** Ordinance approving an infrastructure development agreement between the City and Ainbinder Heights, LLC ("Developer") pursuant to Chapter 380, Texas Local Government Code.

**Amount of Funding:**

**Finance Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

In 1989, the State legislature adopted Chapter 380.001 of the local government code to create a mechanism that municipalities could use for granting or loaning local tax revenue for economic development purposes. Subsequently, by Ordinance No. 99-674, the City of Houston authorized a Chapter 380 loan/grant program to provide the City with an additional tool to encourage development in targeted areas to help stimulate new business growth.

The Mayor's Economic Development Division intends to offer performance-based rebates of the City's portions of its ad valorem taxes and sales and use taxes ("Taxes") to commercial and residential development projects. The performance-based tax rebates will be determined solely upon post-project proven increases in Taxes assessed and collected after the projects are operational and the Taxes can be accurately measured. The rebates will be equal to the incremental increases in Taxes in the economic impact area from the base year (year prior to project commencement) and a pre-determined time period stipulated in each development agreement. The rebates will only reimburse the recipient for public infrastructure. At no time will the City's rebates exceed the recipients' actual costs.

The Developer intends to construct a multi-tenant retail project totaling an estimated 242,000 square feet on approximately 24 acres known as 'Washington Heights'. The Developer will extend off-site City water, sewer, and drainage facilities, improve City streets and roads, install traffic signals, enhance street lighting and sidewalks, improve the appearance of the existing bridges over White Oak Bayou, and upgrade the landscaping beyond the minimum COH landscape requirements. ("Public Infrastructure"). The total estimated costs of the Public Infrastructure, which will also benefit other properties in the area, are not expected to exceed \$6 million. The City will reimburse the Developer for the Public Infrastructure costs by rebating the increase in ad valorem and sales taxes from the project's base year, not to exceed the actual costs and associated interest attributable to the Public Infrastructure. Developer shall satisfy all permitting requirements, including but not limited to detention and building permitting requirements. Building permits will not be issued until a city approved traffic study shows that the development mitigates to acceptable levels of traffic impact.

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

## **REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**



## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** An Ordinance appropriating funds and approving an Agreement between the City of Houston and the Texas Department of Transportation (TxDOT) and a related Agreement between the City of Houston and the Hardy/Near Northside Redevelopment Authority.

Category #

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1 of 1

Agenda Item#

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**FROM: (Department or other point of origin):**Michelle Mitchell, Director  
Finance Department

Origination Date

Agenda Date

SEP 15 2010

**DIRECTOR'S SIGNATURE:**Michelle Mitchell  
for Mitchell  
Finance DepartmentCouncil Districts affected:  
H**For additional information contact:**Ralph De Leon  
Tim DouglassPhone: (713) 837-9573  
(713) 837-9857Date and identification of prior authorizing  
Council Action:**RECOMMENDATION: (Summary)**

Adopt an Ordinance appropriating funds and approving an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match between the City of Houston (City) and the Texas Department of Transportation (TxDOT) in which the City will pay TxDOT to review the PS&E portion of a National Environmental Protection Act Study (TxDOT Agreement), and approving a related Sponsorship Agreement between the City and the Hardy/Near Northside Redevelopment Authority (Authority) in which the Authority agrees to fund the City's financial obligation under the TxDOT Agreement.

**Amount of Funding:** Appropriation of \$ 35,000 from the Reimbursement of Project/Equipment Fund (Fund 1850) to be reimbursed by the Authority upon its approval of the sponsorship agreement.

**Finance Budget:****SOURCE OF FUNDING:**

☐ General Fund    ☐ Grant Fund    ☐ Enterprise Fund  
☒ Reimbursement of Project/Equipment Fund (Fund 1850)


**SPECIFIC EXPLANATION:**

On December 17, 2003, City Council created Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone). On December 30, 2008, the City approved a Project Plan and Reinvestment Zone Financing Plan for the Zone. On November 10, 2009, City Council created the Hardy/Near Northside Redevelopment Authority (the "Authority") to implement the Plan. On December 9, 2009, City Council approved an Amendment to the Project Plan and Reinvestment Zone Financing Plan. The Original and Amended Plan (the "Plans") included provisions for Infrastructure Improvements including the construction of key streets needed to enhance the level of service to the area and included the extension and potential grade separation of San Jacinto Street north from Interstate 10 to the southern terminus of Fulton Street (the "Project").

The State of Texas Department of Transportation (TxDOT) and the City of Houston (City) desire improvements to San Jacinto Street. Presently no Local Government funding is available to fund the required TxDOT review of the design plans, specifications, and estimates portion (PS&E) of a National Environmental Protection Act Study currently being prepared by the City. Deliverables included in the PS&E to be reviewed by TxDOT include right-of-way maps and property descriptions, field surveys, a drainage study, and 90% design plans, specifications, and estimates. The City and TxDOT desire to enter into an Advance Funding Agreement to provide for the City to reimburse TxDOT for the review and approval of the PS&E (TxDOT Agreement), and the Authority desires to fund the City's financial obligation under the TxDOT Agreement, thus enabling the Project to become a more viable candidate for federal funding.

