

AGENDA - COUNCIL MEETING - WEDNESDAY - JUNE 1, 2011 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Jones

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. 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

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 61

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of **MS. FRANCES CASTAÑEDA DYESS**, (Harris County Representative) to Position Seven to the **BOARD OF DIRECTORS OF THE EAST DOWNTOWN REDEVELOPMENT AUTHORITY**, for a term to expire July 6, 2011
2. REQUEST from Mayor for confirmation of the appointment of **MS. JUANITA JACKSON BARNER** to Position Two of the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and the **FIREFIGHTERS** and **POLICE OFFICERS CIVIL SERVICE COMMISSION**, for a term to expire June 14, 2012
3. REQUEST from Mayor for confirmation of the appointment of **MR. STEVEN J. GIBSON**, to Position Fifteen to the **HOUSTON PARKS BOARD LGC, INC** for a term to expire January 1, 2014
4. RECOMMENDATION from Director Administration & Regulatory Affairs for the designation of residential parking permit areas in the Super Neighborhoods of University Place, Midtown, Museum Park and MacGregor - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

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ACCEPT WORK - NUMBERS 5 through 9

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$129,919.02 and acceptance of work on contract with **NCM DEMOLITION AND REMEDIATION, LP fka CST ENVIRONMENTAL, LP** for Asbestos Abatement and Demolition at Julia Ideson Building - Phase 2 - 9.73% over the original contract amount **DISTRICT I - RODRIGUEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$740,347.66 and acceptance of work on contract with **STANDARD CEMENT MATERIALS, INC** for Wastewater Collection System Rehabilitation and Renewal 1.66% over the original contract amount
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,055,237.00 and acceptance of work on contract with **TOTAL CONTRACTING, LTD.**, for Reconstruction of Parker Road from Airline to Hardy Toll Road - 0.92% under the original contract amount - **DISTRICT H - GONZALEZ**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,644,315.42 and acceptance of work on contract with **GONZALEZ CONSTRUCTION ENTERPRISE, INC** for Water Line Replacement in Clinton-West Area - 0.48% under the original contract amount - **DISTRICTS B - JOHNSON and H - GONZALEZ**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$781,100.00 and acceptance of work contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Storm Water Pump Replacement and Temporary Pumping Services at the East Water Purification Plant - 0.5% under the original contract amount

PROPERTY - NUMBERS 10 and 11

10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-212, located at 2426 Airline Drive, owned by JGR Investments, L.L.C., a Texas limited liability company, Jamie Reyes, President, for the **AIRLINE DRIVE PAVING PROJECT from North Main to IH-610** - **DISTRICT H - GONZALEZ**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of additional payment to Michael Urban for appraisal services, for the **YALE STREET IMPROVEMENTS PROJECT (West Tidwell Road to West Parker Road)** - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15A

12. **MUSCO SPORTS LIGHTING, LLC** through the Texas Local Government Purchasing Cooperative (BuyBoard) for Ballfield Lighting at Shady Lane Park for the Parks & Recreation Department \$194,250.00 - Parks Special Revenue Fund - **DISTRICT B - JOHNSON**
13. **DRIVECAM, INC** for Purchase of Tier 4 Managed Services and Renewal of DriveCam Managed Services Subscriptions and Online License from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Solid Waste Management Department \$92,064.00 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

14. ORDINANCE appropriating \$88,014.59 out of Equipment Acquisition Consolidated Fund and \$17,871.86 out of the Fleet/Equipment Special Revenue Fund for the purchase of Forklifts and Manlifts for Various Departments - \$86,289.34 Enterprise Fund
 - a. **MITSUBISHI CATERPILLAR FORKLIFT AMERICA INC., d/b/a MITSUBISHI FORKLIFT TRUCKS OF HOUSTON** for Forklifts and Manlifts for Various Departments
15. ORDINANCE appropriating \$1,203,310.46 out of Water & Sewer System Consolidated Construction Fund for Replacement of the Medium Voltage Metal-Clad Switchgear at 69th Street Wastewater Operations for the Public Works & Engineering Department
 - a. **SCHNEIDER ELECTRIC USA, INC** for Replacement of Medium Voltage Metal-Clad Switchgear at 69th Street Wastewater Treatment Plant for the Department of Public Works & Engineering \$1,093,918.60 and contingencies for a total amount not to exceed \$1,203,310.46 - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 61

16. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City Budgets for the time period July 1, 2011 through June 30, 2012; authorizing notice of such public hearing and making other provisions related to the subject
HEARING DATE - TUESDAY - 1:30 P.M. - JUNE 14, 2011
17. ORDINANCE **AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES** to provide procedures for conducting national criminal background checks on certain applicants for permits, licenses or authorizations from the City
18. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention & Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two utility easements and a sanitary sewer easement; vacating and abandoning said easements to Ainbinder Heights, LLC, owner, in consideration of its dedication of a sanitary sewer easement and four corner clips, all within the Houston Heights Subdivision, John Austin Two Leagues Survey, A-1, Harris County, Texas, payment to the City of \$102,930.00, and other consideration; approving easement conveyances - Revenue - **DISTRICT H - GONZALEZ**
20. ORDINANCE approving and authorizing Purchase Agreement between **MACEY FAMILY PROPERTIES, LTD.**, Purchaser, and the City of Houston, Texas, Seller, for the sale of the remainder of Block 120 (Parcel SY10-017), within South Side Buffalo Bayou, J. S. Holman Survey, A-323, for \$3,394,611.57 - Revenue - **DISTRICT I - RODRIGUEZ**
 - a. ORDINANCE establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, South Side Buffalo Bayou, J. S. Holman Survey, A-323 - **DISTRICT I - RODRIGUEZ**
21. ORDINANCE approving and authorizing the sale of 0.9984 acres of land located at 3602 Center Street in Block 328 of the Houston Heights Addition, Houston, Harris County, Texas, to **ADMIRAL LINEN SERVICE, INC** for \$2,010,000.00 and other consideration to the City of Houston, Texas; approving a special warranty deed; approving a lease agreement between **ADMIRAL LINEN SERVICE, INC**, as lessor, and the City, as lessee - **DISTRICT H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

22. ORDINANCE establishing the north and south sides of the 2300 block of South Boulevard within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**
23. ORDINANCE establishing the north side of the 1700 block of Vassar Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE amending Ordinance No. 2011-388 for the purpose of making a minor correction in the listing of voting precincts affecting certain single member districts; containing findings and other provisions related to the foregoing subject; containing a severability provision
25. ORDINANCE approving and authorizing agreement between the City of Houston and the **TEXAS ASSOCIATION OF LOCAL HEALTH OFFICIALS** for the Development of Disease Surveillance and Early Event Detection Applications for the Rollcall System used to report absenteeism due to illnesses by Houston Independent School District Students; providing a maximum contract amount - \$175,000.00 - Grant Fund
26. ORDINANCE approving and authorizing the 2011 Meet and Confer Agreement between the City of Houston and the **HOUSTON POLICE OFFICERS' PENSION SYSTEM**
27. ORDINANCE approving and authorizing submission of an application for grant assistance to the **STATE OF TEXAS THROUGH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION**, for the Forensic Science Backlog Reduction for Controlled Substances; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$233,126.40 Grant Fund
28. ORDINANCE approving and authorizing grant agreement between the City of Houston and the **OFFICE OF NATIONAL DRUG CONTROL POLICY** for the FY2011 High Intensity Drug Trafficking Area Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process; to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$1,240,678.00 - Grant Fund
29. ORDINANCE awarding contract to **SPRINT SOLUTIONS, INC** for Next Generation Wireless Devices and Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$20,000,000.00 - Central Service Revolving Fund
30. ORDINANCE approving and authorizing agreement between the City of Houston and **INFAX, INC** for Flight Information Display Systems Services for the Houston Airport System; providing a maximum contract amount - 5 Years - \$1,833,400.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
31. ORDINANCE awarding contract to **ARAMARK CORRECTIONAL SERVICES, LLC** for Jail Food Services; providing a maximum contract amount - 3 Years with two one-year options \$3,182,165.89 - General Fund
32. ORDINANCE awarding contract to **MCCARTY ROAD LANDFILL TX, LP** for Disposal of Waste Materials from Sewer cleanouts for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$641,901.15 - Enterprise and Stormwater Funds

RESOLUTIONS AND ORDINANCES - continued

33. ORDINANCE appropriating \$68,661.60 out of Parks & Recreation Dedication Fund and approving and authorizing issuance of purchase order to **T. F. HARPER & ASSOCIATES L.P.** through the Texas Local Government Purchasing Cooperative (BuyBoard) for Purchase and Installation of Playground Equipment for the Cole Creek Park - **DISTRICT A - STARDIG**
34. ORDINANCE awarding three Job Order Contracts (JOC) between the City of Houston and **HORIZON INTERNATIONAL GROUP, LLC, J. E. DUNN CONSTRUCTION COMPANY,** and **WEATHERPROOFING TECHNOLOGIES, INC** for the General Services Department JOC Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 5 Years - \$10,000,000.00 maximum contract amount per contract
35. ORDINANCE appropriating \$2,076,721.00 out of Parks Consolidated Construction Fund and \$412,279.00 out of Parks Special Fund; awarding construction contract to **HASSELL CONSTRUCTION COMPANY, INC** for Kingwood Community Center; setting a deadline for the proposers' execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund and Parks Special Fund - **DISTRICT E - SULLIVAN**
36. ORDINANCE appropriating \$53,285.14 out of the Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Advanced Funding Agreement (Approved by Ordinance No. 2005-0052) between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Broadway Boulevard Intersection at the IH 610 Loop - **DISTRICT I - RODRIGUEZ**
37. ORDINANCE deappropriating \$221,665.73 from the Water & Sewer System Consolidated Construction Fund and deappropriating \$246,000.00 appropriated from the Homeless and Housing Consolidated Fund (Approved by Ordinance No. 2008-0166); and amending Interlocal Cost Sharing Contract with **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Southdown Trace Section 4 - **DISTRICT E - SULLIVAN**
38. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL** for Funding of Mobility Planning - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**
39. ORDINANCE appropriating \$400,200.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **JACOBS ENGINEERING GROUP INC** for Neighborhood Street Reconstruction Project; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**
40. ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **RATNALA & BAHL, INC** for Street and Bridge Capital Improvements Projects
41. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **WESTON SOLUTIONS, INC** for Sewer Service to Unserved Areas Package 1: Shared Facilities (Regional) Sanitary Sewer Improvements for Magnolia Point Lift Station, Force Main and Trunk Main; Strange's Camp Lift Station and Force Main - **DISTRICT E - SULLIVAN**

RESOLUTIONS AND ORDINANCES - continued

42. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **OMEGA ENGINEERS, INC** for Water & Sewer Capital Projects
43. ORDINANCE appropriating \$46,750.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **ATKINS NORTH AMERICA d/b/a ATKINS (Formerly PBS&J)** for West Little York Paving from T.C. Jester to Alabonson / Deep Forest (Approved by Ordinance No. 1998-1242); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON**
44. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Various Wastewater Facilities Projects
45. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **ESPA CORPORATION** for Water and Sewer Capital Projects
46. ORDINANCE awarding contract to **RESICOM, INC** for FY11 Water Distribution System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund - \$1,590,103.00 - Enterprise Fund
47. ORDINANCE appropriating \$1,508,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for Morningside Improvements Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK**
48. ORDINANCE appropriating \$460,900.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DCE CONSTRUCTION, INC** for Safe Sidewalk Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery, and contingencies relating to construction facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS E - SULLIVAN and H - GONZALEZ**
49. ORDINANCE appropriating \$763,450.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

50. ORDINANCE appropriating \$506,750.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS G - PENNINGTON and H - GONZALEZ**
51. ORDINANCE appropriating \$1,585,809.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **NORTH HOUSTON POLE LINE, L.P.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
52. ORDINANCE appropriating \$972,309.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, (4235-50)
53. ORDINANCE appropriating \$2,340,935.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, (4258-47)
54. ORDINANCE granting to **A-VAC SEPTIC SERVICE, LLC, A Texas Limited Liability 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; and making certain findings related thereto - **FIRST READING**
55. ORDINANCE granting to **BAY AREA VACUUM SERVICES, LLC, A Texas Limited Liability 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; and making certain findings related thereto - **FIRST READING**
56. ORDINANCE granting to **ELTON CHILDS d/b/a A-AFFORDABLE VACUUM SERVICE, 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; and making certain findings related thereto - **FIRST READING**

RESOLUTIONS AND ORDINANCES - continued

57. ORDINANCE granting to **MILSTEAD ENVIRONMENTAL, LLC, A Texas Limited Liability 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; and making certain findings related thereto - **FIRST READING**
58. ORDINANCE granting to **PEDRO CISNEROS d/b/a METRO GREASE TRAP, 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; and making certain findings related thereto - **FIRST READING**
59. ORDINANCE granting to **WASTEWATER TRANSPORT SERVICES, LLC, A Texas Limited Liability 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; and making certain findings related thereto - **FIRST READING**
60. ORDINANCE No. 2011-341, passed second reading May 18, 2011
ORDINANCE granting to **USAGAIN ENVIRONMENTAL, LLC, 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; and making certain findings related thereto - **THIRD AND FINAL READING**
61. ORDINANCE No. 2011-348, passed second reading May 18, 2011
ORDINANCE granting to **PHOENIX POLLUTION CONTROL & ENVIRONMENTAL SERVICES, 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; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 62 and 63

MISCELLANEOUS

62. RECEIVE nominations for Positions 11 and 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two-year term
63. **SET A PUBLIC HEARING DATE** for a fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone) - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**
SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - JUNE 15, 2011

MATTERS HELD - NUMBERS 64 through 71

64. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,992,039.18 and acceptance of work on contract with **PACE SERVICES, L.P.**, for Lancaster Area Drainage Improvements - 7.47% under the original contract amount - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 5 on Agenda of May 18, 2011
65. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,334,081.49 and acceptance of work on contract with **PACE SERVICES, L.P.**, for Kirby Drive Relief Storm Sewer - Phase 2 - 5.40% under the original contract amount - **DISTRICT G - PENNINGTON** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 6 on Agenda of May 18, 2011
66. RESOLUTION supporting and approving the proposed development for affordable rental housing for homeless veterans of Light Rail Lofts at Midtown Terrace, located at 4600 Main Street in the City of Houston, Texas, for the purpose of authorizing the allocation of 2011 Housing Tax Credits to such development - **DISTRICT D - ADAMS** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 19 on Agenda of May 18, 2011
67. ORDINANCE **ADDING ARTICLE XIX TO CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to fire inspections for child-care homes; containing findings and other provisions relating to the foregoing subject; providing a penalty; providing for severability **TAGGED BY COUNCIL MEMBERS JONES and JOHNSON**
This was Item 22 on Agenda of May 18, 2011
68. ORDINANCE relating to the consolidation of some of the functions of the Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation; approving and authorizing third amendment to Articles of Incorporation of the Houston Convention Center Hotel Corporation; approving and authorizing Lease Agreement and an Interlocal Agreement between the City and the **HOUSTON CONVENTION CENTER HOTEL CORPORATION** - **TAGGED BY COUNCIL MEMBERS RODRIGUEZ; JONES; JOHNSON; HOANG; STARDIG and CLUTTERBUCK**
This was Item 25 on Agenda of May 18, 2011
69. ORDINANCE amending Ordinance No. 2006-1094 to increase the maximum contract amount for contract between the City of Houston and **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC (now known as ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC)**, for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Facilities Department - \$1,943,227.00 - Enterprise Fund
TAGGED BY COUNCIL MEMBER JOHNSON
This was Item 33 on Agenda of May 18, 2011
70. ORDINANCE deappropriating \$108,000.00 appropriated out of Reimbursement of Equipment/Projects Fund ("The Fund") by Ordinance No. 2009-0811 for Contract No. 4600009903 between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY**; and re-appropriating the same amount out of the Fund for Reimbursement for work to be completed directly by the Public Works & Engineering Department for the Houston Permitting Center
TAGGED BY COUNCIL MEMBER JONES
This was Item 35 on Agenda of May 18, 2011

MATTERS HELD - continued

71. ORDINANCE appropriating \$100,000.00 out of Water & Sewer System Consolidated Construction Fund, \$50,000.00 out of Drainage Improvement C Paper Series F Fund, and \$50,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Environmental Services Contract between the City of Houston and **HVJ ASSOCIATES, INC** for Asbestos and Lead related Consulting Services for City Buildings

TAGGED BY COUNCIL MEMBER JONES

This was Item 48 on Agenda of May 18, 2011

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

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

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

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

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - WEDNESDAY

JUNE 1, 2011 9:30AM

AGENDA

3MIN 3MIN 3MIN

NON-AGENDA

1MIN 1MIN 1MIN

MS. LISE VALBERT – 1617 Missouri – 77006 – 713-216-7157 – Support to keep Cherryhurst Community Center open

3MIN 3MIN 3MIN

MR. JOHN BRANCH – 4430 Castor – 77022 – 832-880-0414 – Theft of service by Special Events – Destroying Independence Heights

MR. REGINALD ROBERTS – 3812 Maple Dr. – Conroe – TX – 77302 – 281-739-1329 – Contractual obligations independent contractor super shuttle

MS. PATRICIA MARTIN – 8381 Broadway, Apt. 206 – 77061 – 832-276-6400 – Citizens tortured, terrorized involving Congress by Authority State of Texas

MR. SHELBY HOWELL – 9121 Redwing – 77049 – 832-265-9400 – Water conservation

MR. BILL ELKIN – Post Office Box 2288 – 77252-2288 – 281-345-7007 – Retired Police Health Insurance

MR. JOHN JOHNSON – 7102 Windemere – 77088 – 832-453-1900 – City Inspection

MS. RUBIE DIXON – 5105 Airline Dr. – 77022 – 713-691-0191 – Accessibility and Accountability

MS. MARY MICHAEL TOWNSEND – 1802 Cherryhurst – 77006 – 617-653-5315 – Closing of Cherryhurst Community Center

MR. STEPHEN SMITH – 2402 Yupon – 77006 – 713-523-6400 - Closing of Cherryhurst Community Center

MS. SUSAN BARRY – 1618 California St. – 77006 – 713-254-5257 - Closing of Cherryhurst Community Center

MS. OLIVE HERSHEY – 2415 Yupon – 77006 – 713-529-0095 - Closing of Cherryhurst Community Center

MS. CAROL RENSINK – 1612 Haver St. – 77006 – 713-254-5146 –Closing of Cherryhurst Community Center

MR. TOM BREGEL – 1644 Crestdale Dr. – 77080 – 713-461-3258 – Storm Drainage

MR. WILLIAM BEAL – no address – no phone – Spiderman

MR. MARK MOSELEY – 1741 Gardenia Dr. – 77018 – 713-681-5437 – Flooding on my street

MR. ANTHONY ARCHER – 12626 Cannonwood Ln. – 77070 – 713-985-5151 – Politics in the City

MR. JIM MILLS – 2818 Lake Colly Dr. – 77459 – 713-685-6822 – Convention merge

MR. KEN WALLS – 4127 Airline Dr. – 77022 – 832-651-3395 – Sagging pants law

MR. JESUS DE ALBARENGA – 6515 La Sallette St. – 77021 – 713-438-8173 – Community changes

MS. LISA TROUT – 5823 Willowbend Blvd. – 77096 – 832-202-8151 - Car accident, City not paying for personal injuries

PREVIOUS

1MIN 1MIN 1MIN

APOSTLE L. F. WYNNE – 600 E. Tidwell – 832-317-5458 – Discrimination against blacks at Woodland Christian Towers

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – G/Mafia Terrorists W/Cartel Corruptions – C/Populations – P/Citizens – H/Owners Killed Homes Marketed

Revised



OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

JUN 01 2011

ANNISE D. PARKER
MAYOR

COPY TO EACH MEMBER OF COUNCIL:

May 17, 2011

CITY SECRETARY: 5-20-11
date

COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Resolution No. 2000-27, the provisions of Subchapter D of Chapter 431 of the Texas Transportation Code, and Chapter 394 of the Texas Local Government Code, I am nominating the following individual for appointment to the Board of Directors of the East Downtown Redevelopment Authority, subject to Council confirmation:

Ms. Frances Castañeda Dyess, appointment to Position Seven, for a term to expire July 6, 2011 (Harris County Representative).