The City is appropriating the amount of \$35,000 from Project/Equipment Fund (1850) as an advance to pay the costs of the TxDOT review; however, upon approval of the Sponsorship Agreement by the Authority, the Authority will issue a check to the City to reimburse it for this advance. The Authority shall pay the City \$35,000 upon execution of the Agreement with TxDOT and assumes all City payment obligations for the review and approval under the TxDOT Agreement including any overruns in an amount not to exceed \$7,000 for a total amount of \$42,000.

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

**REQUIRED AUTHORIZATION****Finance Director:****Other Authorization:****Other Authorization:**

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** Approve a contract with Sogeti USA, LLC to provide analysis and design of a queuing and payment system for the Houston Permitting Center.

**Category #**

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Agenda Item

**28**

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

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

**Origination Date**

August 24, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

**Council District(s) affected**

All

**For additional information contact:**

Greg Damianoff  
Mark Stinnett

**Phone:** (713) 221-0127

**Phone:** (832) 393-0200

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

**RECOMMENDATION: (Summary)**

Approve a contract with Sogeti USA, LLC to provide analysis and design of a queuing and payment system for the Houston Permitting Center.

Maximum Contract Amount: \$535,000

**Finance Budget**

\$ 535,000.00 – Contract Allocation

\$ 15,000.00 – Support Cost

\$ 550,000.00 – Total Appropriation – Reimbursement of Equipment/Projects Fund (1850)

**SPECIFIC EXPLANATION:**

The Mayor's Transition Committee on Permitting (the Committee) focused specifically on customer service in the new Houston Permitting Center. To address concerns regarding how the Houston Permitting Center will functionally streamline the permitting process for customers, the Committee recommended that the Houston Permitting Center should utilize technology to enable the efficient management of the entire permitting process. Reconstruction of the building at 1002 Washington to house the majority of the City's permitting functions by summer 2011 is underway. This recommendation focuses specifically on the enhanced customer service technology to ensure the building will efficiently and effectively process customer permitting requests.

The directors of the Administration & Regulatory Affairs (ARA), Information Technology (ITD) and Public Works & Engineering (PWE) departments recommend approval of a contract with Sogeti USA, LLC (Sogeti) to provide analysis and design for an Enterprise Point of Sale system and an evaluation of the customer queuing system for the Houston Permitting Center.

The City of Houston issues over 435,000 permits each year and collects over \$50 million in fees. There are over 250 distinct types of permits issued by several departments. The variety and scope of activities covered by the City's permitting processes, combined with the need to deal directly with the issuing department, has historically created significant challenges for citizens needing multiple permits.

As part of the One Stop Permitting Initiative, the City of Houston is developing the Houston Permitting Center located at 1002 Washington Avenue. The Houston Permitting Center will be a state-of-the-art facility providing comprehensive customer service allowing citizens to obtain required permits, make one payment and have access to knowledgeable customer service staff to answer questions and resolve issues.

**REQUIRED AUTHORIZATION**

Other Authorization:

Richard Lewis, Director  
Information Technology Department

Other Authorization:

Daniel Krueger, Director  
Public Works & Engineering

Other Authorization:

Date: 8/24/2010	Subject: Approve a contract with Sogeti USA, Inc. to provide analysis and design of a queuing and payment system for the Houston Permitting Center.	Originator's Initials CAN	Page 2 of 2
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The requested appropriation will provide contract funding in the amount of \$535,000.00, plus \$15,000.00 for support costs for the first of four potential stages of this project. Support assets will be purchased through the informal bid process and existing contracts. The scope of work for Stage I requires Sogeti to provide personnel, management, supervision, labor, equipment and incidentals to conduct analysis, design and requirements definition for the Enterprise Point of Sale, Queuing, and Systems Integration to existing legacy permitting systems, such as ILMS and GovPartner. Sogeti will first determine if PWE's existing UCS platform may function as the Enterprise Point of Sale solution for the Houston Permitting Center. Sogeti will also propose a detailed Work Plan and scope of work for Stage II. Stage I is expected to require at most 14 weeks to complete.

Stages II-IV would focus on Systems Development, Implementation and Support, respectively. The Houston Permitting Center is scheduled to open in mid-summer 2011. The total allocation required to integrate a single Enterprise Point of Sale and queuing system for the One Stop Permitting Initiative at the Houston Permitting Center is estimated to be from \$2,760,000.00 to \$4,260,000.00, dependant on whether the UCS platform may be utilized. The potential remaining contract funding and support costs will be subject to future Council approval.

Approximately 500 non-inspection personnel will transfer to the Houston Permitting Center from their current offices in the various departments which are transferring to the Center. This project will consolidate functions of some cashiers, customer service representatives, receptionists, and administrative staff currently conducted by various departments. The City forecasts a 2% reduction in non-inspection FTEs as a result of this consolidation of functions.

The Strategic Purchasing Division (SPD) publicized a Request for Qualifications (RFQ) on its e-bidding website. Submissions were received from IBM, Endeavor Management, Howard R. Green, Jefferson, PMO-Link, Sogeti USA, Zucker, UHY, Maverick, and GTSI. Sogeti USA, Inc. was ultimately selected due to their substantial prior experience implementing Point of Sale solutions.

The Reimbursement of Equipment/Projects Fund will be reimbursed by permitting revenue dedicated to that purpose.

**MWBE Participation:**

This professional services contract has been assigned a 15% M/WBE participation goal. Sogeti USA, Inc. has designated Precision Task Group (PTG) to provide information technology services.

**Pay or Play:**

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

The affirmative action division will monitor this contract.

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8793

**Subject:** Approve an Ordinance Awarding a Contract for Automotive, Heavy-Duty Front-End Repair Services for Various Departments S23-L23475

Category #  
4

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Agenda Item

29

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

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

**Origination Date**

August 18, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

David Guernsey Phone: (832) 395-3640  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Rush Truck Centers of Texas, LP dba Rush Truck Center, Houston on its low bid in an amount not to exceed \$869,902.98 for automotive, heavy-duty front-end repair services for various departments.

Maximum Contract Amount: \$869,902.98

**Finance Budget**

\$ 513,242.98 - General Fund (1000)

\$ 356,660.00 - Fleet Maintenance Fund (1005)

-----  
\$ 869,902.98 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Rush Truck Centers of Texas, LP dba Rush Truck Center, Houston on its low bid in an amount not to exceed \$869,902.98 for automotive, heavy-duty front-end repair services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Rush Truck Centers of Texas LP dba Rush Truck Center, Houston	\$ 869,902.98
2. The Pruitt Company, Inc.	\$ 918,230.38
3. Heitman Truck Repair	\$1,038,301.61

The scope of work requires the contractor to provide all tools, facilities, labor, materials, supplies, supervision, and transportation necessary to repair the front-ends of medium- and heavy-duty vehicles, including fire trucks and ambulances. The contractor must complete the front-end repairs within five business days after receipt of the City's approval of the contractor's cost estimate for the repairs; and within 48 hours after approval in the case of an emergency. The contractor shall provide a one-year written warranty for each vehicle repaired.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

MT

Date:  
8/18/2010

Subject: Approve an Ordinance Awarding a Contract for Automotive,  
Heavy-Duty Front-End Repair Services for Various Departments  
S23-L23475

Originator's  
Initials  
RM

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**M/WBE Subcontracting:**

This bid was advertised with an 11% goal for M/WBE participation. Rush Truck Centers of Texas LP dba Rush Truck Center, Houston has designated the below-named companies as its certified M/WBE subcontractors.

<b><u>Name</u></b>	<b><u>Type of Work</u></b>	<b><u>Amount</u></b>	<b><u>Percentage</u></b>
Swift International Service Group, Inc.	Auto Parts Delivery	\$47,844.66	5.5%
Dave's Wrecker Service Group, Inc.	Towing Services	\$47,844.66	5.5%

The Affirmative Action Division will monitor this contract.

**Pay or Play Program:**

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

Buyer: Roy Breaux

**Estimated Spending Authority**

<b>Department</b>	<b>FY 2011</b>	<b>Out Years</b>	<b>Total</b>
Public Works & Engineering	\$ 70,000.00	\$ 286,660.00	\$ 356,660.00
Fire	\$ 55,000.00	\$ 258,165.00	\$ 313,165.00
Solid Waste Management	\$ 28,435.00	\$ 110,749.00	\$ 139,184.00
Parks & Recreation	\$ 2,850.00	\$ 58,043.98	\$ 60,893.98
<b>Total Amount</b>	<b>\$156,285.00</b>	<b>\$ 713,617.98</b>	<b>\$ 869,902.98</b>



# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8474**

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for Credit Card Processing Services for Various Departments  
S37-T23498

Category #  
1 & 4

Page 1 of 2

Agenda Item

**30**

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

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

**Origination Date**

September 01, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

David Guernsey                      Phone: (832) 395-3640  
Douglas Moore                      Phone: (832) 393-8724

**Council District(s) affected**  
All

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Wells Fargo Merchant Services, LLC, for credit card processing services for various departments.

Revenue Contract

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract with three one-year options to Wells Fargo Merchant Services, LLC for credit card processing services for various departments. 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 provide all materials, equipment, and incidentals necessary to allow the City to accept electronic credit/debit card payments from citizens by point-of-sale terminals, kiosks and the internet pertaining to fees, fines, commercial, burglar, and fire alarm permits. The participating departments include Municipal Courts Administration (MCA), Administration and Regulatory Affairs (ARA), Convention and Entertainment Facilities (CEF), Public Works & Engineering (PWE), Parks and Recreation (P&R) and the Houston Police (HPD) and Fire Departments (HFD). Payment by credit/debit cards provides the citizenry the flexibility to pay via the web, telephone, kiosk, by mail or in person at various payment locations throughout the City. Savings to the City will be generated in the form of reduced processing fees as the volume of transactions increases (e.g. online payments). Approximately \$46 million in annual receipts are remitted to the City for permits, fees, fines and entertainment services. These receipts are net of the fees paid to Wells Fargo for processing the transactions as well as the transaction fees paid to the issuing banks and the credit card network. Additionally, decreasing revenues will not cause fee increases.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Thirty-six prospective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Bank of America Merchants Services, JPMorgan Chase Paymentech, Merchants Group, Inc., Veritrans Merchant Services and Wells Fargo Merchant Services, LLC. The evaluation committee consisted of four evaluators from the ARA, MCA, PWE and P&R departments. The proposals were evaluated based upon the following criteria:

- Cost
- System Functionality
- Expertise
- Conformity to the RFP Requirements

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**NG**

Date: 9/1/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Credit Card Processing Services for Various Departments S37-T23498	Originator's Initials JH	Page 2 of 2
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Wells Fargo Merchant Services, LLC received the highest score.