Pursuant to Article VI of the Articles of Incorporation of the East Downtown Redevelopment Authority and Article II of the Bylaws of the East Downtown Redevelopment Authority adopted June 7, 2000 by Ordinance No. 2000-27, the term of each Board Member position on the East Downtown Redevelopment Authority shall be coterminous with the term of the corresponding position on the Board of Directors of Reinvestment Zone Number Fifteen, as established by the City of Houston Ordinance No. 1999-708, as may be amended from time to time.

The résumé of the nominee is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

cc: Mr. Ralph De Leon, Division Manager, Finance & Economic Development Department

RECEIVED
MAY 20 2011
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
JUN 01 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 5-25-11
date

COUNCIL MEMBER: _____

May 23, 2011

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Texas Local Government Code, Chapter 143, Article V(a) of the City Charter, and Chapter 14 of the Code of Ordinances, I am appointing Ms. Juanita Jackson Barner, to Position Two, for a term to expire June 14, 2012, on the Civil Service Commission for Municipal Employees of the City of Houston and on the Firefighters' and Police Officers' Civil Service Commission, subject to the confirmation of City Council.

The résumé of the appointee is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: Mr. Omar C. Reid, Director, Human Resources

RECEIVED
MAY 25 2011
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

JUN 01 2011

May 4, 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 5-10-11
date

COUNCIL MEMBER: _____

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to the Code of Ordinances, City of Houston, Texas, Ch. 32, Art. VIII, Sec. 32-201, I am appointing the following individual to the Houston Parks Board LGC, Inc., subject to Council confirmation:

Mr. Steven J. Gibson, appointment to Position Fifteen, for a term to expire January 1, 2014.

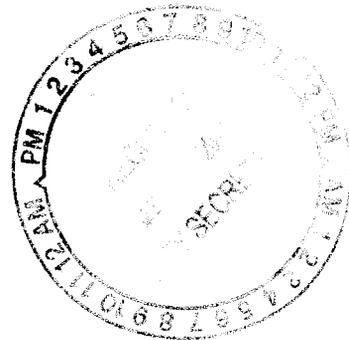
The résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment



cc: Ms. Roksan Okan-Vick, Executive Director, Houston Parks Board, LGC, Inc.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Designation of residential parking permit areas in various neighborhoods in the City of Houston.

Category #

Page 1 of
17

Agenda Item#

4

FROM: (Department or other point of origin):

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

Origination Date

Agenda Date

JUN 01 2011

DIRECTOR'S SIGNATURE:

Council Districts affected:
C, D

For additional information contact:

Liliana Rambo, CAPP Phone: 832-393-8641
Chris Newport Phone: 713-837-9533

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt a motion authorizing the designation of a residential parking permit area in the Super Neighborhoods of University Place, Midtown, Museum Park and Macgregor.

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 108 permit areas have been designated.

The Administration & Regulatory Affairs Department recommends that the following proposed areas be designated Residential Permit Parking areas, where on-street parking at the times of day and days of the week specified in the attachment require a valid permit. The Administration & Regulatory Affairs and the Department of Public Works and Engineering reviewed the applications. The required public hearing was held on May 3, 2011 and all outstanding issues have been satisfactorily resolved.

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

- Tierwester Civic Club - 9 a.m. to 8 p.m., Monday through Friday, tow-away zone
 - 3400 block of Arbor, southside only
- 300 block of Dennis, southside only and 2700 block of Baldwin, eastside only, 9 p.m. – 2 a.m., Monday – Sunday, tow-away zone
- 1800 block of Palm, southside only, 5.p.m. – 3 a.m., Wednesday – Sunday, tow-away zone
- 5300 block of Cherokee, between Bissonnet and Sunset, 9 a.m. to 6 p.m., Monday – Friday
- 2000 block of Southgate, between Stockton and Travis, 9 a.m. to 4 p.m., Monday – Friday
- 2200 block of Dryden, northside only, between Greenbriar and Montclair, 9a.m. to 6 p.m., Monday – Sunday, tow-away zone

AM:LR:MLI:mrc

REQUIRED AUTHORIZATION

ARA Director:

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 120110-83-168 **Tierwester Civic Club** (3400 Arbor) proposed by permit only parking restrictions from Monday – Friday, 7 a.m. – 7 p.m., tow-away zone

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 8 p.m., Monday through Friday, tow-away zone

3400 block of Arbor, southside only

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 8 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Texas Southern University.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 64 percent of residents (out of 25 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Residential Parking Permit Areas

Legend

 MACGREGOR (SN#83)

 Existing Areas

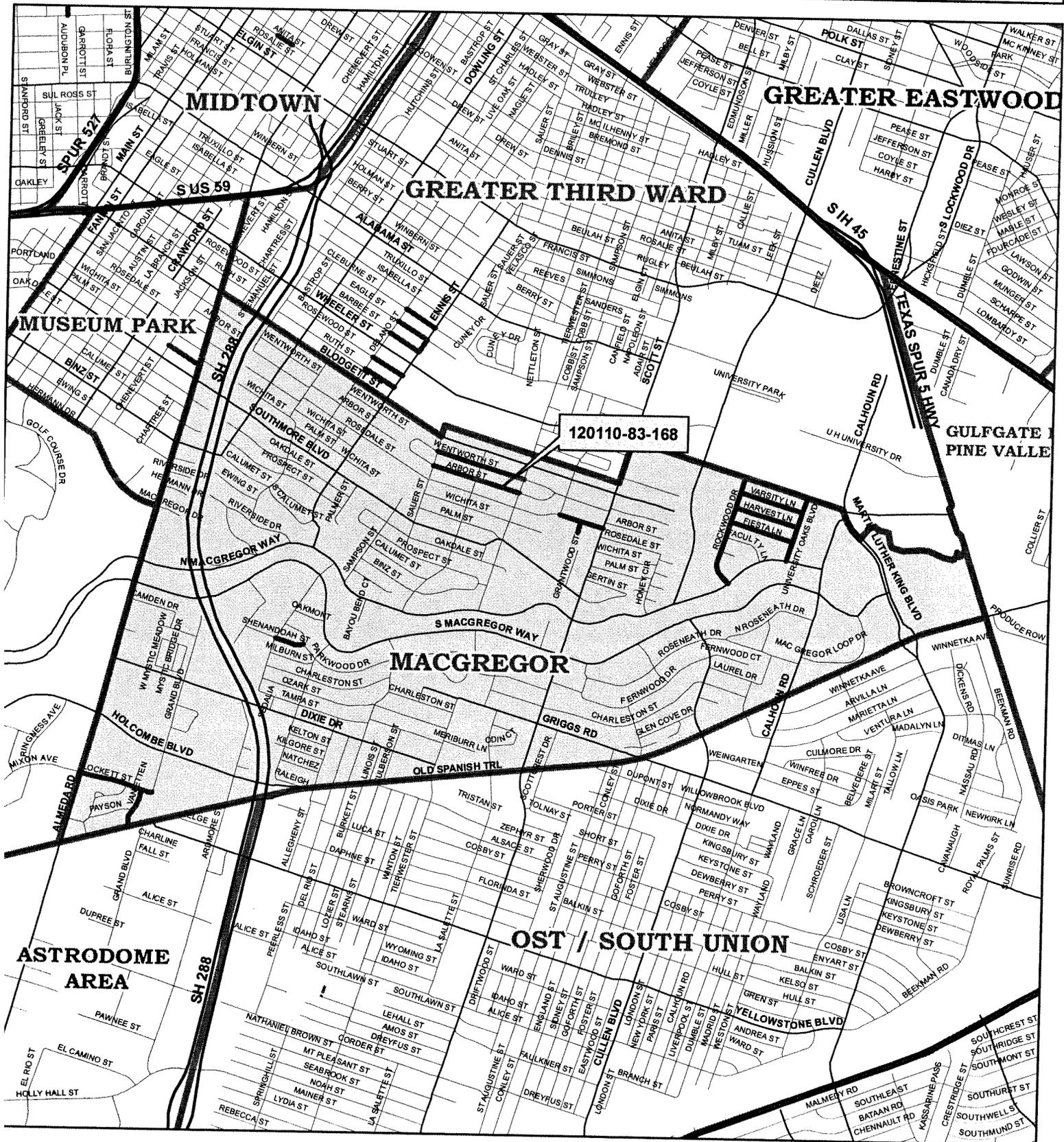
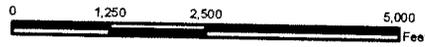
 Proposed Areas

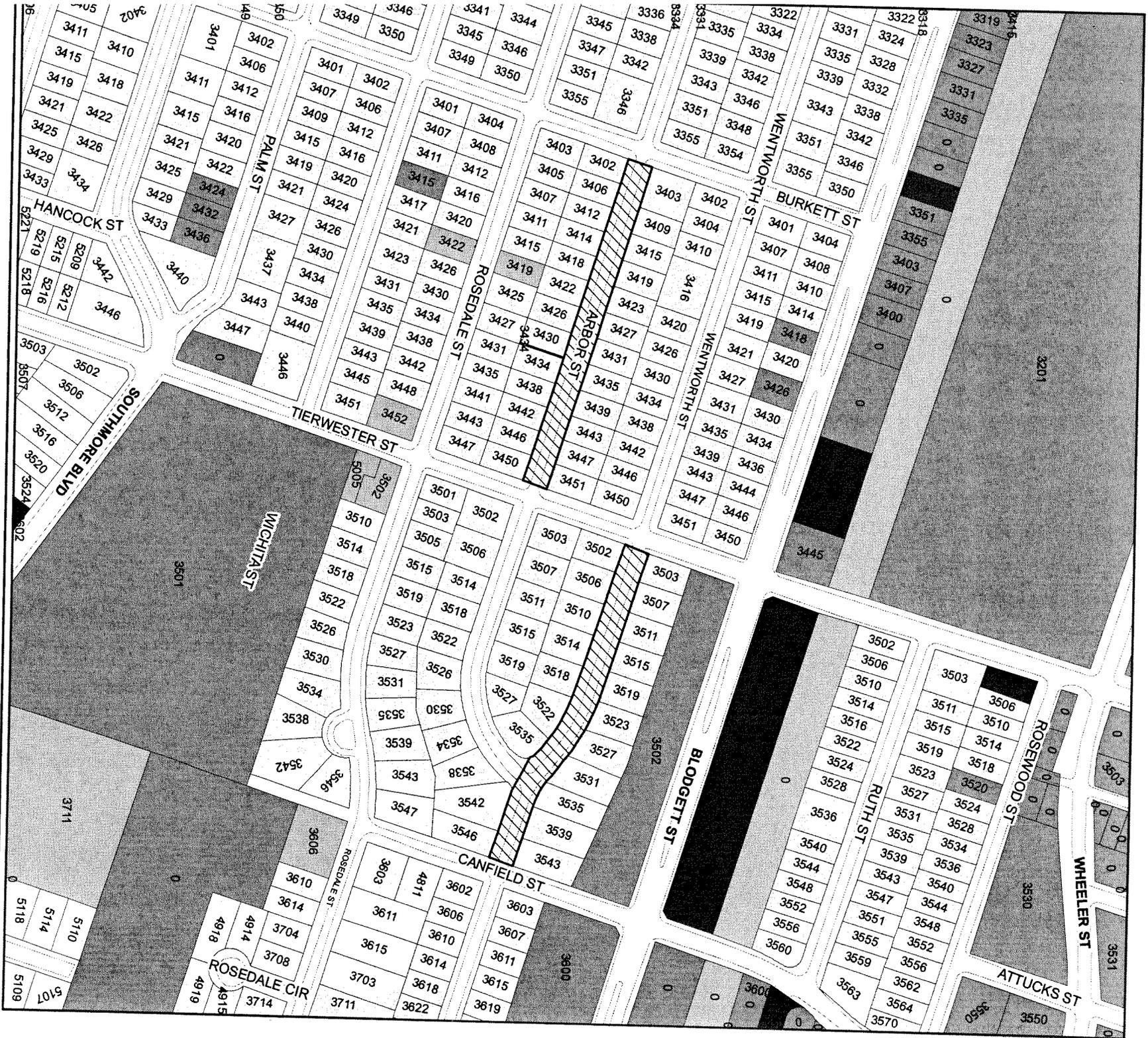
120110-83-168: 3400 Arbor St



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: April 2011

Disclaimer:
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Proposed Residential Parking Permit Area

Application: 120110-83-168
1500 WENTWORTH ST (77004)
400 ARBOR ST

City of Houston
 Planning & Development Department
 S. Services Division
 3rd Date: April 2011



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pl16060_wenthwth_arbor

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

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 022811-62-171 **300 block of Dennis (southside) and 2700 block of Baldwin (eastside)**, proposed by permit only parking restrictions from Monday – Sunday, 9 p.m. – 2 a.m., tow-away zone

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 p.m. to 2 a.m., Monday through Sunday, tow-away zone

Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 9 p.m. and 2 a.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from a local bar.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 89 percent of residents (out of 9 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Residential Parking Permit Areas



Legend

 MIDTOWN (SN#62)

 Existing Areas

 Proposed Areas

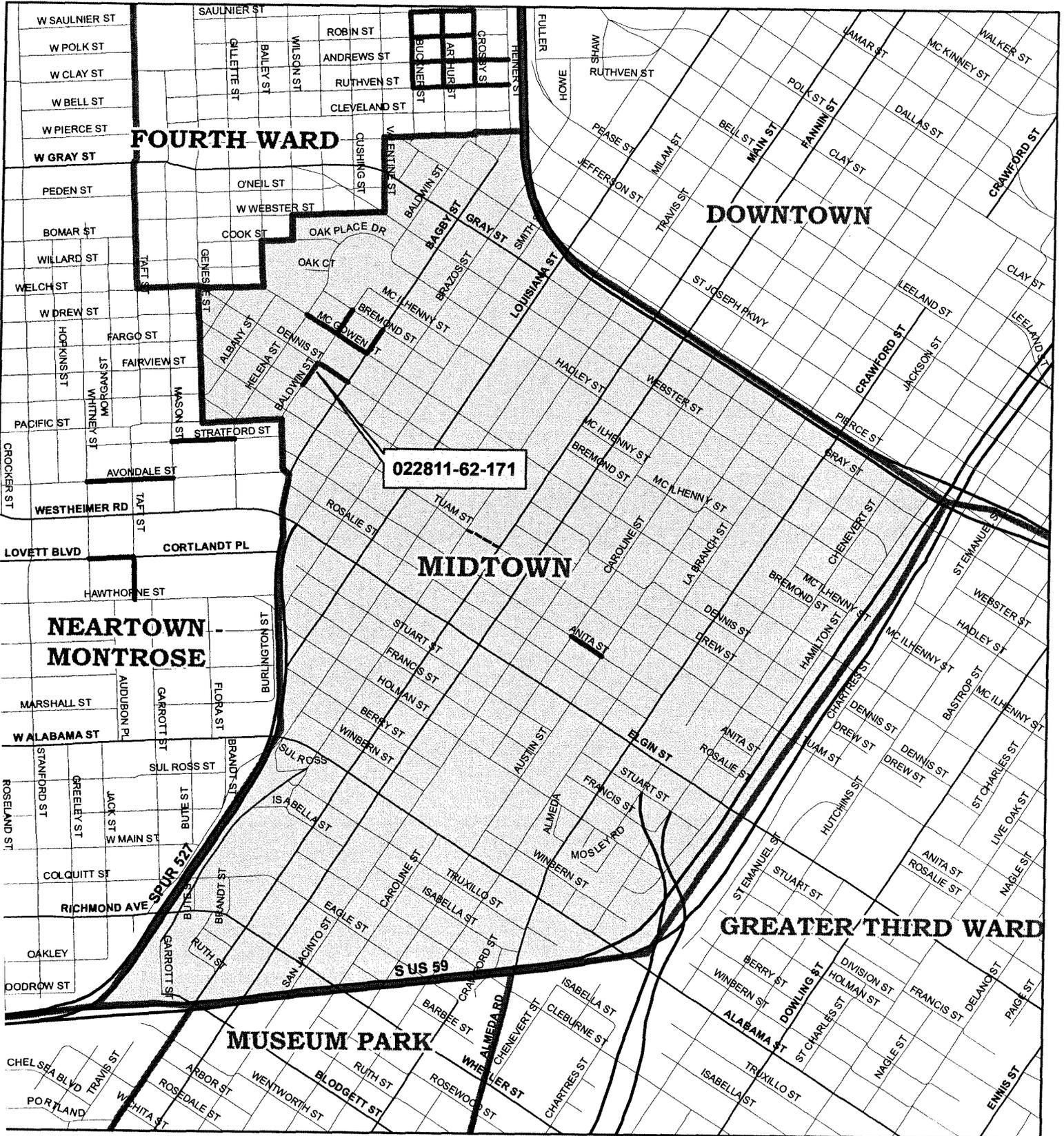
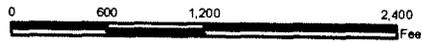
022811-62-171: 300 DENNIS ST