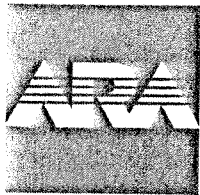
**Pay or Play Program**

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

Buyer: Joyce Hays

Attachment: M/WBE Zero-Percentage Goal Document approved by the Affirmative Action Division.

This RCA was reviewed by the Council Committee on Minority/Women Business Enterprise, Small Contractor Development and Contract Compliance on August 30, 2010 and no action was taken because a quorum was not present.



# Memorandum

**To:** Calvin D. Wells, Deputy Director  
City Purchasing  
Strategic Purchasing Division

**From:** Joyce Hays

**Date:** July 14, 2010

**Subject:** MWBE Participation Form

**RECEIVED**

JUL 15 2010  
City of Houston  
Affirmative Action

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

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

I am requesting a revision of the MWBE Goal: Yes ☒ No ☐ Original Goal: 5% New Goal: 0%

If requesting a revision, how many solicitations were received: 4

Solicitation Number: S37-T23498 Estimated Dollar Amount: REVENUE Goal on Last Contract: 0%

Anticipated Advertisement Date: 11/18/09 Solicitation Due Date: 12/04/09 Was Goal met: Yes ☐ No ☐

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

**Name and Intent of this Solicitation:** Contract will be used to Visa, MasterCard, Amex and Discover debit and credit card transactions for various departments

Rationale for requesting a Waiver of Revision (Zero percent goal or revision after advertisement):

**(To be completed by SPD)**

The provision of merchant processing services requires vendors with experience in financial services. The vendor community for these services is made up of a few large companies with high dollar capitalization and the services provided are mainly internet driven. Only one qualified and acceptable minority, woman owned vendor on the City's list could supply the point of sale equipment and kiosks but she is excluded by Wells Fargo's exclusive national contract with an existing vendor who supplies their equipment. The only other option would be to recognize Wells Fargo's Supplier Agreements (attached) as was approved by Velma Laws in the case of the City's Depository Banking contract with JPMorgan Chase in November, 2009.

In the alternative, under the Municipal Code of Ordinances, the MWBE provisions are not required to be applied in the following circumstances: c) If application of MBE/SBE/WBE provisions would impose an unwarranted economic burden or risk on the city or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the city. This contract will expire on October 4 and is a revenue contract for the City, producing approximately \$45 million in fees. Therefore, a zero M/WBE participation goal is requested for this Procurement.



Concurrence:

Joyce A. Hays

SPD Initiator

Debra Shaw

Division Manager

Robert D. Gallegos





Robert Gallegos, Deputy Assistant Director

\*Affirmative Action

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Additional appropriation to the Interlocal Agreement between the City of Houston and Upper Kirby Redevelopment Authority for the design and construction of Kirby Drive from Richmond to Westheimer. WBS No. R-000521-0041-4		<b>Page</b> 1 of 1	<b>Agenda Item #</b> 31
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b> SEP 15 2010
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E.		<b>Council District affected:</b> C 24A	
<b>For additional information contact:</b> Carol Ellinger Haddock, P.E.  Phone: (832) 395-2686		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-1202; December 17 <sup>th</sup> , 2008	
<b>RECOMMENDATION: (Summary)</b> An Ordinance approving additional appropriation for the Interlocal Agreement between Upper Kirby Redevelopment Authority for additional sanitary sewer work.			
<b>Amount and Source of Funding:</b> \$68,505.00 from Water and Sewer System Consolidated Construction Fund No 8500. Original (previous) appropriation of \$1,276,066.00 from Water and Sewer System Consolidated Construction Fund No 8500 and \$5,750,000.00 from Drainage Improvement Commercial Paper Series F Fund No. 4030 <i>M.P. 8/31/2010</i>			
<b>PREVIOUS HISTORY AND SCOPE:</b> Upper Kirby Redevelopment Authority, and Upper Kirby Tax Increment Reinvestment Zone (TIRZ) #19, in conjunction with the City of Houston, constructed certain drainage and paving improvements in the area of Kirby Drive from Richmond to Westheimer. These improvements consist of a new storm sewer system along Kirby Drive and new lateral systems to serve additional streets within the Upper Kirby area bounded by Westheimer, Wroxton, Hazard, and Claremont/Bufalo Speedway; a new 6-lane concrete roadway on Kirby; and upgraded underground utilities. The project is part of the overall Kirby Storm Sewer Relief project to alleviate localized flooding.			
<b>PROJECT NOTICE /JUSTIFICATION:</b> Ordinance No. 2008-1202 on December 17 <sup>th</sup> , 2008 approved an interlocal agreement with Upper Kirby Redevelopment Authority for the design and construction of Kirby Drive from Richmond to Westheimer. The scope of the agreement is for the City's participation in the cost of infrastructure improvements with the Upper Kirby Redevelopment Authority. The participating costs are associated with storm drainage and utility improvements.			
<b>SCOPE OF SUPPLEMENT AND FEE:</b> Additional funds are needed to pay for unforeseen sanitary sewer work along southwest corner of Kirby at W. Main and on Cameron Street from Kirby to Argonne. The City's Wastewater Operations group has reviewed the field condition information and has requested Upper Kirby to make the necessary changes.			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID #20CAE40</b>			
<b>Finance Department:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM,PTOE Acting Deputy Director Planning and Development Services Division		<b>Other Authorization:</b>  Jun Chang, P.E., D. WRE Deputy Director Public Utilities Division

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

RCA #

Agenda Item#

*32 34*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

Origination Date

*8/25/10*

Agenda Date

*SEP 01 2010*

**DIRECTOR'S SIGNATURE:**

*[Signature]*

Council Districts affected:

*SEP 15 2010*

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 an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. BCS Resource. LLC

The proposed ordinance grants the Franchisee 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, the 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.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

*2nd reading*

*33 35*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

Origination Date

*8/25/10*

Agenda Date

~~SEP 01 2010~~  
*SEP 15 2010*

**DIRECTOR'S SIGNATURE:**

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 an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**

REVENUE

**FIN Budget:**

**SOURCE OF FUNDING:**

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. J.A. Gamez Trucking Services

The proposed ordinance grants the Franchisee 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, the 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.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

Finance Director:

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*2nd reading*

*34 36*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

*8-23-10*

**Agenda Date**

*SEP 01 2010*  
*SEP 15 2010*

**DIRECTOR'S SIGNATURE:**

*[Signature]*

**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin JFo

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 an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**

REVENUE

**FIN Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Gallegos & Sons Trucking

The proposed ordinance grants the Franchisee 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, the 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.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**



# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*2nd reading*

*35 37*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

8/23/10

**Agenda Date**

~~SEP 01 2010~~

**DIRECTOR'S SIGNATURE:**

*[Signature]*

**Council Districts affected:**

SEP 15 2010

ALL

**For additional information contact:**

Juan Olguin *JO*  
Nikki Cooper

Phone: (713) 837- 9623

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 an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**

REVENUE

**FIN Budget:**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. IESI Corporation

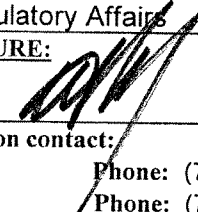
The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City 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.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

**Finance Director:**

R

REQUEST FOR COUNCIL ACTION			
TO: Mayor via City Secretary		RCA #	
<b>SUBJECT:</b> Ordinance granting a Commercial Solid Waste Operator Franchise		Category #	Page 1 of 1
<b>FROM: (Department or other point of origin):</b> Alfred J. Moran, Director Administration & Regulatory Affairs		36 38-17	Agenda Item# 38-17
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Origination Date</b> 8/19/10	<b>Agenda Date</b> <del>AUG 25 2010</del> SEP 1 5 2010
<b>For additional information contact:</b> Juan Olguin Phone: (713) 837- 9623 Nikki Cooper Phone: (713) 837- 9889		<b>Council Districts affected:</b> ALL	
		<b>Date and identification of prior authorizing Council Action:</b> Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.	
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance granting a Commercial Solid Waste Operator Franchise			
<b>Amount of Funding:</b> REVENUE		<b>FIN Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)			
<b>SPECIFIC EXPLANATION:</b> <p>It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:</p> <p>1. GI Environmental Vacuum Service, Inc.</p> <p>The proposed ordinance grants the Franchisee 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, the 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.</p> <p>The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.</p>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Director:</b>			

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8862

**Subject:** Approve amendment to Motion 2010 0579 to reduce the spending authority for Fischer Scientific and approve a corresponding increase in spending authority for the sole source vendor RAE Systems for the purchase of equipment for the HFD HazMat Team.

Category #  
4

Page 1 of 1

Agenda Item  
  
37

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

Rick Flanagan  
Acting Fire Chief  
Fire

**Origination Date**

September 07, 2010

**Agenda Date**

SEP 15 2010

**DIRECTOR'S SIGNATURE**

*[Signature]*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont

Phone: (713) 859-4934

Neil Depascal

Phone: (713) 247-8721

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

8-3-2010 Motion 2010 0579

**RECOMMENDATION: (Summary)**

Approve an amendment to Motion 2010 0579 to reduce the spending authority to Fischer Scientific and approve a corresponding increase in spending authority to the sole source vendor RAE Systems for the purchase of equipment for the Houston Fire Department Hazardous Materials Team.

*Requires 3 motions*

**Amount of Funding:**

Urban Area Security Initiative Funds

**F & A Budget**

**SOURCE OF FUNDING:**

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

Approve an amendment to Motion 2010 0579 approved by City Council on August 4<sup>th</sup>, 2010; to reduce the spending authority to Fischer Scientific by \$17,179.01 and approve a corresponding increase of \$17,179.01 to the sole source vendor RAE Systems for the purchase of equipment for the Houston Fire Department Hazardous Materials Team. The revised amount of funding for Fischer Scientific will be \$75,365.99 and the revised funding amount for RAE Systems will be \$92,545.00. Total funding for this purchase using Urban Area Security Initiative Funds (UASI) remains \$167,910.99.