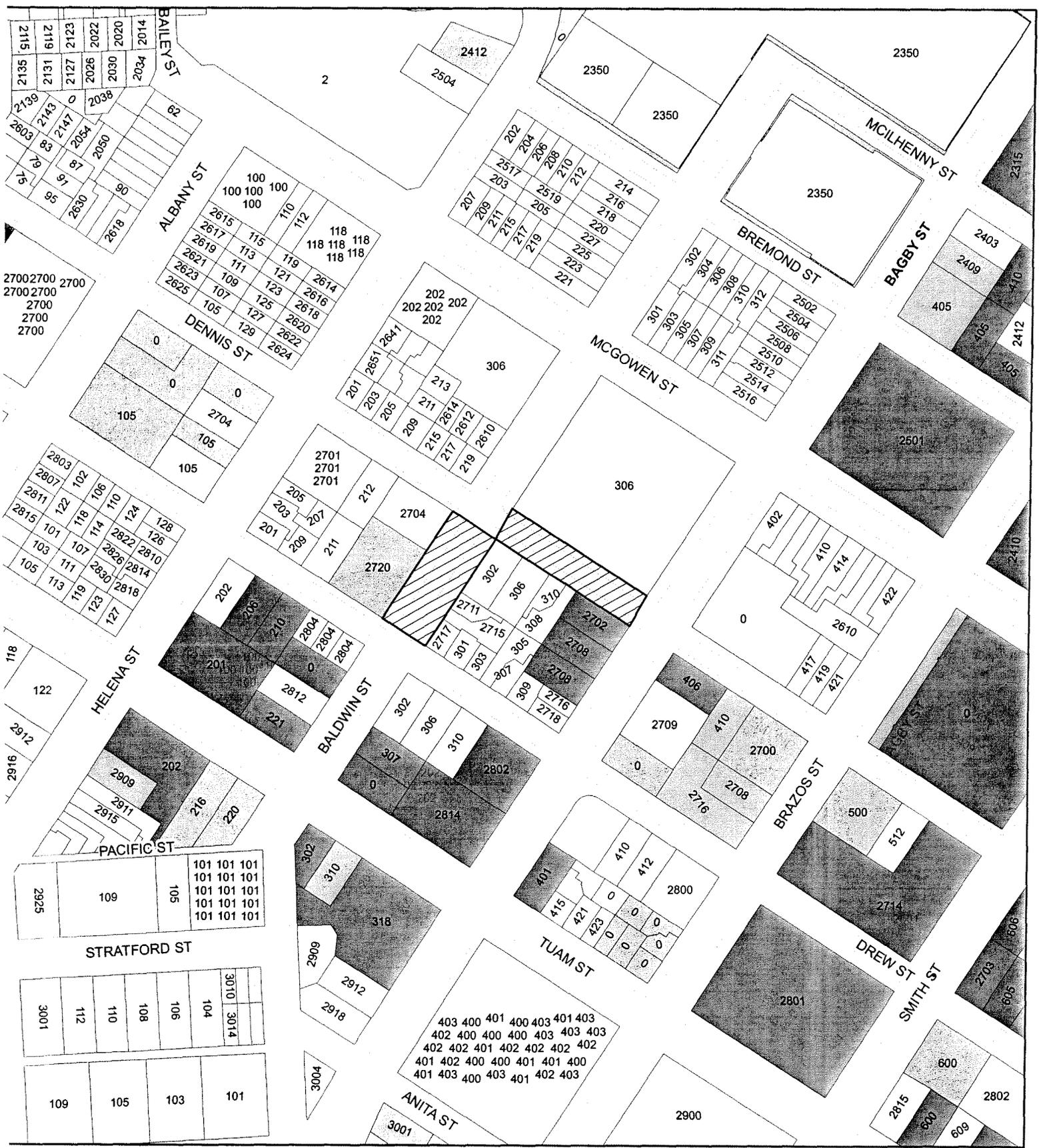
022811-62-171: 2700 BALDWIN ST



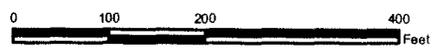
City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: April 2011

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Proposed Residential Parking Permit Area
Application: 022811-62-171
300 DENNIS ST (77006)
2700 BALDWIN ST



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

City of Houston
 Planning & Development Department
 GIS Services Division
 Report Date: April 2011

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pl16063_Dennis_Baldwin

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 101510-66-167 **1800 Palm, southside**, between Alameda and Chenevert, proposed by permit only parking restrictions from Monday – Sunday, 5 p.m. – 3 a.m., tow-away zone

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 5 p.m. to 3 a.m., Wednesday through Sunday, tow-away zone

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 5 p.m. and 3 a.m., Wednesday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from local bars.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 60 percent of residents (out of 5 households affected) signing the petition in favor of the permit area.
- Testimony in opposition was received at the public hearing by a bar owner.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.

Residential Parking Permit Areas



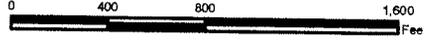
Legend

-  MUSEUM PARK (SN#66)
-  Existing Areas
-  Proposed Areas

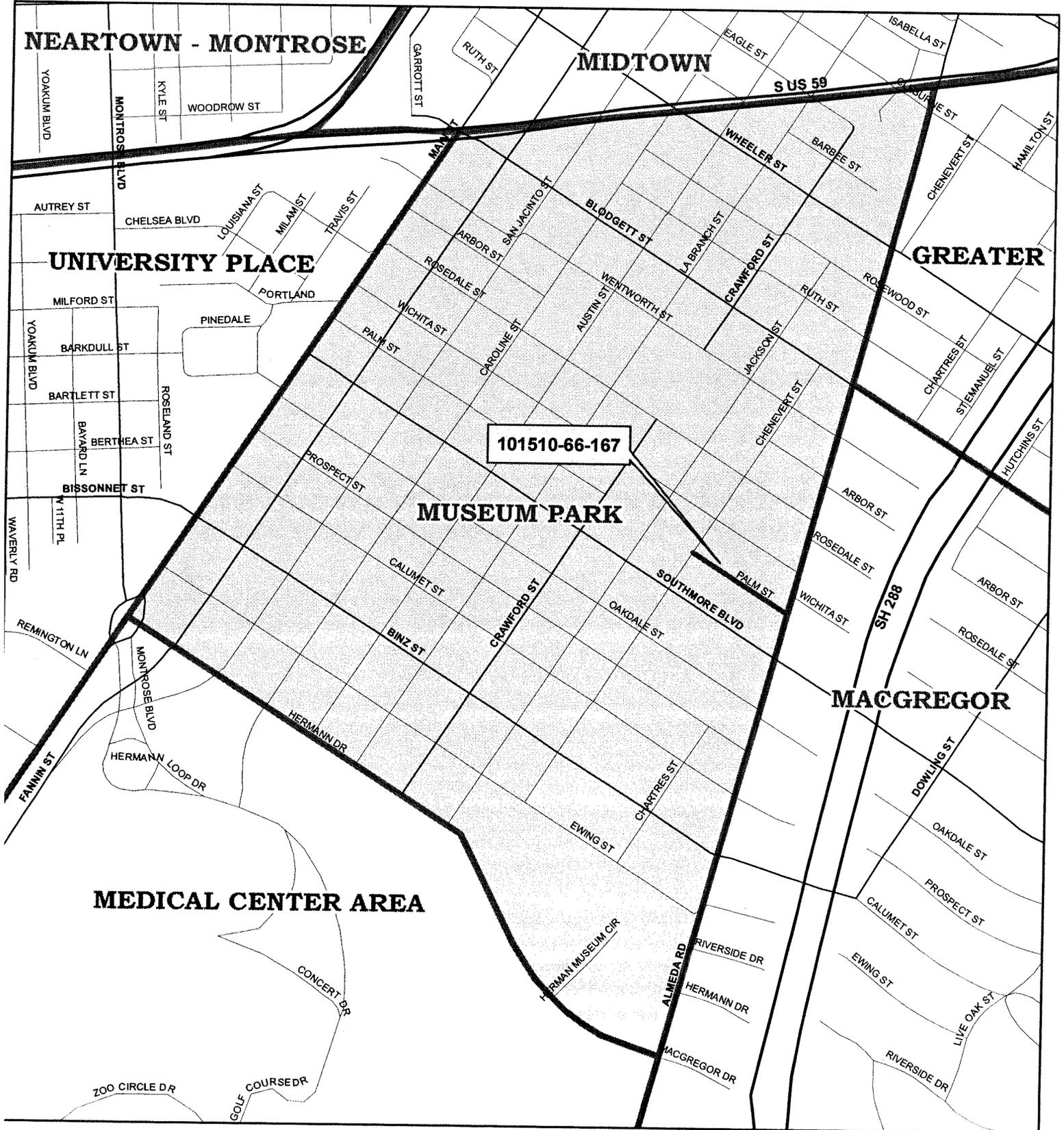


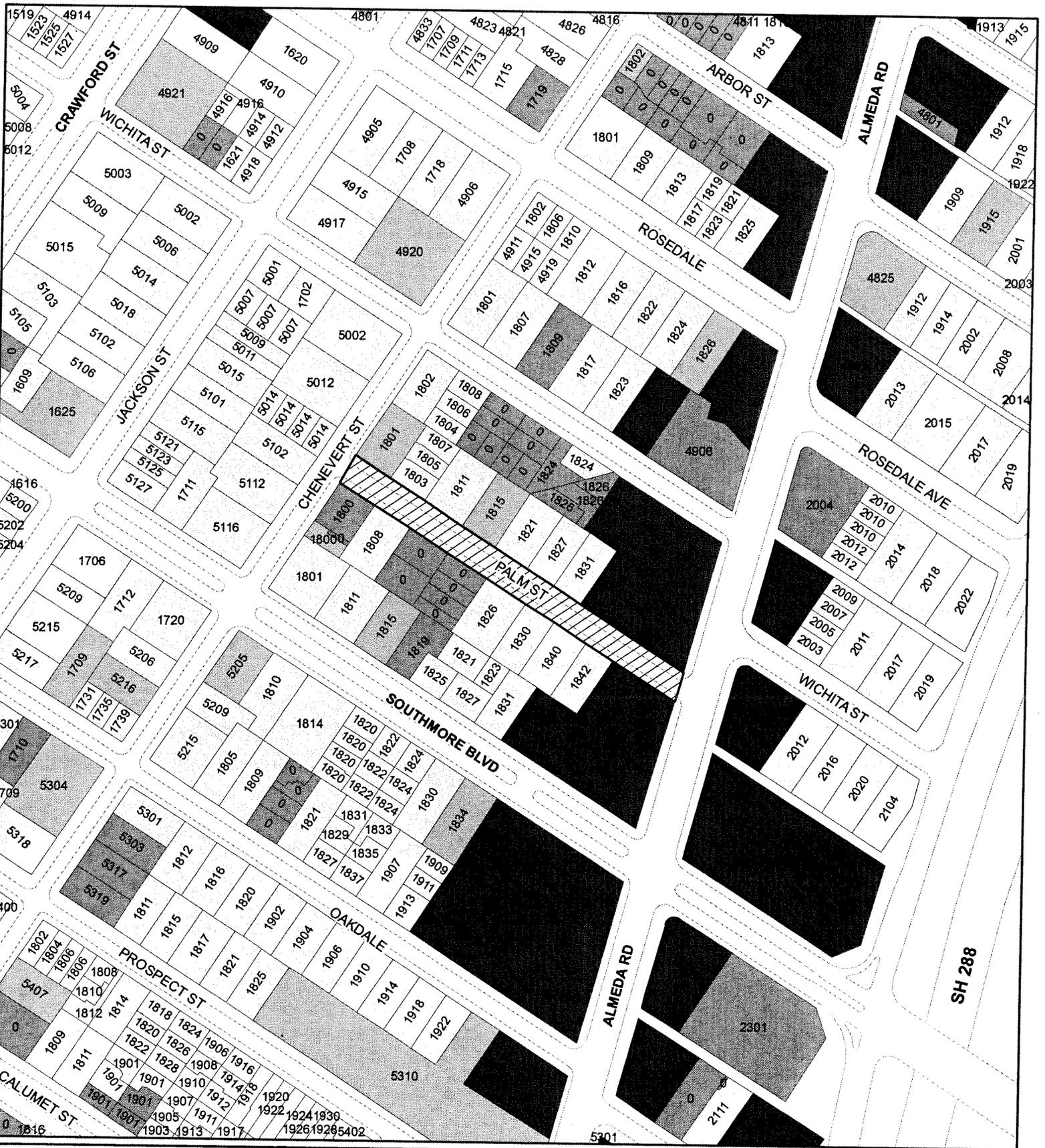
City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: April 2011

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101510-66-167: 1800 PALM ST





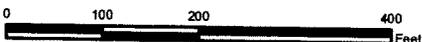
Proposed Residential Parking Permit Area

Application: 101510-66-167

1800 PALM ST (77004)

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: April 2011

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

px16059_Palm

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 031511-28-172 **5300 Cherokee**, between Bissonnet and Sunset, proposed by permit only parking restrictions from Monday – Friday, 9 a.m. – 6 p.m.

Parking Official Recommendation:

Amend a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 6 p.m., Monday through Friday

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2010 hearing leads to the findings:

- Current residential permit parking regulations exist Monday – Sunday 9 a.m. – 8 p.m.
- Applicant is amending current residential permit parking regulations.
- Neighborhood support is demonstrated by 78 percent of residents (out of 18 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.

Residential Parking Permit Areas

Legend

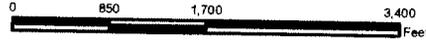
-  UNIVERSITY PLACE (SN#28)
-  Existing Areas
-  Proposed Areas



City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: April 2011

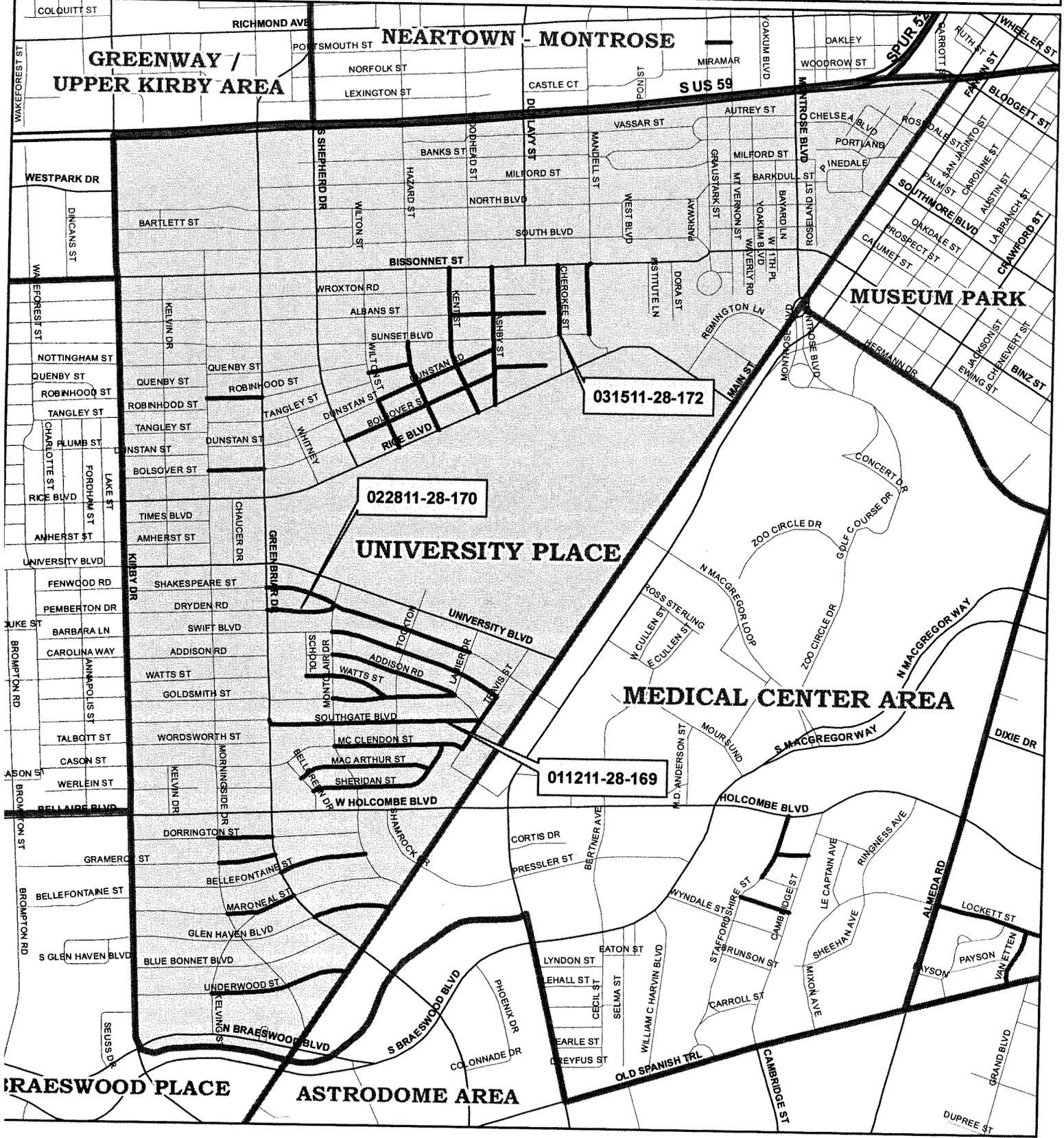


011211-28-169: 2000 SOUTHGATE ST
 022811-28-170: 2200 DRYDEN ST
 031511-28-172: 5300 CHEROKEE ST



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PJ16083_University_pl_southgate





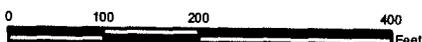
Proposed Residential Parking Permit Area

Application: 031511-28-172

300 CHEROKEE ST (77005)

City of Houston
 Planning & Development Department
 3 Services Division
 Date: April 2011

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

pj16064_Cherokee

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

Application 01211-28-169 **2000 Southgate**, between Stockton and Travis, proposed by permit only parking restrictions from Monday – Friday, 9 a.m. – 4 p.m.

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 4 p.m., Monday – Friday

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 4 p.m., Monday through Friday.
- Excessive commuter parking on the block resulted in the installation of no parking signs to prevent traffic congestion and reduce the negative impact to safety and residential quality.
- Due to commuters from Texas Medical Center, the block is a no parking zone 7 a.m. – 6 p.m., except Sundays
- Neighborhood support is demonstrated by 78 percent of residents (out of 40 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area

Application: 011211-28-169

000 SOUTHGATE ST (77030)



Legend

Land Use:

- Proposed
- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

City of Houston
 Planning & Development Department
 Services Division
 IP Date: April 2011

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pi16061_Southgate

Designation of Residential Parking Permit Areas: Findings

Permit Area and Restrictions Proposed by Applicant:

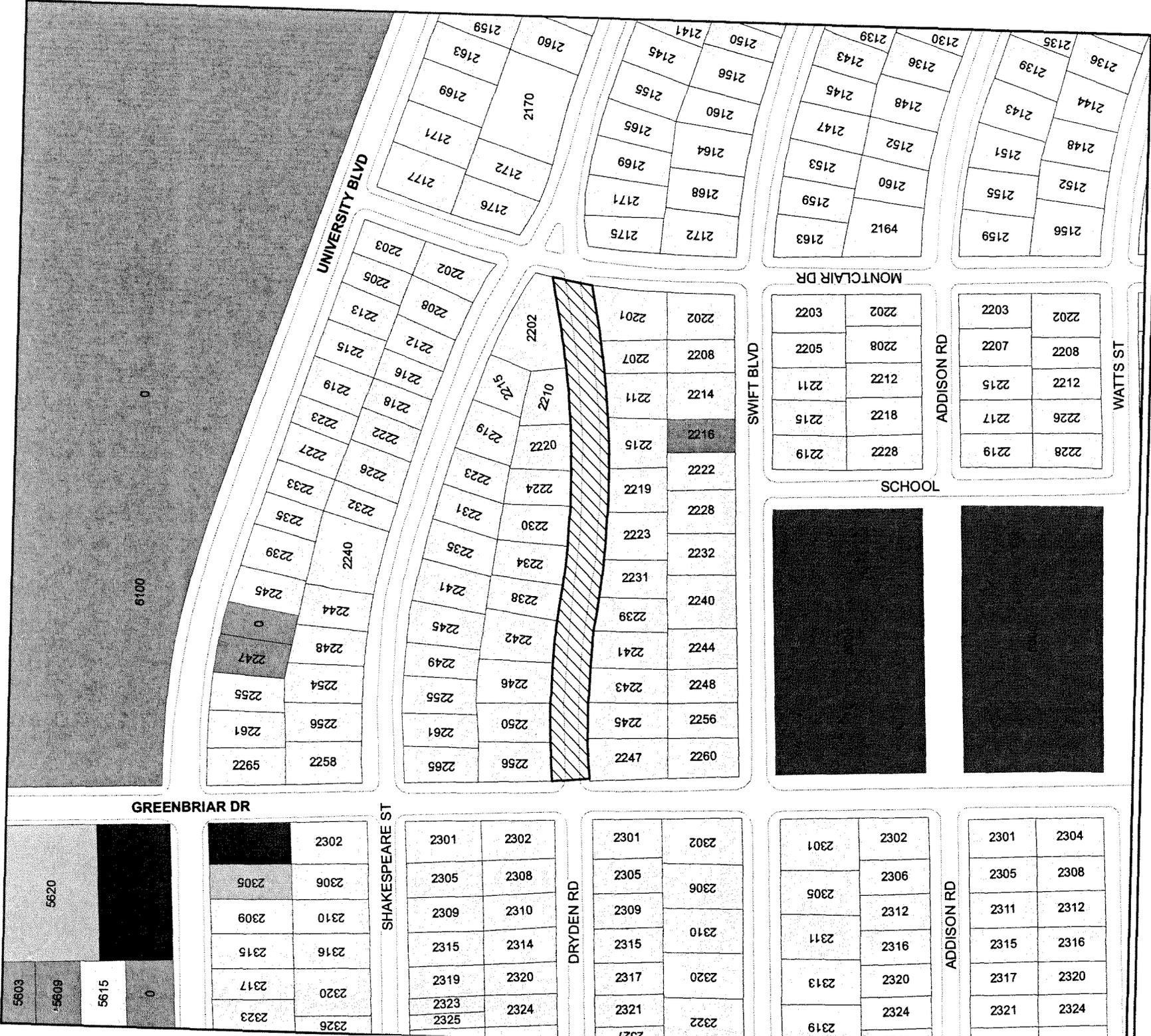
Application 022811-28-170 **2200 Dryden**, between Greenbriar and Montclair, proposed by permit only parking restrictions from Monday – Friday, 6 a.m. – 6 p.m., tow-away zone

Parking Official Recommendation:

Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 6 p.m., northside, Monday – Sunday, tow-away zone

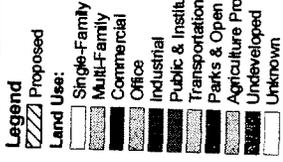
Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the May 3, 2011 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 6 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Rice University.
- Excessive commuter parking on the block creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 96 percent of residents (out of 23 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



Proposed Residential Parking Permit Area
Application: 022811-28-170

200 DRYDEN ST (77030)



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City of Houston
 Planning & Development Department
 IS Services Division
 ap Date: April 2011

pl 16062_Dryden

SUBJECT: Accept Work NCM Demolition and Remediation, LP fka CST Environmental, LP Asbestos Abatement and Demolition at Julia Ideson Building – Phase 2 WBS No. E-000155-0002-4	Page 1 of 2	Agenda Item 5
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUN 01 2011
---	-------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott D. Minnix 5/6/11</i>	Council District affected: 1
--	--

For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance: 10-0164 Dated: 02/24/2010 Ordinance: 10-1060 Dated: 12/22/2010
---	---

RECOMMENDATION: Pass a motion approving the final contract amount of \$129,919.02, accept the work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$205,919.02 Julia Ideson Library Contributions Fund (4036)	Finance Budget:
--	------------------------

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$129,919.02 or 9.73% over the original contract amount, accept the work and authorize final payment to NCM Demolition and Remediation, LP fka CST Environmental, LP for asbestos abatement and demolition services at the Julia Ideson Building to accommodate phase two renovation of the facility for the Houston Public Library.

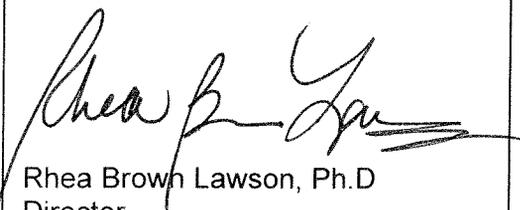
PROJECT LOCATION: 500 McKinney Street
Houston, Texas (Key Map 493-L)

PROJECT DESCRIPTION: The project completed asbestos abatement and demolition throughout the 66,000 square foot 1926 building. The work also included loading, hauling and proper disposal of debris generated as a result of all activities.

PREVIOUS HISTORY AND PROJECT SCOPE: On December 22, 2010, City Council approved a First Amendment to the contract to increase the director's authority to approve Change Orders up to 9.73% of the original contract price to perform additional asbestos abatement of pipe insulation in the elevator shaft and dispose of asbestos containing mastic with felt paper from the floor substrata on levels 3 and 4 of the stack area, which exceeded the original 5% contingency.

CONTRACT COMPLETION AND COST: The contractor completed the project within 192 days: the original contract duration of 60 days plus 132 days approved by Change Orders. The final cost of the project, including Change Orders is \$129,919.02, an increase of \$11,519.02 over the original contract amount.

REQUIRED AUTHORIZATION CUIC ID # 25GM257

General Services Department:  Humberto Bautista, P.E. Assistant Director	(Empty space for signature)	Houston Public Library:  Rhea Brown Lawson, Ph.D Director
--	-----------------------------	--

Date	SUBJECT: Accept Work NCM Demolition and Remediation, LP fka CST Environmental, LP Asbestos Abatement and Demolition at Julia Ideson Building – Phase 2 WBS No. E-000155-0002-4	Originator's Initials GM	Page 2 of 2
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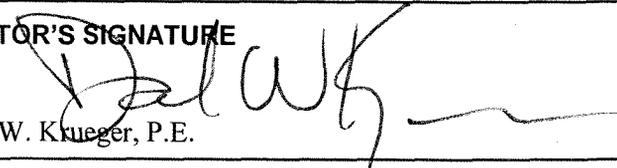
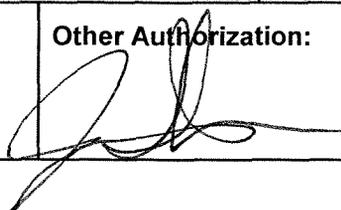
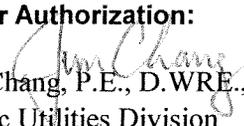
PREVIOUS CHANGE ORDERS: Change Order 1 opened the roof perimeter parapet below the metal flashing and disposed of all asbestos containing material. Change Orders 2–3 engaged an elevator technician to perform standby service coordination during asbestos abatement at elevator shaft, and removed the felt paper from floor substrata at levels 3 and 4 and abated asbestos containing material of the stack area.

fk
SM:HB:JLN:GM:FK:fk

c: Marta Crinejo
Jacquelyn L. Nisby
Carlecia Wright
Calvin Curtis
Gabriel Mussio
Michelle Delk
Alejandro Giannotti, P.E.
Martha Leyva
File

TO: Mayor via City Secretary

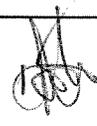
REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0115-4		Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: A, B, C, D, E, F, G, H and I	
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: Ordinance No. 2008-163, dated 02/27/2008	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$740,347.66, which is 1.66% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>M.P. 5/11/2011</i> Original appropriation of \$785,619.00 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 manhole rehabilitation to deteriorated sewer manholes throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer manhole rehabilitation. The project was awarded to Standard Cement Materials, Inc. with an original contract amount of \$728,280.53. The Notice to Proceed date was 05/07/2008 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, C, D, E, F, G, H and I. CONTRACT COMPLETION AND COST: The contractor, Standard Cement Materials, Inc., has completed the work under the contract. The contract was completed within the contract time with an additional 335 days approved by Change Order No. 1 and Change Order No. 2. The final cost of the project is \$740,347.66, an increase of \$12,067.13 or 1.66% over the original contract amount. More manhole rehabilitation was needed than anticipated. MWDBE PARTICIPATION: No M/WDBE participation goal was established for this project. DWK:JC:JI:DR:mf Attachments			
Project File 4235-38		REQUIRED AUTHORIZATION	
Finance Department		CUIC ID# 20JAI387 ND	
Other Authorization: 		Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	

4235-38	Wastewater Collection System Rehabilitation and Renewal			
WBS No. R-000266-0115-4		Standard Cement Materials, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
11	452L	SHEPHERD PARK PLAZA	II069	A
8	494A	FOSTERS SEC 1	II021	B
10	494B	ANGIERS	IIP52	B
14	413Q	MELROSE PARK	II038	B
15	454W	EAGLE	II018	B
46	455H	LAKE FOREST	FB019	B
47	455F	CLAIRMONT PLACE	FB020	B
50	455E	ROSEWOOD ESTATES	FB022&24	B
53	451C	CANDLELIGHT OAKS	NW137	B
56	415E	RIVERWOOD ESTATES	RE001	B
57	414Z	SCENIC WOODS	FB005&8	B
58	454D	SHADY TIMBERS	FBP08	B
59	411Y	ARBOR OAKS	NW137	B
80	415N	NORTHWOOD MANOR	FB026	B
81	455B	CLAIRMONT PLACE	FBP06	B
1	491W	GLENHAVEN ESTATES	SW260	C
2	532J	AYRSHIRE SEC. 8	SW202	C
3	532E,J	WESTMORELAND FARMS	SW258	C
4	530T,U	BRAEBURN VALLEY	SW062	C
5	530W	BRAEBURN VALLEY WEST	SW066	C
6	571A,E	WESTBURY	SW020	C
7	531S, T	MAPLWOOD SOUTH	SW249	C
67	492W	GREENWAY PLAZA	AS045	C
34	532T,U	LAKES @ 610	SB187	C&D
17	533R	FOSTER PLACE	SB170	D
19	533M	SOUTH COURT	SB174	D
22	533M	BELMONT	SBP28	D

23	533P	SOUTH END SUNNYSIDE	SB181	D
24	533M	SOUTHERN VILLAGE	SB167	D
25	534J	MACGREGOR TERRACE	SB176	D
27	533M	FOSTER PLACE	SB169	D
29	534N,S	SOUTH PARK	SB115&SB116	D
30	533R	GRAND PARK	SB178	D
32	533M	BELMONT	SB173	D
35	533P,Q	SOUTHEND SUNNYSIDE	SB182	D
39	492R	HYDEPARK MAIN	AS091	D
40	571W	BRIARGATE	GR001	D
41	572N	MERRDITH MANOR	WE005	D
42	574E	CRESTMONT PARK	CH013	D
43	574L	CRESTMONT PARK	CH014	D
45	573H	SOUTH ACRES ESTATES	CHP03	D
49	570Z	BRIARGATE	GR003	D
51	571Z	RIDGEMONT	GR015	D
52	573D	SUNNYSIDE GARDENS	CHP01	D
61	572K	GLEN IRIS	AS015	D
62	573B	CAROLINA GARDENS	AS013	D
63	572N	DMBARTON OAKS	WEP02	D
71	534T	SOUTHCREST	SB109	D
72	534P	SOUTHCREST	SB107	D
74	534N	SOUTHPARK	SB115	D
75	534W	EDGEWOOD	SB114	D
77	534J	MACGREGOR PALMS	SB177	D
78	534N	SOUTH PARK	SB118	D
83	533Z	CHOCOLATE BAYOU ESTATES	CH002	D
28	534X	BELLFORT PARK	SB103	E

36	535R	MEADOWCREEK VILLAGE	SB018	E
44	574A	CRESTMONT	CH015	E
60	496L	WOODLAND ACRES	NE011	E
68	616D	SCARSDALE	SM003	E
73	534X	BELLFORT PARK	SB110	E
16	530G	SHARPSTOWN	SW083	F
54	529B	BRAYS VILLAGE	BW239	F
55	529P	GLOBAL OGASCO415E	MN001, MN270	F
65	491N	TANGLEWOOD	SW036	G
79	489U	LAKESIDE ESTATES	WD028	G
82	485Y	MEADOWS ON ASHFORD	AR001	G
9	453M	BEVERLY PLACE	II024	H
12	453Q	OAKWOOD	IIP43	H
13	453C	CROSTIMBERS GARDEN	II027	H
64	453E	GLENBURINE	II065	H
70	494U	FULLERTON PLACE	II013	H
84	453Q	PAINE PLACE	II023	H
18	535U	MEADOWBROOK	SB060	I
20	535F	BERKLEY PLACE	SB070	I
21	574Q	GARDEN VILLAS	SB051	I
26	535U	MEADOWBROOK ACRES	SB036	I
31	494Y	DISSEN HEIGHTS	SB153 & SB154	I
33	535Y	GULF FREEWAY OAKS	SB037 & SB038	I
37	534G	PINE VALLEY	SBP18	I
38	489F	WILCHESTER WEST	WDP01	I
66	493Y	GEISELMAN	SB125	I
69	535E	WOODRIDGE	SB066	I
76	534W	EASTLAWN	SB153	I
48	611B	BRIAR VILLA SOUTH		

SUBJECT: Accept Work for the Reconstruction of Parker Road from Airline to Hardy Toll Road; WBS No. N-000620-0001-4; WBS No. R-000500-0084-4; WBS No. S-000500-0084-4.	Category #1, 7	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em;">7</div>
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date		Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H		
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. # 2009-551 dated 06/17/2009		

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$6,055,237.00 or 0.92% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$7,010,400.00 with \$5,710,400.00 from the Metro Project Commercial Paper Series E Fund No. 4027 and \$1,300,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Capital Improvement Program (CIP) and was required to improve traffic flow/ circulation and reduce traffic congestion and hazards in service area.

DESCRIPTION/SCOPE: This project consisted of the reconstruction of approximately 6,100 linear feet of open swale single lane roadway to dual 24-foot wide concrete roadway with curb and gutters, raised medians, necessary underground utilities and street lighting. Chiang, Patel and Yerby, Inc. designed the project with 554 calendar days allowed for construction. The contract was awarded to Total Contracting, Ltd., with an original Contract Amount of \$6,111,401.59.

LOCATION: The project area is located in north Houston between Airline on the west and Hardy Toll Road on the east. The project is located in Key Map Grid 413X, Y.

CONTRACT COMPLETION AND COST: The Contractor, Total Contracting, Ltd., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$6,055.237.00, a decrease of \$56,164.59 or 0.92% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities.

M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the participation was 22.06%. Contractor's M/W/SBE performance evaluation was rated Satisfactory.

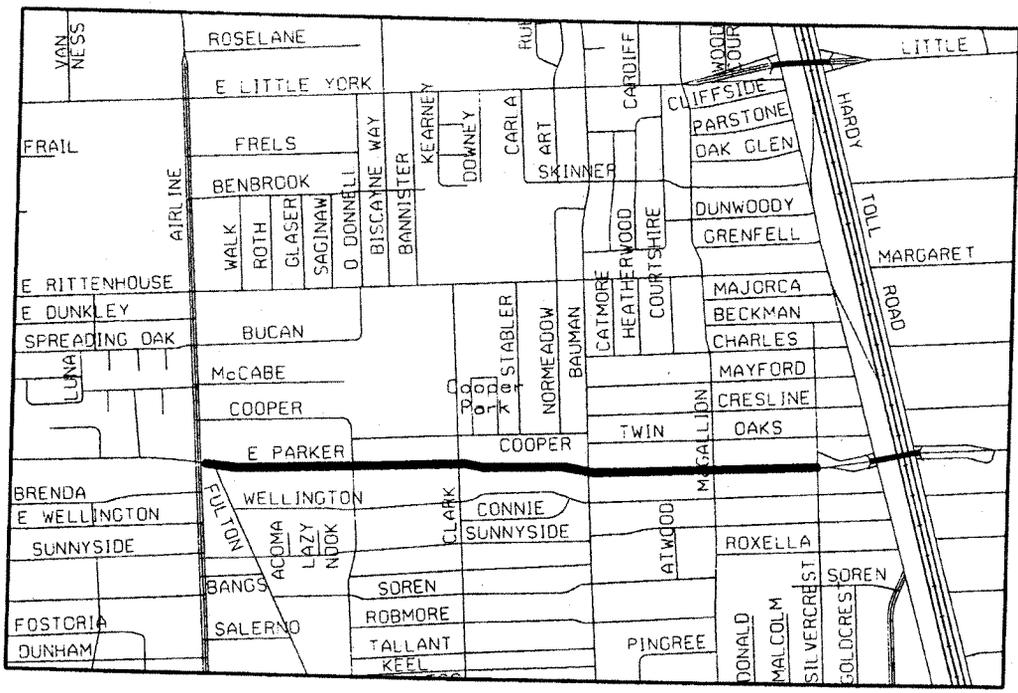
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REQUIRED AUTHORIZATION

20HA122

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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VICINITY MAP

KEY MAP NOS. 413 X,Y
 GIMS MAP NO. 5361B, 5461A
 COUNCIL DISTRICT H

Chiang, Patel & Yerby, Inc. <small>2925 Briar Park Suite 850, Houston, TX, 77042 (713)532-1730, Fax (713)532-1734</small>	CITY OF HOUSTON <small>DEPARTMENT OF PUBLIC WORKS AND ENGINEERING</small>	
	RECONSTRUCTION OF PARKER RD	
FROM AIRLINE DR. TO HARDY TOLL RD.	<small>WBS NO. N-000620-0001-4</small>	
Exhibit B VICINITY MAP	<small>CITY OF HOUSTON PM STEVE CAMPAGNA, P.E.</small>	
	<small>DRAWING SCALE</small> (N.T.S.)	<small>DATE</small> 5/20/2009
		<small>SHEET NO.</small> 1 OF 1

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in Clinton-West Area. WBS. No. S-000035-00M3-4.	Page 1 of 1	Agenda Item # 8
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council Districts affected: B, H
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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. #2009-0673 dated 7/22/2009
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,644,315.42, which is 0.48% 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 \$1,879,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City of Houston's (City) Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: This project consisted of construction of 21,513 linear feet of 6-inch, 8-inch, 12-inch, 16-inch, and 20-inch diameter water lines, valves and appurtenances. ARCADIS, Inc. designed the project with 260 calendar days allowed for construction. The project was awarded to Gonzales Construction Enterprise, Inc. with an original Contract Amount of \$1,652,251.29.