The amendment is requested to revise the amounts approved in the original Motion to reflect the appropriate amounts. The original spending amounts were posted in the caption correctly but reversed on the Motion due to a transcription error in the RCA. Authorization by City Council is needed to approve an amended Motion to complete the purchase from RAE Systems. Funding was sufficient for the purchase from Fischer Scientific and that has already been accomplished.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

MOTION by Council Member Lovell that the recommendation of the Acting Fire Chief, relative to purchase of Hazardous Materials Detection Equipment for the Houston Fire Department Hazardous Materials Response Team, be adopted, and authority is hereby given to make the following purchases for a total amount of \$167,910.99:

1. RAE Systems in the amount of \$75,365.99 for the sole source purchase of seven "Thermo Scientific Interceptor Spectroscopic Personal Radiation Detectors"; and
2. Fischer Scientific Company, LLC, the Houston-Galveston Area Council vendor, in the amount of \$92,545.00 for two Rapid Deployment Kits.

Seconded by Council Member Gonzalez and carried.

Mayor Pro Tem Clutterbuck, Council Members Stardig,  
Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Costello,  
Lovell, Bradford and Jones voting aye  
Nays none  
Council Member Noriega absent

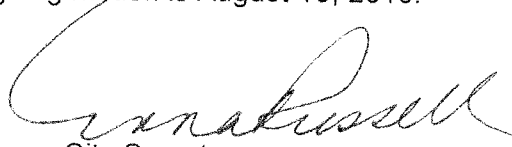
Mayor Parker out of the City on City business

Council Members Adams and Pennington absent on personal business

Mayor Pro Tem Clutterbuck presiding

PASSED AND ADOPTED this 4th day of August, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is August 10, 2010.



City Secretary

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8845

**Subject:** Ordinance Appropriating Funds from the Equipment Acquisition Consolidated Fund and Authorizing a First Amendment to Houston Municipal Court Case Management System Contract with Sogeti USA, LLC

Category #  
9

Page 1 of 3

Agenda Item

38 24

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

August 24, 2010

**Agenda Date**

~~SEP 01 2010~~  
SEP 15 2010

**DIRECTOR'S SIGNATURE**

*Richard Lewis*

**Council District(s) affected**  
All

**For additional information contact:**

Earl M. Lambert Phone: (832) 393-0038  
Frank Rodriguez Phone: (832) 393-0205

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

Ord. 2009-863 passed 9/16/2009

**RECOMMENDATION: (Summary)**

Adopt an ordinance appropriating \$3,000,000.00 from the Equipment Acquisition Consolidated Fund (1800) and authorize a first amendment to Contract between the City of Houston and Sogeti USA, LLC for Houston Municipal Court Case Management System.

**Amount and Source of Funding:**

\$3,000,000.00 - FY11 Equipment Acquisition Consolidated Fund WBS: X-160017

**Finance Budget**

**SPECIFIC EXPLANATION:**

**Background:** The Information Technology Department is building a new computer system to manage the 1.2 million new cases processed annually by the Houston Municipal Courts, following the determination that there is no "off-the-shelf" software that can meet the Courts' volume and other specific requirements. The new system is being developed based on a Service Oriented Architecture using Microsoft development tools.

City Council has approved prior appropriations of \$6,810,000 for the design of the new Courts System. Over the past eleven months, ITD, working directly with both the Municipal Courts Judicial and Administrative Departments, developed a Detail Design for the new Case Management System, which has been named the Court System Management and Technology Resources (CSMART). The design includes working prototypes of the key screens that will handle over 80% of the daily transactions performed in the Houston Municipal Courts, detail process maps that document all of the new Court processes, working functionality that will automate the violation coding process for most traffic violations, and prototypes for the key reports in the list of 125 reports that need to be developed. This design effort has been completed at a cost of under \$5.2 million, leaving a balance of approximately \$1.6 million which will be applied to the development phase.

CSMART will automate many of decisions that currently require millions of manual actions each year. Also, it will eliminate much of the manual work performed by the judges and the multiple steps involved in case resets. The new design will enhance the services provided by the Courts to the defendants' attorneys and bonding companies. Finally, it defines significant changes in the interfaces between the systems used by HPD and the new Courts System. These changes will address many of the issues around warrant verification, posting bonds for individuals that have been arrested, providing timely processing of the jail dockets, and handling the subpoena process.

ITD presented a status briefing on the CSMART implementation at the August 3, 2010 meeting of the Budget and Fiscal Affairs Committee.

**Procurement:** In March 2009, ITD issued a Request for Qualifications (RFQ) for professional services firms with the skills required to develop large, complex business applications. Thirty-one firms responded to the RFQ. Nine of the submissions were selected for a detail review by the evaluation team and four of the nine were invited to make presentations to demonstrate their qualifications. Based on the results of the presentations, Sogeti USA, Inc. was selected to assist with the Detail Design, and Council approved a professional services contract in September 2009.

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

Date: 8/12/2010	Subject: Ordinance Appropriating Funds and Authorizing a First Amendment to Houston Municipal Court Case Management System Contract	Originator's Initials FR	Page 2 of 3
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Over the past twelve months, Sogeti has played a key role in the design of CSMART and the success of the development effort depends on the continuing involvement of the Sogeti personnel.

### Approach

City personnel will manage the development of CSMART, and Sogeti will assist on a time and material basis. This approach will achieve significant cost savings and provide the opportunity to develop internal resources that are capable of applying the technology used to develop CSMART to other needs of the City. Although this approach requires the City to assume some of the project risks typically assumed by a fixed-fee contractor, ITD has mitigated that risk through a strong governance structure, with a project team composed of experienced and motivated City employees. The project Steering Committee, which includes a representative of the Mayor's executive staff, the City's Chief Information Officer, Presiding Judge, Chief Clerk, Chief Prosecutor, and an HPD Assistant Chief, will provide executive oversight for the project, make key project decisions, and approve key deliverables to ensure that the project achieves its objectives. Project implementation is targeted for March 2012.