LOCATION: The project area is generally bound by Sondick on the north, Harrisburg on the south, Hirsch on the east and Union Pacific Railroad (UPRR) on the west. The project is located in Key Map Grids 494-F, J, K & N.

CONTRACT COMPLETION AND COST: The Contractor, Gonzalez Construction Enterprise, Inc. has completed the Work under the subject Contract. The project was completed with an additional 51 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$1,644,315.42, a decrease of \$7,935.87 or 0.48% under the original Contract Amount.

The decreased cost is due to the differences between planned and measured quantities of Base Unit Price Items and the work not requiring use of most of the Extra Unit Price Items.

M/WBE PARTICIPATION: The M/W/SBE goal for this project was 22%. According to Affirmative Action and Contract Compliance Division, the actual participation was 22.78%. The Contractor was awarded a "Satisfactory" rating for M/W/SBE Compliance.

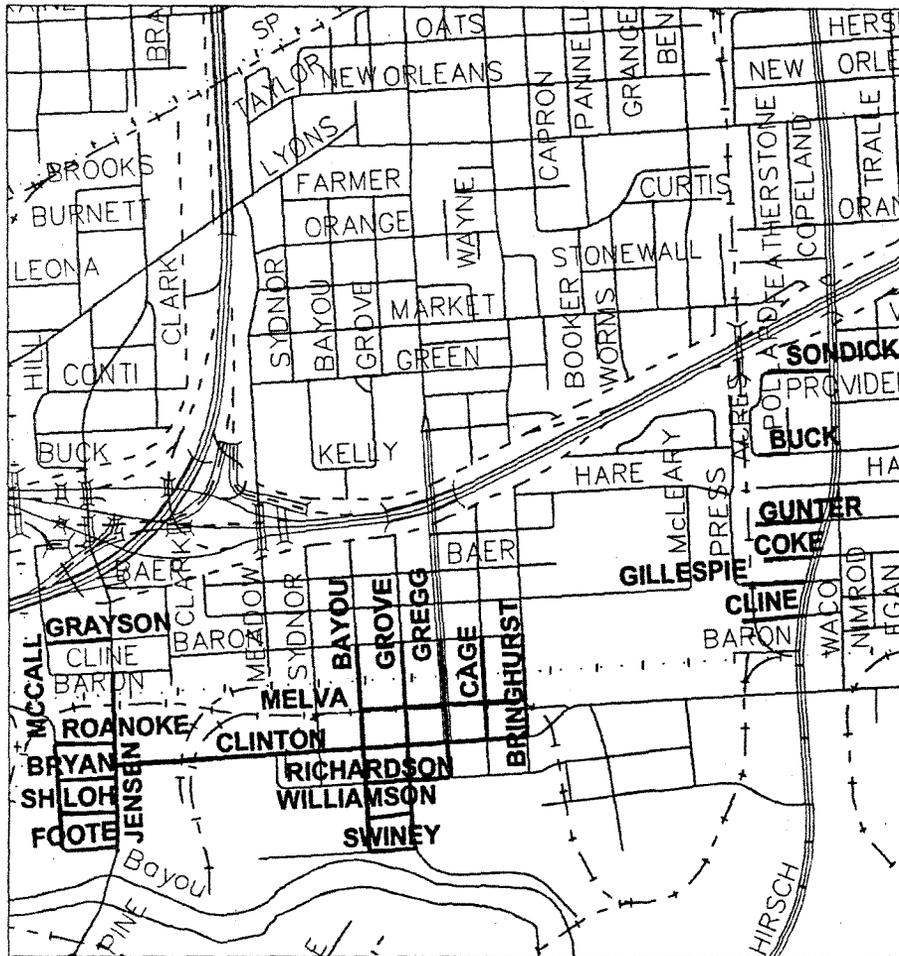
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c: File No. S-000035-00M3-4 - Closeout

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ221
Finance Department:	Other Authorization:	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

NOT

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION



CLINTON-WEST AREA 1

KEY MAP: 494 - F,J,K
COUNCIL DISTRICT - B

STREET	ADDRESS	START STREET	END STREET	NEW SIZE	LENGTH IN FEET
Grayson	2600-2799	McCall	Jensen	8	389
Jensen	400-499	Cline	Foote	2,16 20	1,312
Roanoke	2600-2699	McCall	Jensen	8	430
Bryan	2600-2699	McCall	Jensen	6	370
Shiloh	2700-2799	McCall	Jensen	6	368
Foote	2700-2799	McCall	Jensen	8	372
McCall	90-599	Roanoke	Foote	8	713
Clinton	2700-4100	Jensen	Bringham	6,16	3,048
Bayou	2700-2999	Baron	Swiney	8	1,181
Grave	2700-2999	Baron	Swiney	8	1,205
Gregg	2700-2899	Baron	Richardson	8	720
Cage	200-399	Baron	Clinton	6,8	468
Bringham	2700-2899	Baron	Clinton	8,16	511
Melva	3200-3599	Bayou	Bringham	8	1,151
Richardson	3200-3599	Bayou	Gregg	8	640
Williamson	3200-3299	Bayou	Grave	6	272
Swiney	3200-3299	Bayou	Grave	8	283
Sondick	4200-4399	Press	Hirsch	6	489
Buck	4200-4222	Acres	Pollard	6	320
Gunter	4200-4399	Hirsch	End	8	991
Coke	4200-4399	Hirsch	End	8	802
Gillespie	4200-4399	Hirsch	Press	8	465
Cline	4100-4399	Hirsch	End	6,8	905
TOTAL					17,405

DATE: 4-6-2009

ARCADIS
11400 Westheimer
Suite 600
Houston, TX 77077
Tel: 281-497-9900 Fax: 281-496-2936
www.arcadis-us.com

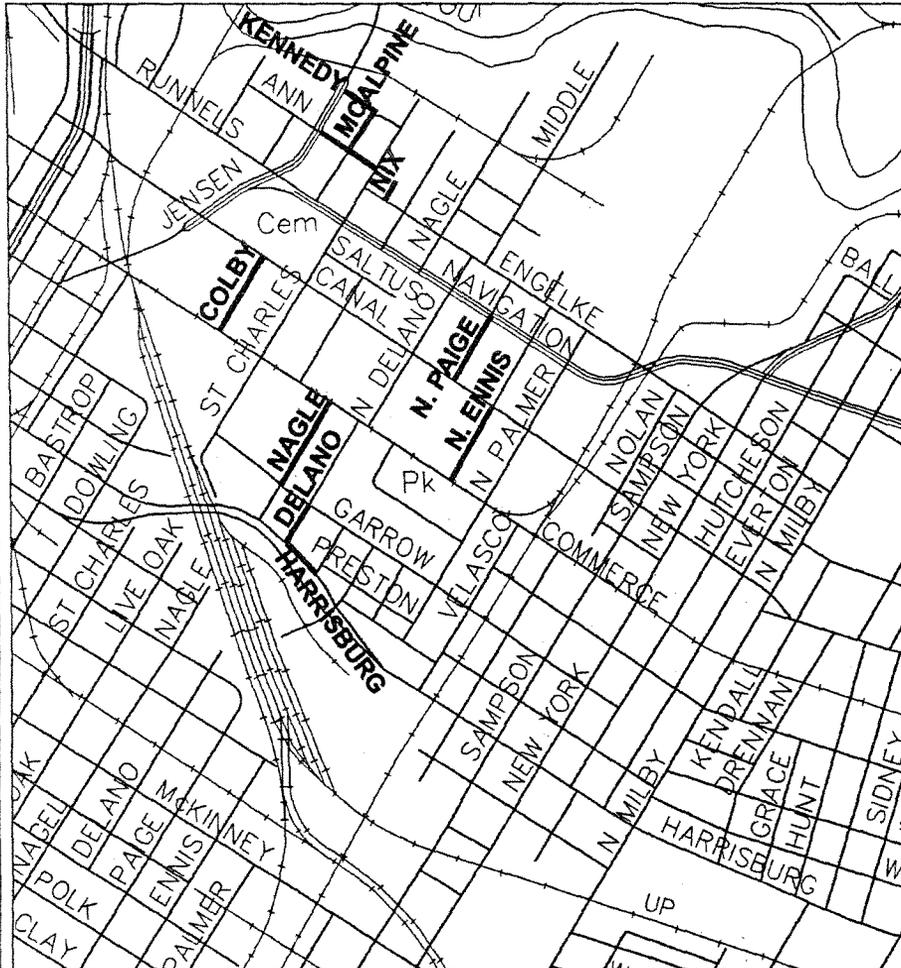


CITY OF HOUSTON

WATER LINE REPLACEMENT IN
CLINTON-WEST AREA
WBS NO.: S-000035-00M3-4

PROJECT AREA MAP

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION



CLINTON-WEST AREA 2

KEY MAP: 494J,N
COUNCIL DISTRICT - H

STREET	ADDRESS	START STREET	END STREET	NEW SIZE	LENGTH IN FEET
Ann	2400-2599	Jensen	St. Charles	8	467
McAlpine	300-399	Ann	Kennedy	8	499
Nix	0-99	Engelke	End	6	185
Colby	1-99	Commerce	Canal	8	581
Nagle	100-299	Garrow	Commerce	8	745
Delano	100-399	Harrisburg	Garrow	8	285
Harrisburg	2800-2899	Delano	Paige	8	265
N. Paige	100-199	Canal	Navigation	8	568
N. Ennis	1-99	Commerce	Canal	8	575
Kennedy	2700-2799	Jensen	McAlpine	8	215
TOTAL					4,385

DATE: 4-6-2009

ARCADIS

11400 Westheimer
Suite 809
Houston, TX 77077
Tel: 281-497-8900 Fax: 281-496-2838
www.arcadis-us.com



CITY OF HOUSTON

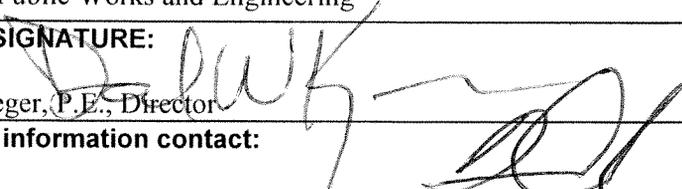
WATER LINE REPLACEMENT IN
CLINTON-WEST AREA
WBS NO.: S-000035-00M3-4

PROJECT AREA MAP

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Storm Water Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works and Engineering Department. WBS No. S-000056-0053-4.	Page 1 of 1	Agenda Item # 9
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council Districts affected: All
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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. #2009-926 dated 09/30/2009
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$781,100.00, which is 0.5% 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 \$903,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Surface Water Treatment Facilities Program. This storm water pump replacement project was important to ensure the continued production and citywide distribution of potable drinking water necessary to preserve and protect the public's health, safety, and property.

DESCRIPTION/SCOPE: The project included the temporary use of high capacity pumps for immediate additional flooding protection for these critical potable water treatment facilities. In addition, this project provided new permanent storm water pumps replacing the existing units in the first phase of a major system upgrade. The pump station upgrade was designed by AECOM USA Group, Inc., with 168 calendar days allowed for construction. The project was awarded to Western Summit Constructors, Inc. with an original Contract Amount of \$785,000.00.

LOCATION: The project is located at 12555 Clinton Drive and 2300 Federal Road. The project is located in Key Map grids 496-U & Y.

CONTRACT COMPLETION AND COST: The Contractor, Western Summit Constructors, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$781,100.00, a decrease of \$3,900.00 or 0.5% under the original Contract Amount.

The decreased cost is primarily due to the underrun in Extra Unit Price Item No. 5 – Runtime Fuel Consumption, which was not necessary to complete the Work.

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


DWK:DRM:JTL:SKF:TGD:mq
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c: File No. S-000056-0053-4 – Closeout

REQUIRED AUTHORIZATION CUIC ID#20MZQ212

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: PROPERTY: PURCHASE of Parcel AY10-212, located at 2426 Airline Drive for the AIRLINE DRIVE PAVING PROJECT (from North Main to IH-610). WBS N-000697-0001-2-01 OWNER: JGR Investments, L.L.C., a Texas limited liability company, Jamie Reyes, President

Page 1 of 1

Agenda Item # 10

FROM: (Department or other point of origin): Department of Public Works and Engineering

Origination Date

Agenda Date JUN 01 2011

DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director

Council District affected: H HHT Key Map 453T

For additional information contact: Nancy P. Collins Senior Assistant Director-Real Estate Phone: (832) 395-3130

Date and identification of prior authorizing Council Action: Ordinance 2010-0675, passed August 18, 2010

RECOMMENDATION: (Summary) Authority be given through Council Motion to PURCHASE Parcel AY10-212.

\$84,052.00 Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2010-0675 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506).

SPECIFIC EXPLANATION: The AIRLINE DRIVE PAVING PROJECT (from North Main to IH-610) provides for construction of an approximately 6,300 linear foot, four-lane reinforced concrete roadway from North Main to IH-610 with concrete paving, curbs, sidewalks, street lighting, storm sewer, and necessary underground utilities.

PURCHASE: The City desires to acquire 1,404 square feet of improved commercial land to be used as street right-of-way. This parcel is located at 2426 Airline Drive. The City's offer was based on an appraisal by Ronald P. Little, MAI. The valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Table with 2 columns: Description and Amount. Rows include LAND (1,404 square feet @ \$22.00 psf), IMPROVEMENTS, DAMAGES TO REMAINDER/COST TO CURE, TOTAL COMPENSATION, Title Policy/Services, and TOTAL AMOUNT.

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY10-212 located at 2426 Airline Drive, owned by JGR Investments, L.L.C., a Texas limited liability company, Jamie Reyes, President. This parcel contains 1,404 square feet of land described in a deed dated April 17, 2003 from Amy M. Sharman to Alex Flores, recorded under Harris County Clerk's File (H.C.C.F.) No. W601334; situated in the John Austin Survey, Abstract No. 1, Harris County, Texas of the Official Public Records for Real Property in said Harris County, Texas according to the City of Houston field notes.

DWK:NPC:ht Tyler AY10-212RCA

CUIC #20HHT202

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization: Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division

PARCEL VALUATION

Following is a breakdown of the consideration for Parcel AY10-212:

LAND:

Parcel AY10-212 (Easement)

1,404 square feet @ \$22.00 per square foot.....\$30,888.00

IMPROVEMENTS:

1,404 square feet of asphalt paving @ \$3.75 psf, depreciated 10%.....\$ 4,739.00 @

1,575 linear feet of wrought iron fencing @ \$17.00 plf, depreciated 5%.....\$25,436.00 @

6 metal bollards @ \$150.00, depreciated 5%.....\$ 855.00

20 linear feet of chain linking bollards @ \$2.00 plf, depreciated 5%.....\$ 38.00

TOTAL IMPROVEMENTS\$31,068.00

COST TO CURE

(remaining amount to relocate fence and restripe parking lot).....\$ 1,744.00

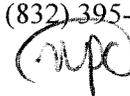
DAMAGES TO THE REMAINDER

(decrease in land to improvement ratio).....\$18,823.00

TOTAL COMPENSATION\$82,523.00

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for COUNCIL MOTION authorizing additional payment for appraisal services for the YALE STREET IMPROVEMENTS PROJECT (WEST TIDWELL ROAD TO WEST PARKER ROAD), WBS: N-000592-0001-2-01.	Page 1 of 1	Agenda Item # 11
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H Key Map 452D	
For additional information contact: Nancy P. Collins Phone: (832) 395-3130 Senior Assistant Director 	Date and identification of prior authorizing Council Action: 2007-1067, passed 09/19/07; 2010-0009, passed 01/06/2010	

RECOMMENDATION: (Summary) It is recommended that City Council approve a Council Motion approving and authorizing additional payment for appraisal services for the YALE STREET IMPROVEMENTS PROJECT (WEST TIDWELL ROAD TO WEST PARKER ROAD), WBS: N-000592-0001-2-01.

Amount and Source of Funding: No additional funding required. (\$8,000.00 covered under Blanket Appropriation Ordinance 2007-1067 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506) *U.P. 5/3/11*

SPECIFIC EXPLANATION:

The YALE STREET IMPROVEMENTS PROJECT (WEST TIDWELL ROAD TO WEST PARKER ROAD), provides for right-of-way acquisition, drainage, engineering, and construction of two 24-foot-wide concrete roads with curbs, sidewalks, and necessary underground utilities. Improvements will upgrade the existing roadway to major thoroughfare standards. The subject project contains 50 parcels, 45 of which required appraisals. Of the original 45 parcels needing appraisals, appraisals have been completed on all but three parcels. Council Motion No. 2010-0009 authorized the payment of \$61,500.00 to independent fee appraiser, Michael J. Urban, for the cost of appraisal services associated with the acquisition of parcels for this project. Project design changes and the consequential increased complexity of the appraisals require payment of additional appraisal fees to finalize the appraisal process for the remaining parcels. Michael Urban will provide appraisals for these parcels for an additional fee of \$8,000.00. His total fee for appraisal services is inclusive of land planner fees.

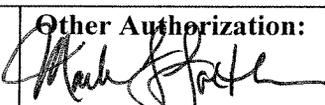
It is recommended that authority be given through Council Motion approving and authorizing the additional payment of \$8,000.00 to Michael Urban for the cost of finalizing appraisal services associated with the acquisition of parcels for the YALE STREET IMPROVEMENTS PROJECT.

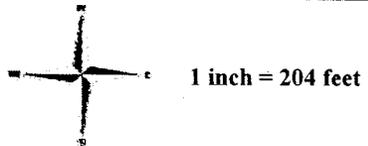
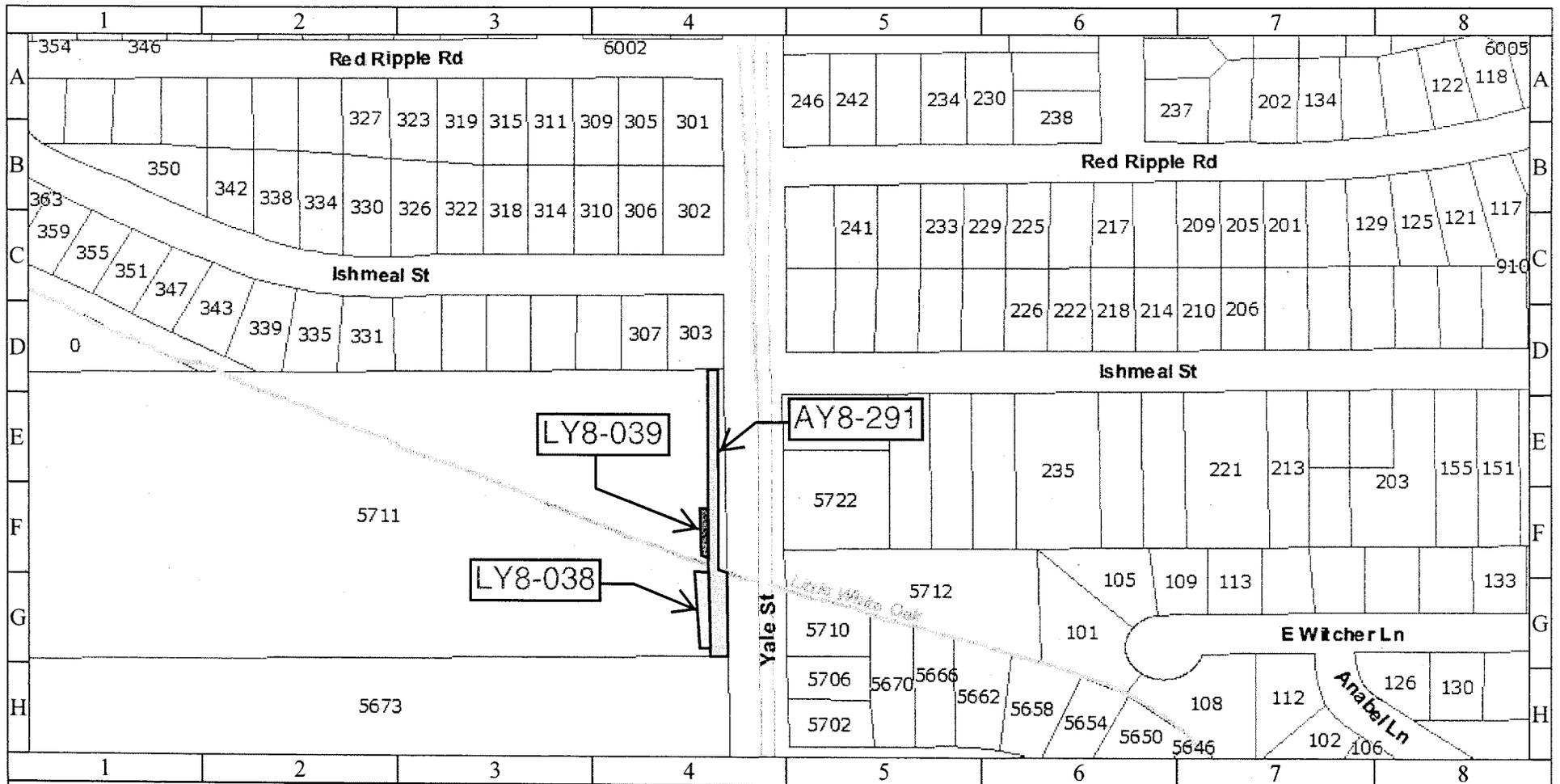
DWK:NPC:REA:jlr
cc: Marta Crinejo

CUIC #20JLR02

REQUIRED AUTHORIZATION

NDT

Finance Department	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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CITY OF HOUSTON
 Department of Public Works and Engineering
 Geographic Information & Management System (GIMS)
 DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
 FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



***The parcels shown are for illustrative purposes only. The parcel sizes are not to scale.

SUBJECT: Authorize Issuance of a Purchase Order to Musco Sports Lighting, LLC., through the Texas Local Government Purchasing Cooperative for Shady Lane Park for the Parks and Recreation Department WBS No. F-000769-0001-4	Page 1 of 1	Agenda Item 12
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FROM (Department or other point of origin): General Services Department	Origination Date 5/26/11	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>5/16/11</i>	Council District(s) affected: B
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832 393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Authorize issuance of a purchase order to Musco Sports Lighting, LLC., through the Texas Local Government Purchasing Cooperative (BuyBoard) for Shady Lane Park.

Amount and Source of Funding: \$194,250.00 Parks Special Revenue Fund (2100)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council authorize issuance of a purchase order in the amount of \$194,250.00 to Musco Sports Lighting, LLC., through the BuyBoard to install ballfield lighting at Shady Lane Park for the Parks and Recreation Department.

PROJECT LOCATION: 10100 Shady Lane (414W)

PROJECT DESCRIPTION: The scope of work consists of the purchase, delivery, and installation of ballfield sports lighting for a soccer field, fencing around the electrical panel, and seeding the disturbed areas.

Funding Summary:

VENDOR	DESCRIPTION	PRICE
Musco Sports Lighting, LLC.	Ballfield Lighting Installation	\$ 185,000.00
	5% Contingency	\$ 9,250.00
	TOTAL	\$ 194,250.00

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Play or Pay" 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.

SM:RAV:JLN:LU:MS:ms

c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Luci Correa, Angela Jackson, Sandy Yen, Martha Leyva
Christopher Gonzales, File 712

REQUIRED AUTHORIZATION CUIC# 25PARK155

General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division	Parks and Recreation Department: <i>MDI</i> <i>[Signature]</i> Joe Turner Director
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9017

Subject: Formal Bids Received for Forklifts and Manlifts for Various Departments S38-N23855	Category # 1 & 4	Page 1 of 2	Agenda Item <i>14, 14A</i>
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date May 03, 2011	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE <i>Calvin D. Wells</i>	Council District(s) affected All
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For additional information contact: David Guernsey Phone: (832) 395-3640 Ray DuRousseau Phone: (832) 393-8726	Date and Identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
Approve an ordinance authorizing the appropriation of \$88,014.59 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and \$17,871.86 out of the Fleet/Equipment Special Revenue Fund (Fund 9002) and approve an award to Mitsubishi Caterpillar Forklift of America, Inc., d/b/a Mitsubishi Forklift Trucks of Houston on its low bid in the amount of \$124,555.86 for forklifts for various departments.

Award Amount: \$124,555.86	Finance Budget
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\$ 88,014.59 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$ 17,871.86 - Fleet/Equipment Special Revenue Fund (Fund 9002)
\$ 86,289.34 - PWE-Combined Utility System General Purpose Fund (Fund 8305)
\$192,175.79 - Total Funding

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$88,014.59 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and \$17,871.86 out of the Fleet/Equipment Special Revenue Fund (Fund 9002). It is further recommended that City Council approve an award to Mitsubishi Caterpillar Forklift of America, Inc., d/b/a Mitsubishi Forklift Trucks of Houston on its low bid in the amount of \$124,555.86 for six forklifts for various departments, and that authorization be given to issue purchase orders. The forklifts will be used at various City facilities by the Departments to move materials and equipment. The requested appropriation out of the Equipment Acquisition Consolidated Fund (Fund 1800) includes \$67,619.93 for additional equipment that will be purchased in separate procurements. The equipment that will be purchased with funding from the Equipment Acquisition Consolidated Fund (Fund 1800) is included in the adopted Equipment Acquisition Plan.

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

Company	Amount (Item Nos. 1, 5 - 7 and 9)
1. Mitsubishi Caterpillar Forklift America Inc., d/b/a Mitsubishi Forklift Trucks of Houston	\$124,555.86
2. Equipment Depot, Ltd.	\$144,449.00
3. Briggs Equipment	\$146,874.00

The gasoline and diesel-powered forklifts will meet the EPA's current emission standards for equipment with gasoline and diesel-powered engines. These forklifts will come with a full 12-month warranty and the life expectancy is ten years. See the Equipment Usage Summary on Page 2 of 2 for usage and replacement details. The forklifts that will be replaced have exceeded their life expectancy and will be sent to auction for disposition.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <i>NDT</i>
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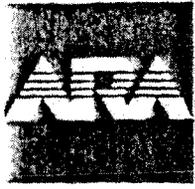
Strategic Purchasing Division will issue purchase orders to the low bidders for Item Nos. 2 and 4 (manlifts) and Item No. 8 (forklift) as the individual award amounts are each less than \$50,000.00. Item No. 3 will not be awarded.

EQUIPMENT USAGE SUMMARY

Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement
PR No. 10116035/ Item No. 1, 5,000-lb. Lifting Capacity, Dual - Powered (Gasoline and LPG) Forklift	1	Houston Fire Department/ Logistics This forklift will be used by Department personnel to move materials and equipment at the Houston Fire Department's Supply Warehouse Facilities.	This unit will be an addition to the Department's fleet. Currently, there is an eight-year-old forklift being shared by the HFD Fleet/ Supply Warehouse and Radio Communications Facilities. There are no reserves available to allow each facility access to a forklift.
PR No. 10109662/ Item No. 5, 5,000-lb. Lifting Capacity, Gasoline-Powered Forklift	1	Public Works & Engineering/ Materials Management Branch This forklift will be used by Department personnel to load, unload and move materials and equipment at any one of the eight Materials Management warehouse facilities.	<u>Shop No.</u> <u>Age/Yrs</u> 23458 17
PR No. 10109662/ Item No. 6, 9,000-lb. Lifting Capacity, Diesel- Powered Forklift	1	Public Works & Engineering/ Materials Management Branch This forklift will be used by Department personnel to load, unload and move materials and equipment at any one of the eight Material Management warehouse facilities.	<u>Shop No.</u> <u>Age/Yrs.</u> 17669 21
PR No. 10110032/ Item No. 7, 5,000-lb. Lifting Capacity, Liquid Petroleum Gas (LPG) Forklift	2	Public Works & Engineering/ Public Utilities Division These forklifts will be used by Department personnel to move materials and equipment at the Division's Drinking Water Operations and the Operations Support Branches' facilities.	These units will be additions to the Department's fleet. Currently, there are seven forklifts being shared within the Public Utilities Division facilities. These additional forklifts are required to increase the productivity and efficiency of the Public Utilities Division. There are no reserves which would allow each facility to have access to a forklift.
PR No. 10125328/ Item No. 9, 4,000-lb. Lifting Capacity, Liquid Petroleum Gas (LPG) Forklift	1	Administration & Regulatory Affairs/BARC This forklift will be used by Department personnel to move pet food, pet carriers, medical supplies and other critical items at the BARC facility.	<u>Shop No.</u> <u>Age/Yrs.</u> 27080 17

Buyer: Lena Farris

Attachment: M/WBE Zero Percentage Goal document approved by the Affirmative Action Division



Administration & Regulatory Affairs

Memorandum

To: Robert Gallegos, Deputy Assistant Director
Affirmative Action Division

From: Lena Farris
Procurement Specialist

Date: February 9, 2011

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% Yes No _____ 0%

I am requesting a revision of the MWBE Goal Yes No Original Goal: _____ New Goal: _____

RDG
0%

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

Solicitation Number: S38-N23855 Estimated Dollar Amount: \$374,324.00

Anticipated Advertisement Date: 02/17/2011 Solicitation Due Date: 03/10/2011

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:
Purchase of Forklifts and Manlift for Various Department

Rationale for requesting a Waiver of M/WBE:

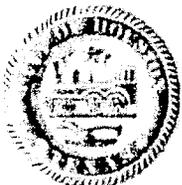
These forklifts and manlift will be shipped directly from the manufacturer to the City's bidders. There are no aftermarket accessories. Therefore, there is no potential for M/WBE participation for this procurement.

Concurrence: _____
Initiator

Calvin D. Wells, Deputy Director
City Purchasing Agent

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

*Signature is required if the request is three percent or less MWBE participation, or to revise the MWBE goal.



000#9017

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8926

Subject: Formal Bids Received for Replacement of Medium Voltage Metal-Clad Switchgear at the 69th Street Wastewater Treatment Plant for the Public Works and Engineering Department
S50-C23807

Category #
4

Page 1 of 2

Agenda Item

15-15A

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
May 17, 2011

Agenda Date
JUN 01 2011

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
1

For additional information contact:
David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$1,203,310.46 out of the Water & Sewer System Consolidated Construction Fund (8500) and approve an award to Schneider Electric USA, Inc. on its low bid in the amount of \$1,093,918.60 and contingencies (10% for unforeseen changes within the scope of work) in an amount of \$109,391.86 for a total not to exceed \$1,203,310.46 for replacement of the medium voltage metal-clad switchgear at the 69th Street Wastewater Treatment Plant for the Public Works and Engineering Department.

Award Amount: \$1,203,310.46

Finance Budget

\$1,203,310.46 - Water & Sewer System Consolidated Construction Fund (8500) WBS R-000509 - 0020 - 4

SPECIFIC EXPLANATION:

The Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$1,203,310.46 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500). It is further recommended that City Council approve an award to Schneider Electric USA, Inc. on its low bid in the amount of \$1,093,918.60 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$109,391.86 for a total not to exceed \$1,203,310.46 for replacement of the medium voltage metal-clad switchgear at the 69th Street Wastewater Treatment Plant (WWTP) for the Public Works and Engineering Department and that authorization be given to issue purchase orders as necessary. The primary purpose of the switchgear is to safely distribute high voltage to areas within the 69th Street WWTP facility to power the equipment necessary to keep the plant in compliance with the requirements set forth in the Texas Commission on Environmental Quality regulations applicable to wastewater treatment and sludge removal facilities.

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

<u>Company</u>	<u>Total Amount</u>
1. Schneider Electric USA, Inc.	\$1,093,918.60
2. C. F. McDonald Electric, Inc.	\$1,188,669.19
3. Carrera Construction, Inc.	\$1,470,859.00
4. Boyer, Inc.	\$1,748,333.00

The scope of work requires the construction contractor to provide all supervision, labor, materials, equipment, tools, transportation and ancillary items necessary to remove and properly dispose of the existing switchgear and furnish and install one 15 KV medium voltage switchgear at the 69th Street Wastewater Treatment

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

1519

Date: 5/17/2011	Subject: Formal Bids Received for Replacement of Medium Voltage Metal-Clad Switchgear at the 69th Street Wastewater Treatment Plant for the Public Works and Engineering Department S50-C23807	Originator's Initials AL	Page 2 of 2
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Plant, located at 2525 S/SGT Macario Garcia Drive. The current switchgear is approximately 32 years old and in poor condition. Materials and workmanship for this project are warranted for one-year and the life expectancy of the new switchgear is 20 years. The contractor shall have 180 calendar days to complete all work associated with this project after receipt of the notice to proceed.

M/WBE Subcontracting:

This bid was advertised as a goal-oriented contract with a 10% MBE and 8% SBE participation levels. The devisable work associated with this project is valued at \$259,738.00. Schneider Electric USA, Inc. has designated the below-named companies as its certified subcontractors:

<u>Company</u>	<u>Service</u>	<u>Percentage</u>	<u>Amount</u>
1. Trinity Freight Services, LLC	SBE Transportation Services	3%	\$ 6,920.00
2. Wayne Electric, Inc.	MBE Electrical Services	11%	\$29,280.00
3. Southwest Construction, Inc.	SBE General Contracting	4%	\$ 9,700.00

The Affirmative Action Division will monitor this project.

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: Art Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: A Resolution providing for a Public Hearing on the FY2012 Proposed Operating Budget.

Category #

Page 1 of 1

Agenda Item
16

FROM (Department or other point of origin):

Kelly Dowe, Director
Finance Department

Origination Date:

Agenda Date

JUN 01 2011

DIRECTOR'S SIGNATURE



Council District(s) affected:

All

For additional information contact: Kelly Dowe
Phone: (713) 221-0935

Date and Identification of prior authorizing Council Action: Council Motion (2007-0557)

RECOMMENDATION: (Summary)

City Council call a public hearing on the Proposed FY2012 Operating Budget for June 14, 2011 and authorize the City Secretary to publish notice.

Amount of Funding:

N/A

Finance Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify) N/A

SPECIFIC EXPLANATION:

In order to allow for public input and in accordance with the state statute governing municipal budgets (Chapter 102, Section 102.006), a public hearing is required on the proposed FY2012 Operating Budget. The hearing will be held at 1:30 p.m. on June 14, 2011 in the City Council Chambers.

c: Marta Crinejo, Mayor's Office
David Feldman, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES FOR PROCEDURES FOR CONDUCTING NATIONAL CRIMINAL BACKGROUND CHECKS ON CERTAIN APPLICANTS FOR PERMITS, LICENSES OR AUTHORIZATIONS FROM THE CITY

Category #

Page 1 of 1

Agenda Item#

17

FROM: (Department or other point of origin):

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

Origination Date

May 26, 2011

Agenda Date

JUN 01 2011

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina Paez Phone: 713-837-9630
Liliana Rambo Phone: 832-393-8640

Date and identification of prior authorizing Council Action: N/A

RECOMMENDATION: (Summary)

Adopt an ordinance amending Chapter 1 of the Code of Ordinances for procedures for conducting national criminal background checks on certain applicants for permits, licenses or authorizations from 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 amending Chapter 1 of the Code of Ordinances related to procedures for conducting national criminal background checks.

The City of Houston is responsible for the issuance of more than 260 different types of permits and licenses annually. Many of these require individuals to be fingerprinted for purposes of obtaining a criminal background check as a prerequisite to eligibility to receive a permit or license. Examples of activities which require criminal background checks include: valet parking; taxicab, limousine, pedicab and other vehicle-for-hire services; game rooms; sexually oriented businesses, auto wreckers and storage lots, etc.

Federal law (Public Law 92-544) authorizes the Federal Bureau of Investigation ("FBI") to acquire, collect and exchange criminal history records and information maintained by the FBI with officials of local governments for noncriminal justice purposes if authorized to do so by a state statute that has been approved by the Attorney General, and if an ordinance adopted by a local government contains language meeting the requirements of Public Law 92-544. Section 411.122 of the Texas Government Code was approved as an "umbrella statute" delegating to the municipalities the authority, in conjunction with Section 411.122, to obtain the criminal history records and information maintained by the FBI. The Texas Department of Public Safety ("DPS") is the designated state agency for purposes of channeling requests for FBI criminal background information.

In order for the City of Houston to qualify for access to this criminal history information, any ordinance adopted by the City must:

- 1) make reference to section 411.122 of the Texas Government Code, as the authorizing state statute;
- 2) contain provisions meeting the requirements of Public Law 92-544; and,
- 3) be reviewed by the FBI and added to the Texas approved statute list before fingerprints can be submitted to the DPS for the purpose of obtaining criminal history information and records from the FBI.

The recommended ordinance will accomplish the requirements above and will provide access to criminal history information for other permit-issuing departments which require it as a prerequisite to permit eligibility. The Administration & Regulatory Affairs Department respectfully requests City Council's adoption of this ordinance.