### Project Budget

The project budget for development of CSMART is based on the design approved by the Project Steering Committee in June 2010 and the work plan developed by the Project Team. The work plan identifies the tasks that have to be performed to develop CSMART, staffing requirements, and staffing schedules. The following table provides a summary of the budget for the entire project:

Category	Detail Design Phase	Transition Phase	Development Phase	Total Design & Development	UAT & Training	Total
<b>Salary &amp; Benefits</b>	\$ 1,315,000	\$ 228,900	\$ 4,125,000	\$ 5,668,900	\$ 1,680,000	\$ 7,348,900
<b>Professional Services</b>	2,404,915	580,000	5,563,500	8,548,415	-	8,548,415
<b>Hardware / Software</b>	522,585	-	1,693,000	2,213,584	-	2,213,584
<b>Lease</b>	-	-	240,000	240,000	90,000	330,000
<b>Space Buildout</b>	50,000	-	-	50,000		50,000
<b>Telecommunications</b>	8,000	2,100	33,000	43,100		43,100
<b>Furniture</b>	80,500	-	-	80,500		80,500
<b>Operating Expenses</b>	-	-	150,000	150,000	30,000	180,000
<b>Contingency</b>	-	-	1,180,500	1,180,500	-	1,180,500
<b>Project Total</b>	<b>4,381,000</b>	<b>811,000</b>	<b>12,985,000</b>	<b>18,175,000</b>	<b>1,800,000</b>	<b>19,975,000</b>
<b>Data Cleansing</b>	-	-	1,000,000	1,000,000	-	1,000,000
<b>Total Costs</b>	<b>\$ 4,381,000</b>	<b>\$ 811,000</b>	<b>\$ 13,985,000</b>	<b>\$ 19,175,000</b>	<b>\$ 1,800,000</b>	<b>\$20,975,000</b>

The Development Phase for this Project will be funded through a series of appropriations to better align project cash flow with the City's debt capacity. The proposed ordinance will appropriate \$3 million, which when combined with the balance from the appropriation for the Detail Design phase, will cover approximately six months of development work.

Once CSMART is developed, Court personnel will conduct extensive User Acceptance Testing over a twelve week period and spend an additional eight weeks training Court personnel on the new System. Estimated cost for these activities is \$1.8 million dollars. Also, Court personnel will have to perform extensive data cleansing work to prepare approximately three million cases for conversion to CSMART. The Municipal Courts Administration Department

Date: 8/12/2010	Subject: Ordinance Appropriating Funds and Authorizing a First Amendment to Houston Municipal Court Case Management System Contract	Originator's Initials FR	Page 3 of 3
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estimates that the cost could be as high as \$1 million, but further work is required to determine if other options are available that would provide a lower cost approach to the data cleansing effort.

**M/WBE and Pay or Play Requirements**

The portion of the project to be performed by Sogeti has a 15% M/WBE goal. Sogeti has identified PTG and Jefferson and Associates to provide training development services to fulfill the goal.

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

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8803**

**Subject:** Approve an Ordinance Awarding a Contract for Towing and Storage Services for Seized Vehicles for the Houston Police Department  
S37-L23668

Category #  
4

Page 1 of 2

Agenda Item

**39** ~~25~~

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

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

**Origination Date**

August 11, 2010

**Agenda Date**

SEP 15 2010  
~~SEP 01 2010~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger *JFK 8/12/10* Phone: (713) 308-1708  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to RBEX, Inc. d/b/a Apple Towing Co. on its sole bid in an amount not to exceed \$1,375,000.00 for towing and storage services for seized vehicles for the Houston Police Department.

Maximum Contract Amount: \$1,375,000.00

**Finance Budget**

\$1,375,000.00 - Asset Forfeiture Fund - State (2204)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to RBEX, Inc. d/b/a Apple Towing Co. on its sole bid in an amount not to exceed \$1,375,000.00 for towing and storage services for seized vehicles for the Narcotics Division of the Houston Police Department (HPD). The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Fourteen prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received as outlined below. Subsequent to receipt of the bid, vendors were contacted to determine the reason for the limited response to the ITB; potential respondents advised that this service was not in their core business plans or they did not have the necessary resources to meet the scope of work requirements specified in the ITB.

**COMPANY**

1. RBEX, Inc. d/b/a Apple Towing Co.

**TOTAL AMOUNT**

\$1,375,000.00

This contract will be used to tow vehicles seized by the HPD Narcotics Division within the City of Houston and transport vehicles to a storage lot that is operated and maintained by the Contractor. These vehicles contain evidence, or are evidence, in crimes. Accordingly, they must be sequestered and secured by a single qualified contractor. The Contractor is required to have, and must keep current, a vehicle storage facility license that is issued by the Texas Department of Transportation's Motor Carrier Division and have authorization from HPD, as applicable. The vehicles will be stored inside or outside based upon the estimated value of the vehicles.