REQUIRED AUTHORIZATION

ARA Director:

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES TO PROVIDE PROCEDURES FOR CONDUCTING NATIONAL CRIMINAL BACKGROUND CHECKS ON CERTAIN APPLICANTS FOR PERMITS, LICENSES OR AUTHORIZATIONS FROM THE CITY; CONTAINING FINDINGS AND OTHER RELATED PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City regulates and licenses members of certain occupations and requires such individuals to be fingerprinted for purposes of obtaining criminal history record information (“CHRI”) that is used to determine an individual’s eligibility to receive a license or permit from the City; and

WHEREAS, federal law (Public Law 92-544) authorizes the Federal Bureau of Investigation (“FBI”) to acquire, collect and exchange CHRI maintained by the FBI with officials of local governments for noncriminal justice purposes if authorized to do so by a state statute that has been approved by the Attorney General, and if an ordinance adopted by a local government contains language meeting the requirements of Public Law 92-544; and

WHEREAS, Section 411.122 of the Texas Government Code was approved as an “umbrella statute” which delegates to a city the authority, in conjunction with section 411.087 of the Texas Government Code, to obtain CHRI collected and maintained by the FBI; and

WHEREAS, the Texas Department of Public Safety (“DPS”) is the designated state agency for purposes of channeling requests for FBI criminal background information; and

WHEREAS, in order for the City to qualify for access to CHRI maintained by the FBI, any ordinance adopted by the City must make reference to section 411.122, as the authorizing state statute, and must also contain language meeting the requirements of Public Law 92-544; and

WHEREAS, this ordinance must be reviewed by the FBI and added to the Texas approved statute list before fingerprints can be submitted to the DPS for the purpose of obtaining CHRI from the FBI; and

WHEREAS, the Administration and Regulatory Affairs Department recommends passage of this ordinance; **NOW, THEREFORE**,

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

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

Section 2. That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended to add a new section 1-15 as follows:

“Sec. 1-15. Conducting national criminal background checks.

(a) This section applies to the following licenses, permits or authorizations or renewals thereof:

- (1) A salesman’s license issued pursuant to article II of Chapter 8 of this Code;
- (2) Wrecker licenses issued pursuant to subdivision B of division 2 of article III of Chapter 8 of this Code;
- (3) Licenses issued pursuant to section 5-171 of this Code authorizing a person to operate, use or maintain any room or place where persons are permitted to play at any game of dominoes, cards or other games;
- (4) Authorizations for private storage lots issued pursuant to Chapter 8, article III, division 2 of this Code;
- (5) Permits for sexually oriented business enterprise entertainers and managers issued pursuant to article VII of Chapter 28;
- (6) Permits for valet parking services, issued pursuant to Chapter 26, article VII, division 2;
- (7) Permits for vehicle immobilization services issued pursuant to Chapter 26, article X, division 2 of this Code; or
- (8) Licenses issued pursuant to Chapter 46 for school vehicle operators, pedicab operators and drivers, low-speed shuttle operators and drivers, charter or sightseeing service operators and drivers, chauffeured limo usine service operators and drivers, taxicab drivers, and jitney drivers, and permits issued for taxicab, pedicabs, low-speed shuttles, jitneys, and franchises issued pursuant to uncodified ordinances for school bus operators.

(b) This section is enacted pursuant to sections 411.122 and 411.087 of the Texas Government Code, which authorizes the city to obtain criminal history record information maintained or indexed by the Federal Bureau of Investigation ("FBI") through the Texas Department of Public Safety ("DPS").

(c) Each individual whose application for a license, permit or authorization or any renewal thereof is subject to subsection (a) shall be required to provide a complete set of fingerprints and other identifying information to the official designated by the permitting, licensing or authorizing department, along with any applicable fee and any release or waiver forms required in order for the official to conduct a national background check through the FBI.

(d) Upon receipt of the fingerprints and any applicable fee, the city is authorized to submit the fingerprints to the DPS for a search of the State's criminal history record, and the DPS is authorized to forward a set of the fingerprints to the FBI for a national criminal history check. The results of the FBI check will be returned to the DPS, which will disseminate the results of state and national criminal history checks to the city.

(e) The criminal history record information obtained through the FBI by the city will be used to determine compliance with section 1-10 of this Code."

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2011.

APPROVED this ___ day of _____, 2011.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept. Candice N. [Signature]

EWN:asw 5/26/11

Assistant City Attorney

Requested by Alfred J. Moran, Jr., Director, Department of Administration and Regulatory Affairs

L.D. File No. 0470800001003

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		
Approve an Ordinance amending Chapter 12 of the Code of Ordinances, City of Houston, Texas, relating to the consolidation of the City's Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation.	Category #	Page 1 of 2
FROM (Department or other point of origin) Andrew Icken Office of the Mayor	Origination Date May 26, 2011	Agenda Item 18 Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE 	Council District(s) affected All	
For additional information contact: Primary: Dawn Ullrich (713) 853-8083 Stephen W. Lewis Phone: (713) 853-8888	Date and Identification of prior authorizing Council Action	
RECOMMENDATION: Summary		
Approve and authorize an ordinance amending Chapter 12 of the Code of Ordinances, City of Houston, Texas, relating to the consolidation of the City's Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation.		
	Finance Budget	
FUNDING: NA		
SPECIFICATION EXPLANATION:		
<p>This Ordinance amends Chapter 12 of the Code of Ordinances, City of Houston, Texas to delete most of the existing text of Chapter 12 in its entirety and replace such text with new provisions. The revision of Chapter 12 is necessary to facilitate the consolidation of the City's Convention and Entertainment Facilities Department ("CEFD") and the Houston Convention Center Hotel Corporation (the "Corporation"). Upon approval, the proposed amendments to Chapter 12 will become effective on July 1, 2011, conditioned however, upon City Council's approval of the consolidation of CEFD and the Corporation. Upon consolidation, CEFD's functions will become functions of the Corporation, thereby rendering the current Chapter 12 provisions governing CEFD unnecessary, save for the provisions pertaining to rental rates and procedures for the Wortham Theater Center and Jones Hall, which will remain in Chapter 12 and govern the rental rates for said facilities.</p> <p>CEFD and the CEFD director designations will continue to exist in Chapter 12 with much more limited functions. New definitions of "interlocal agreement," "lease," and "leased facilities" are created in the amendment to Chapter 12 in order to reference the CEFD properties to be leased to the Corporation under the proposed Lease Agreement and Interlocal Agreement being considered by City Council simultaneously with this request. The continuance of the department and the office of the director in the City's Code of Ordinances are necessary in order to satisfy CEFD bond covenants and because the department will continue to have personnel employed by the City during a transition period.</p> <p>The Corporation will follow the existing provisions of Chapter 12 in conjunction with the leased facilities until such time as the Corporation Board of Directors establishes its own rules and regulations regarding the leased facilities.</p> <p>The Mayor urges City Council to approve the amendments to Chapter 12 in conjunction with and in support of the consolidation of CEFD and the Corporation.</p>		
REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization:

Call

Chapter 12

CONVENTION AND ENTERTAINMENT FACILITIES DEPARTMENT ARTICLE I.

IN GENERAL

Sec. 12-1. Definitions.

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

~~*Applicant* means a person who applies to the department for occupancy of a facility.~~

~~*Approved applicant* means an applicant whose application for use of a facility has been considered and approved by the director, but who is not yet a licensee as herein defined.~~

~~*Consumer show* means an event, other than a convention, trade show or meeting, that is generally open to the public and usually requires an entrance fee.~~

~~*Convention or trade show* means a gathering that is conducted at the George R. Brown Convention Center of the members of an organization, or the practitioners of a specific trade:~~

- ~~(1) — That is generally held at sites located in the United States or other countries on a regularly scheduled basis;~~
- ~~(2) — Whose site is generally selected by competitive bid; and~~
- ~~(3) — Whose attendees will, based upon the director's projection, occupy the requisite number of hotel rooms in accordance with rules promulgated by the director.~~

~~*Corporation* means Houston First Corporation, a local government corporation, its successors and assigns.~~

~~*Day*, unless otherwise specified in the license agreement, means the period of time from 8:00 a.m. to 2:00 a.m. for the Jesse H. Jones Hall for the Performing Arts and the Gus Wortham Theatre Center.~~

~~*Department* means the convention and entertainment facilities department.~~

~~Director~~ means the director of the department, or any person designated by the director to perform any of the director's functions.

~~Event~~ means the particular type of function or activity for which a facility will be occupied, as described in the license agreement.

Event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee conducts an event in the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center.

~~Facility~~ means the Jesse H. Jones Hall for the Performing Arts, the Gus S. Wortham Theater Center, the George R. Brown Convention Center, or the Theater District Outdoor Venues or any part or parts thereof.

~~General admission or festival seating~~ means ticketed, seated events in which seating is unassigned and available only on a first come, first served basis.

~~Holiday~~ means any day designated by city council as a holiday to be observed by the general closure of city offices.

Interlocal agreement means the interlocal agreement between the city and the corporation with respect to the leased facilities, as the same may be amended from time to time.

Lease means the lease agreement between the city and the corporation with regard to the facilities and property described therein from time to time, as the same may be amended from time to time.

Leased facilities means the facilities and properties leased from time to time by the city to the corporation under the lease.

License fee means the sum of all charges prescribed in this chapter for the use or occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center.

~~Licensee~~ means an approved applicant who has entered into a license agreement and has submitted any required deposit(s) or paid the license fee

~~provided that the term shall not include any person whose license agreement has been terminated or cancelled.~~

~~*Meeting* means an event other than a convention, trade show, or consumer show.~~

Non-event day means a day on which the event for which the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center is occupied is not being conducted but during which the licensee requires access to the facility in order to set up or break down for the event or perform other incidental activities.

Non-event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee does not actually conduct an event but requires access to the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center in order to set up, break down, or perform other incidental activities relating to an event.

Tax-exempt rate means the license fee charged for non-exhibit space in the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center to the United States government, State of Texas, their agencies and political subdivisions and organizations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; provided that the applicant must demonstrate to the sole satisfaction of the director that the applicant has a material role in the production of the event for which the facility is being licensed. For example, the director will review the following criteria to make his determination: if the applicant is (i) financially at risk for the staging and production of the event; (ii) executes contracts with the artists, production companies, and other event service providers that may be required; (iii) exercises significant control over the marketing campaign for the event including, but not limited to, placing the advertising with various mediums; and (iv) exercises significant control over ticket pricing and expenses. An applicant whose role is primarily signing the license agreement in exchange for payment to allow another organization the benefit of a reduced license fee shall not qualify for the tax-exempt rate.

~~*Parking facility* means the Theater District Garage (formerly known as the Tranquillity Parking Garage and the Civic Center Garage), any of the George R. Brown Convention Center surface lots operated by the department, city parking lot C or H, the municipal courts parking lot, the Convention District Garage, or the~~

~~Margaret Westerman City Hall Annex Parking Garage.~~

~~Properties means the facilities and the parking facilities.~~

~~Run of events means two or more consecutive events sponsored or promoted by the same person, occurring in the same facility, and consisting of the same subject matter, for which patrons must purchase separate tickets.~~

~~Season of events means a series of events during any period between September 1 to August 31, for which multiple tickets are sold at one price for the series, entitling the purchaser to admission to at least four distinct events in the series over a period of at least six months, as determined by the director, provided that the season of events shall be advertised as such, and all of the events shall occur in the same facility.~~

~~Student event means an event at a venue other than the George R. Brown Convention Center held on a regularly scheduled school day between the hours of 8:00 a.m. and 12:00 noon, or between the hours of 9:00 a.m. and 1:00 p.m., or between the hours of 10:00 a.m. and 2:00 p.m., at which at least 90 percent of the attendees are enrolled in elementary, junior high, or senior high schools.~~

~~Theater District Outdoor Venues means Jones Plaza, Sesquicentennial Parks I and II, Ray C. Fish Plaza, Root Memorial Square, or the Sabine to Bagby Promenade, or any part or parts thereof.~~

Sec. 12-2. Department created.

There is hereby created the convention and entertainment facilities department of the city.

Sec. 12-3. Director.

The office of director of the convention and entertainment facilities department is hereby created. The director shall be head of the department, shall be president of the corporation, and shall be appointed by the mayor and confirmed by the city council.

Sec. 12-4. Former name; references.

(a) To the extent that this Code or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former civic center department or upon the employees or director thereof, then such references shall be construed to mean the convention and entertainment facilities department and the employees and director thereof.

(b) Any reference in this Code to facilities under the management of the convention and entertainment facilities department shall be construed to mean the leased facilities.

Sec. 12-5. Duties of the director.

The director shall perform all duties and responsibilities as are required of him by law and such other functions, duties and powers as may be assigned to him by the mayor. Without limiting the foregoing duties, functions, powers and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision and authority over all officers and employees therein in the performance of the duties of the department.
 - ~~(2) Direct, control and manage the properties, including the grounds surrounding them, and any other premises placed under his control by the mayor, and direct the improvement and maintenance thereof.~~
 - ~~(3) Promulgate and enforce or cause to be enforced administrative rules and regulations governing the use, control and operation of the properties and any other premises placed under his control, including, without limitation, rules regarding the acceptance, review and approval of applications for occupancy, and the use of the properties. The rules and regulations—

shall not be inconsistent with applicable state, federal or local laws, rules and regulations. A copy of the rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary.~~
 - ~~(4) Accept, review and approve applications for use of the properties, including the grounds surrounding them.~~
 - ~~(5) License the facilities and other city owned property operated and managed by the department utilizing license agreements.~~
 - ~~(6) Manage all facilities and operations for parking assigned to the department.~~
 - ~~(7) Reserved.~~
- (2) Perform any function reserved to the director of the department under this Code.
 - (3) Serve as the liaison between the city and the corporation in regard to the administration of the interlocal agreement and the lease, as well as any other written documents and agreements between the city and the corporation in regard to the leased facilities.
 - (4) As director and as president of the corporation, ensure that the corporation's obligations extend equally to all of the leased facilities, so that the legitimate needs

of none of the leased facilities will be subordinated to benefit others of the leased facilities.

~~**Sec. 12-6. Hearing.**~~

~~Any interested person who is aggrieved by a decision made under this chapter regarding the use of the facilities or the parking facilities by the director may request a hearing by filing in writing a request for the hearing in the office of the director within ten days of the person's receipt of notice of the decision upon which the hearing is requested. The hearing shall be conducted informally by an impartial hearing officer under rules promulgated by the director. In addition to the appellant, any other person who has a direct interest in the matter shall be notified and, upon request, shall also be allowed to participate as a party to the proceeding. The director shall cause the hearing to be conducted and a written decision to be rendered within 20 days from the date of receipt of the request, unless an extension of time is granted by the hearing officer for cause. The decision of the hearing officer shall be final.~~

~~**Sec. 12-7. Compliance with law required.**~~

~~(a) All licensees and other users of any of the properties, and their officers, agents and employees, shall comply with the applicable provisions of this Code, the Construction Code, the Fire Code, state and federal law, and the rules and regulations promulgated by the director.~~

~~(b) The director, all other employees of the department and members of the City of Houston Police Department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.~~

~~**Secs. 12-8-12-20. Reserved.**~~

ARTICLE II.

LICENSING OF FACILITIES

DIVISION 1.

IN GENERAL

~~**Sec. 12-21. License agreement.**~~

~~The director, for the mayor and on behalf of the city, may execute written license agreements and any amendments thereto for the facilities and other city owned property~~

~~operated and managed by the department upon standard forms, including such terms, conditions and stipulations as the city attorney may approve.~~

~~Sec. 12-22. General admission seating prohibited.~~

~~General admission seating or festival seating is not permitted at any facility except upon express written permission of the director and shall be authorized only if the director determines that use of general admission will not result in a significant chance of injury to persons or damage to property. Except where permission for general admission seating or festival seating has been granted, the licensee shall issue a fixed number of tickets, each specifying the location of the attendee's seat by the seat number, the row in which the attendee's seat is located, and the section in which the row is located, which may not exceed the maximum seating capacity of the facility. The director may request that any licensee provide a certified ticket manifest to demonstrate compliance with this section.~~

~~Sec. 12-23. City owned/sponsored events.~~

~~The director may provide by rule for the use of the properties for city sponsored not for profit events, events hosted by the department, events hosted by other city departments and other events that are determined by the director or the city council to merit an occupancy on terms other than are as generally provided in this chapter. Any such use shall be consistent with applicable laws and any covenants governing the city's use of the facility. Such uses shall be subject to cancellation by the director if the director determines the cancellation to be in the best interest of the city. In establishing fees for such uses, the director shall seek to recover the rental rate for such occupancy or the city's operating costs for the occupancy, whichever is less. The director may sponsor an event at no charge, if, in his reasoned judgment, the event will generate direct or indirect business for the department and the department is clearly identified as a sponsor for the event.~~

~~Secs. 12-24--12-30. Reserved.~~

DIVISION 2.

LICENSE PROVISIONS

~~Sec. 12-31. Application.~~

~~(a) — Any person who desires to occupy or have occupancy of any of the facilities for any purpose other than a convention or trade show shall make application to the director on a standard form in accordance with rules promulgated by the director, which shall require the provision of any information reasonably required by the director to make any determination necessary under this chapter or the rules and regulations promulgated hereunder.~~

~~(b) — The director shall review and approve an application unless:~~

- ~~(1) — The application is incomplete or any statement or information included therein is found to be materially false or intentionally misleading;~~
- ~~(2) — The applicant is in default of a license agreement;~~
- ~~(3) — The facility requested is unavailable upon the date or dates requested;~~
- ~~(4) — Based upon the provisions of section 12-33 of this Code, the director has determined that the applicant is not entitled to occupy the facility requested;~~
- ~~(5) — Based upon the schedule set forth in section 12-32 of this Code, the application was not timely submitted;~~
- ~~(6) — The applicant has for any other reason failed to demonstrate compliance with the terms of this chapter and applicable rules and regulations; or~~
- ~~(7) — The proposed event will, in the director's determination, conflict either physically or practically with an event previously scheduled in the facility.~~

~~(c) — In accordance with the director's rules and regulations, a single application may be made for one or more events, and applications may be made for alternate dates for the same event.~~

~~(d) — If the application is approved, the director shall notify the approved applicant and advise the approved applicant of the requirements for entering into a license agreement and becoming a licensee.~~

~~(e) — If the application is denied, the director shall so notify the applicant in writing of the reasons therefor. If the director determines that the reasons for the denial are curable, he shall allow the applicant to amend and resubmit the application, without payment of an additional application fee.~~

~~Sec. 12-32. Advance booking periods.~~

~~(a) — An application for an event of any type at the George R. Brown Convention Center may be submitted no sooner than the time prescribed in the applicable rules of the director.~~

~~(b) — For facilities other than the George R. Brown Convention Center:~~

~~(1) — An application for a season of events, for a run of events in a season of events or for a run of events that is not part of a season of events may be submitted no sooner than the time prescribed in the applicable rules of the director.~~

- ~~(2) An application for any other event may be submitted no more than 450 days before the first proposed date of the event.~~

Sec. 12-33. Contract deposit.