**M/WBE Subcontracting**

This Invitation to Bid was issued as a goal-oriented contract with a 3% M/WBE participation level. RBEX, Inc. d/b/a Apple Towing Co. has designated the below-named company as its certified M/WBE subcontractor.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]* 8/12/10

*ADT*



Date: 8/11/2010	Subject: Approve an Ordinance Awarding a Contract for Towing and Storage Services for Seized Vehicles for the Houston Police Department S37-L23668	Originator's Initials RD	Page 2 of 2
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<b><u>Name</u></b>	<b><u>Type of Work</u></b>	<b><u>Dollar Amount</u></b>	<b><u>Percent</u></b>
Oil Products Distribution, Ltd.	Distributor for Branded & Unbranded Gasoline & Diesel Fuels	\$41,250.00	3%

This contract will be monitored by the Affirmative Action Division.

**PAY OR PLAY**

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

**Estimated Spending Authority**

Department	FY11	Out Years	Total
HPD (Narcotics)	\$275,000.00	\$1,100,000.00	\$1,375,000.00

Buyer: Joyce Hays

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Award Job Order Contracts to Times Construction, Inc. and JE Dunn Construction CompanyPage  
1 of 2

Agenda Item

4028

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

8/26/10

**Agenda Date**~~SEP 01 2010~~

SEP 15 2010

**DIRECTOR'S SIGNATURE:** *Forest R. Christy, Jr.*  
Forest R. Christy, Jr., Interim Director  
8/13/10**Council District affected:** All**For additional information contact:**  
Jacquelyn L. Nisby Phone: 832-393-8023**Date and identification of prior authorizing Council action:****RECOMMENDATION:** Award two Job Order Contracts to Times Construction, Inc. and JE Dunn Construction Company.**Amount and Source Of Funding:****Finance Budget:**Maximum contract amount for each contract: **\$10,000,000 – 5 years****SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award two Job Order Contracts to Times Construction, Inc., and JE Dunn Construction Company and delegate authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of \$10,000,000.

Job Order Contracting (JOC) is used for minor construction, repairs, rehabilitations, or alterations of various facilities. Work Orders are issued and approved in accordance with pre-described and pre-priced tasks as established by the *R.S. Means* construction unit price book. JOC allows the City to expedite these types of facility construction projects by having contracts in place which provide these services. Additionally, maintaining JOC contracts helps the City respond quickly to emergency situations. The JOC Program is funded through supplemental allocations from various departmental budgets or appropriations from various bond funds as departments identify projects and specific funding for each project.

Currently, GSD has four JOC contractors: P2MG, LLC, Hallmark CBIC Joint Venture, Jamail Construction, and RHJ-JOC, Inc. Jamail Construction will deplete its contractual expenditure cap within the next couple of months. Upon the expiration of Jamail's contract, GSD's job order contracting capacity will increase to five contractors with the addition of Times Construction, Inc. and JE Dunn Construction Company.

Times Construction Inc. and JE Dunn Construction Company were selected through a two step process. The JOC procurement was advertised in accordance with the requirements of Chapter 271-Subchapter H of the Texas Local Government Code and contained selection criteria that ranked the respondents on commercial construction experience, references, a JOC management plan, contractor representatives, subcontractors and suppliers, safety, and claims history. Thirteen firms responded.

## REQUIRED AUTHORIZATION

(2) NOT CUIC ID# 25CONS163

**General Services Department:***Humberto Bautista*Humberto Bautista, P.E.  
City Engineer

<b>Date</b>	<b>SUBJECT:</b> Award Job Order Contracts to Times Construction, Inc. and JE Dunn Construction Company	<b>Originator's Initials</b> EA	<b>Page</b> 2 of 2
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A selection committee consisting of GSD management and technical staff as well as a GSD client representative ranked the respondents. The six highest ranked firms were requested to interview. Based on the combined scores of the Statements of Qualifications and the interview, four firms were requested to submit coefficients based upon work described in the construction unit price book, *RS Means*. Times Construction Inc. and JE Dunn Construction Company submitted the lowest coefficients.

**PROJECT LOCATION:** Citywide

**M/WBE PARTICIPATION:** A 15% MBE goal and 5% SBE goal have been established for the proposed contracts. Since these are job order contracts, sub-consultant MBE/SBE utilization will be determined as projects and proposals are produced.

**PAY OR PLAY PROGRAM:** The proposed contracts require compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, Times Construction Inc. has elected to pay into the Contractor Responsibility Fund and JE Dunn Construction Company provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

FRC:HB:JLN:ea

xc: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Calvin Curtis, Martha Leyva, Project File



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

41  
SEP 15 2010

September 1, 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 9-1-10  
date

COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
Houston, Texas

**Re: Appointment of Full-Time Municipal Court Judges**

Dear Council Members:

I reappoint the following individual as Full-Time Municipal Court Judge, subject to Council confirmation. The Judge shall serve a two year term beginning immediately upon Council confirmation.

Names	Position
David O. Fraga	07

I appoint the following individual as Full-Time Municipal Court Judge, subject to Council confirmation. The Judge shall serve a two year term beginning immediately upon Council confirmation.

Names	Position
Kim R. Trujillo	11

Résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

Attachments

cc: The Honorable Barbara E. Hartle, Presiding Judge of Municipal Courts  
Ms. Marty Stein, Agenda Director, Mayor's Office

RECEIVED  
SEP 1 2010  
CITY SECRETARY