~~(a) Based upon information provided by the applicant, information obtained from operators of other facilities, information obtained from other sources that are believed to be credible, and information contained in records of the department, the director shall use the following formula and table to determine the license agreement contract deposit that the applicant shall be required to furnish:~~

$$\text{Deposit Indicator} = 7A + 6B + 4C + 3D$$

~~In the above formula:~~

- ~~(1) "A" represents the probability of damage to a facility occasioned by acts of the applicant, his agents, employees, contractors, subcontractors, and attendees at the event. The director shall assign a numerical rating of the probability of damage to a facility from 0 to 5, with 5 being the highest. In making the determination as to the numerical rating that the event should receive, the director shall consider:~~
- ~~a. Damage or injury that has resulted from the same event or similar events in the past at the facilities.~~
 - ~~b. Reports of damage or injury from the owners or operators of other venues the applicant has occupied.~~
 - ~~c. Whether the event will consist primarily of a concert, sporting event, or other activity associated with an elevated degree of risk.~~
- ~~(2) "B" represents the applicant's compliance history. The director shall assign a numerical rating from 0 to 5 to the applicant's history of compliance with applicable law, including but not limited to ordinances, rules, regulations and policies governing any facility the applicant has previously occupied, particularly those ordinances, rules, regulations and policies that relate to the health and safety of the public or to the condition of the facilities. A rating of 0 represents consistent compliance with applicable law.~~
- ~~(3) "C" represents the applicant's credit, which the director shall rate on a scale of 0 to 5. A rating of 0 represents the best credit rating. In making a determination as to the rating that the applicant should receive, the director shall consider one or more of the following:~~
- ~~a. Financial reports from the owners or operators of other facilities that the applicant has occupied.~~

- b. ~~The applicant's history of meeting financial obligations with the department.~~
 - c. ~~Financial reports or disclosures filed with a federal regulatory agency within the six month period preceding the submission of the application.~~
 - d. ~~A report from at least one of the banks in which the applicant maintains a checking and/or savings account.~~
- (4) ~~"D" represents the probability of incurring additional charges, including but not limited to equipment rental. The director shall assign a numerical rating on a scale of 0 to 5. A rating of 0 represents the lowest probability of incurring additional charges.~~

(b) ~~The deposit indicator shall be applied to the following table to compute the amount of the damage deposit:~~

Deposit Indicator	Amount of Deposit
0-10	\$0.00
11-20	\$1,000.00
21-35	\$2,000.00
36-50	\$4,000.00
51-60	\$6,000.00
61-65	\$8,000.00
66-70	\$10,000.00

- ~~If the deposit indicator is greater than 70, the director may determine that the applicant is not entitled to occupy the facility or may require a license agreement damage deposit in an amount greater than the amounts in the table above.~~
- (c) ~~If additional information about an applicant comes to the attention of the director prior to an event, then the director may adjust the amount of the deposit to cover costs reasonably expected to be incurred during the event.~~

Sec. 12-34. Priority of events; challenge.

- (a) ~~Applications for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center shall be processed on a first come first served basis and an amended application shall be treated as a new application for purposes of determining priority, if the amendment causes a change of any date or time of occupancy of the requested facility.~~
- (b) ~~Where an applicant for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center submits an application that is subject to approval in all respects but for the fact that there is already an approved~~

~~applicant for use of the requested facility at the same time, then the first approved applicant's requested license shall be challenged as follows:~~

- ~~(1) — The director shall cancel the first approved applicant's requested license, if the director determines that the second applicant's proposed use will result in at least as much revenue to the department and will result in greater economic benefit to the community, provided that the second applicant, within ten days of notice from the director, proceeds to take the steps necessary to become a licensee for the purposes proposed in his application.~~
- ~~(2) — If the director determines that the economic circumstances specified in item (1) do not exist, then the director shall notify the first approved applicant that his right of occupancy has been challenged and that he must take the steps necessary to become a licensee for the purposes proposed in his application. Challenges shall be conducted in accordance with rules promulgated for that purpose by the director.~~

~~Sec. 12-35. Transition to licensee status.~~

~~In order to become a licensee, an approved applicant must post any required damage deposit, provide proof of insurance in the amount required under regulations established by the director and pay or make a deposit toward the license fee in accordance with the rules promulgated by the director; then the approved applicant and the department shall execute a license agreement.~~

~~Sec. 12-36. Cancellation by director.~~

~~(a) — The director may cancel an approved application in accordance with rules promulgated for that purpose in the event that the approved applicant fails to timely take any action that is necessary to become a licensee. In lieu of cancellation, the director may apply other remedies that are consistent with the terms of the director's rules and the license agreement.~~

~~(b) — The director shall cancel any license agreement if the event being promoted or sponsored by the licensee has been declared obscene within the community of Houston, Texas, by a court of competent jurisdiction. The director may cancel a license agreement or order an event closed if injury or damage to the facilities or the licensees or patrons thereof is imminent.~~

~~(c) — The director may cancel an event or order a licensee to close if the licensee does not use and occupy a facility or any specific portion thereof for the purpose described in the applicable license agreement.~~

~~(d) — The director may cancel a license agreement upon any failure of the licensee to observe any of the terms of the license agreement or upon failure of the~~

~~licensee to make payment(s) of his license fee in a timely manner.~~

~~(e) — Where additional information about a licensee comes to the attention of the director, the director may reassess the licensee's damage deposit determination under section 12-33 of this Code. Based upon the reassessment and consistent with section 12-33, the director may cancel the license agreement or require that the deposit amount be adjusted.~~

~~**Secs. 12-37, 12-38. Reserved.**~~

~~**Sec. 12-39. Refund for unused space or time.**~~

~~No refund will be made to a licensee if the licensee does not use all of the space or time contracted for pursuant to the license agreement or for the purpose described in the license agreement.~~

~~**Secs. 12-40–12-45. Reserved.**~~

DIVISION 3.

LICENSE FEES FOR FACILITIES

~~**Sec. 12-46. Definitions.**~~

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

~~*Day*, unless otherwise specified in the license agreement, with respect to occupancy of the George R. Brown Convention Center, means the period of time from 6:00 a.m. to 11:59 p.m. and, with respect to all other facilities, means the period of time from 8:00 a.m. to 2:00 a.m.~~

~~*Event period* means:~~

- ~~(1) — Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;~~
- ~~(2) — Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or~~
- ~~(3) — The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee conducts an event in a facility.~~

~~*Exhibit space charge* means the license fee for exhibit space, which may be set at a per event rate of \$0.50 to \$2.00 per net square foot.~~

~~Gross ticket sales means that total dollar amount received from all tickets sold for all of a licensee's events, excluding any and all applicable taxes.~~

~~Hour means a period of time greater than 30 minutes and less than 61 minutes.~~

~~License fee means the sum of all charges prescribed in this chapter for the use or occupancy of a facility.~~

~~Net square footage means the total area of exhibit space, excluding registration, concession, lounge, aisle and cross-aisle areas.~~

~~Non-event day means a day on which the event for which the facility is occupied is not being conducted but during which the licensee requires access to the facility in order to set up or break down for the event or perform other incidental activities.~~

~~Non-event period means:~~

- ~~(1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;~~
- ~~(2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or~~
- ~~(3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee does not actually conduct an event but requires access to the facility in order to set up, break down, or perform other incidental activities relating to an event.~~

~~Tax exempt rate means the license fee charged for non-exhibit space to the United States government, State of Texas, their agencies and political subdivisions and organizations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; provided that the applicant must demonstrate to the sole satisfaction of the director that the applicant has a material role in the production of the event for which the facility is being licensed. For example, the director will review the following criteria to make his determination: if the applicant is (i) financially at risk for the staging and production of the event; (ii) executes contracts with the artists, production companies, and other event service providers that may be required; (iii) exercises significant control over the marketing campaign for the event including, but not limited to, placing the advertising with various mediums; and (iv) exercises significant control over ticket pricing and expenses. An applicant whose role is primarily signing the license agreement in exchange for payment to allow another organization the benefit of a reduced license fee shall not qualify for the tax-exempt rate.~~

Sec. 12-47. Ticket surcharge.

~~(a) — In addition to the rental fees specified in this division for occupancy of the George R. Brown Convention Center, there is imposed a surcharge of not less than \$1.00 nor more than \$2.00 per ticket for each event, as determined by the director on the basis of the needs of the facility for maintenance, operation, and improvements. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council.~~

~~(b) — Surcharges within the same range and based on the same factors as those provided in subsection (a) of this section for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions established between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or is terminated, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.~~

~~(c) — As used herein, the term "ticket" includes all forms of entry control utilized to impose a fee of any sort for admission to an event with the exception of registration fees for a convention, entry charges for seated meal functions or fees charged for other functions of like character, as determined by the director in his sole discretion. The surcharge shall be imposed in accordance with rules adopted by the director. In addition to any other deposits, the director may require a deposit for the anticipated surcharge and may require the licensee to use serially numbered tickets to ensure an accurate accounting of the surcharge. To the extent that the amount of the surcharge is subject to any tax or fee imposed by law, the licensee shall ensure that entry charges are adjusted or take whatever other action may be required to ensure that the director receives the full amount of the surcharge fee.~~

~~(d) — The financial officers of the city shall be given access to box office records, ticket receipts and all other documents reasonably required to verify the licensee's accounting of the surcharge.~~

Sec. 12-48. Negotiation of rates.

~~Whenever in this division a single figure license fee is stated, that amount, or the higher amount in a range of license fees, shall represent the maximum license fee a licensee may be charged. The director may, however, set or agree to lower the license~~

~~fee under sections 12-50 or 12-52 (other than the tax-exempt rate) or any license fee under section 12-53, taking into account the following factors, provided that the director will endeavor to recover the established license fee for such occupancy:~~

- ~~(1) Level and degree of competition with other comparable facilities;~~
- ~~(2) Anticipated hotel occupancy tax revenues to the city;~~
- ~~(3) Estimated food and beverage expenditure by the licensee and/or attendees at the facility;~~
- ~~(4) Anticipated fees for, telecommunications, utilities, audio-visual services, exhibitor booth cleaning, parking and other, related revenue to the department; and~~
- ~~(5) Economic benefit to the community.~~

~~Sec. 12-49. License fees for other areas.~~

~~All other areas of the properties not assigned a license fee by ordinance may be licensed at rates negotiated by the director if he concludes that such occupancy will not interfere with other scheduled events and will not interfere with the maintenance of such areas.~~

Sec. 12-506. Licensing of the Jesse H. Jones Hall for the Performing Arts.

License fees for occupancy of the Jesse H. Jones Hall for the Performing Arts shall be as follows:

**LICENSE TABLE 12-506 FOR THE
JESSE H. JONES HALL FOR THE PERFORMING ARTS**

Category	License Fee	Tax-Exempt Rate
Per event day (for one presentation, performance or occurrence of one event)	\$7,000.00	\$2,871.00
Per event period (for one presentation, performance or occurrence of one event)	\$5,075.00	\$2,122.00
Per student event	\$1,922.00	\$935.00
Per non-event day	\$3,144.00	\$1,373.00
Per non-event period	\$2,304.00	\$1,022.00
Additional events in same time period	N/A	N/A
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

All license fees that are expressed in dollar amounts in the foregoing license table

are for license agreements executed through and including July 31, 2009. On August 1 of each year, the rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the license fees shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the license fees shall nevertheless be increased by only three percent. The director shall annually calculate the effective license fees and make them available in his office upon request for public inspection. Each license agreement shall be subject to the license fees that are in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

~~Sec. 12-51. Reserved.~~

Sec. 12-527. Licensing of the Gus S. Wortham Theater Center.

(a) *Alice and George Brown Theater.* License fees for occupancy of the Alice and George Brown Theater shall be as follows:

LICENSE TABLE 12-527(a) FOR THE ALICE AND GEORGE BROWN THEATER

Category	License Fee	Tax-Exempt Rate
Per event day (for one presentation, performance or occurrence of one event)	\$7,000.00	\$2,871.00
Per event period (for one presentation, performance or occurrence of one event)	\$5,075.00	\$2,122.00
Per student event	\$1,922.00	\$935.00
Per non-event day	\$3,144.00	\$1,373.00
Per non-event period	\$2,304.00	\$1,022.00
Additional events in same time period	N/A	N/A
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

(b) *Lillie and Roy Cullen Theater.* License fees for occupancy of the Lillie and Roy Cullen Theater shall be as follows:

LICENSE TABLE 12-527(b) FOR THE LILLIE AND ROY CULLEN THEATER

Category	License Fee	Tax-Exempt Rate
Per event day (for one presentation, performance or occurrence of one event)	\$2,246.00	\$1,874.00

Per event period (for one presentation, performance or occurrence of one event)	\$1,997.00	\$1,499.00
Per student event	\$873.00	\$873.00
Per non-event day	\$1,248.00	\$1,248.00
Per non-event period	\$624.00	\$624.00
Additional events in same time period	1/2 regular rate	1/2 regular rate
Holiday premium	1 1/2 times regular rate	1 1/2 times regular rate

All license fees that are expressed in dollar amounts in the foregoing license table are for license agreements executed through and including July 31, 2009. On August 1 of each year, the license fees shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the license fees shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the license fees shall nevertheless be increased by only three percent. The director shall annually calculate the effective license fees and make them available in his office upon request for public inspection. Each license agreement shall be subject to the license fees that are in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

~~Sec. 12-53. Licensing of the George R. Brown Convention Center.~~

~~(a) Convention or trade show. For a convention or trade show, license fees shall be determined as follows:~~

- ~~(1) Exhibit space. For event days including exhibit space, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage, as determined by the director, or the actual net square footage used.~~
- ~~(2) Non-exhibit space. For event days not including exhibit space, the license fee shall be determined as set forth in License Table 12-53(a).~~
- ~~(3) Non-event days. For non-event days, the license fee shall be one-half of the amount set forth in License Table 12-53(a); provided, however, that a licensee whose event includes exhibit space shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days.~~

LICENSE TABLE 12-53(a) FOR CONVENTIONS OR TRADE SHOWS

Space	License Fee per Event Day
Each Exhibit Hall	\$5,000.00

Any one Ballroom Section	\$2,000.00
Any two Ballroom Sections	\$4,000.00
All three Ballroom Sections	\$5,000.00
Any one General Assembly Section	\$2,000.00
Any two General Assembly Sections	\$3,000.00
All three General Assembly Sections	\$5,000.00
Each Balcony Section	\$750.00
Each Meeting Room Section	\$250.00

(b) ~~Consumer show.~~ For a consumer show, the license fees shall be determined as follows:

- (1) ~~Exhibit space.~~ For exhibit space event days, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage as determined by the director, or the actual net square footage used; provided, however that the license fee shall not be less than the amount determined as set forth in License Table 12-53(b).
- (2) ~~Non-exhibit space.~~ For non-exhibit space event days, the license fee shall be determined as set forth in License Table 12-53(b).
- (3) ~~Tax exempt rate.~~ The tax exempt license fee for non-exhibit space events days shall be determined as set forth in License Table 12-53(b).
- (4) ~~Non-event days.~~ For non-event days, the license fee shall be one-half of the amount set forth in License Table 12-53(b); provided, however, that a licensee whose event includes exhibit space shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days.

LICENSE TABLE 12-53(b) FOR CONSUMER SHOWS

Space	License Fee per Event Day	Tax-Exempt Rate per Day
Each Exhibit Hall	\$7,000.00	\$5,000.00
Any one Ballroom Section	\$3,000.00	\$2,500.00
Any two Ballroom Sections	\$3,500.00	\$3,000.00
All three Ballroom Sections	\$4,000.00	\$3,500.00
Any one General Assembly Section	\$2,500.00	\$2,000.00

Any two General Assembly Sections	\$3,500.00	\$2,000.00
All three General Assembly Sections	\$5,000.00	\$3,000.00
Each Balcony Section	\$750.00	\$500.00
Each Meeting Room Section	\$250.00	\$200.00

~~(c) Meetings. License fees for a meeting shall be determined as follows:~~

~~(1) License fees. The license fee for a meeting shall be determined as set forth in License Table 12-53(c).~~

~~(2) Tax exempt rate. The tax exempt license fee for a meeting shall be determined as set forth in License Table 12-53(c).~~

~~(3) Non-event days. For non-event days, the license fee shall be one-half of the amount set forth in License Table 12-53(c).~~

LICENSE TABLE 12-53(c) FOR MEETINGS

Space	Rate per Event Day	Tax-Exempt Rate per Day
Each Exhibit Hall	\$5,000.00	\$3,500.00
Any one Ballroom Section	\$1,000.00	\$500.00
Any two Ballroom Sections	\$1,500.00	\$750.00
All three Ballroom Sections	\$2,000.00	\$1,000.00
Each Balcony Section	\$750.00	\$500.00
Each Meeting Room Section	\$250.00	\$200.00

~~Secs. 12-54-12-60. Reserved.~~

DIVISION 4.

~~PARKING RATES FOR PARKING FACILITIES~~

~~Sec. 12-61. Parking in the parking facilities.~~

~~Rates for use of the parking facilities shall be as provided in this division.~~

~~Sec. 12-62. Contract parking.~~

~~(a) Subject to the provisions of section 12-64 of this Code, rates for unreserved noncontract parking shall be as follows:~~

~~(1) Rates for contract parking in the Margaret Westerman City Hall Annex Parking Garage shall be an amount not to exceed \$101.62, plus any applicable sales tax, per month.~~

~~(2) Rates for contract parking in the Theater District Garage shall be an amount not to exceed \$145.00, plus any applicable sales tax, per month.~~

~~(3) Rates for contract parking in Lots C and H shall be an amount not to exceed \$46.19, plus any applicable sales tax, per month.~~

~~(b) Subject to the provisions of section 12-64 of this Code, the director is authorized to make reserved parking spaces available for an amount not to exceed \$250.00, plus any applicable sales tax, per space, per month.~~

~~(c) The director, for the mayor and on behalf of the city, may execute written contractual parking agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve. The director may agree to hold a number of parking spaces or an established rate in the parking agreement for a period not to exceed three years. The contractual rates established by the director shall include the uniform terms, conditions and rates under which contractual parking agreements will be entered into. The provisions of this subsection shall apply to all parking facilities that are operated by the department.~~

~~(d) The director is authorized to extend reduced parking rates for use of the parking facilities to those non-city employees who are permanently assigned by their employers to work in city owned or operated office buildings and other city facilities.~~

~~(e) The fees set forth in this section shall not be applicable to elected officials of the city or employees of the city who, consistent with city policies for personnel parking, are authorized to park vehicles in the parking facility while at work. Those persons shall be entitled to park in their assigned parking facility without charge, if the parking is incidental to the performance of their duties of office or employment.~~

Sec. 12-63. Noncontract parking.

~~(a) Subject to the provisions of section 12-64 of this Code, rates for noncontract parking shall be as follows:~~

~~(1) For the Theater District Garage:~~

~~a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$13.86,~~

~~plus any applicable sales tax, per day, per vehicle. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director shall take into consideration the event start time and the expected vehicle volume.~~

~~b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.~~

~~(2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing rates, there shall be no charge to department employees assigned by the director to park in these lots.~~

~~(3) For the Margaret Westerman City Hall Annex Parking Garage when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.~~

~~(4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:~~

~~a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.~~

~~b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.~~

~~(5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:~~

~~a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.~~

b. ~~Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.~~

(6) ~~For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:~~

a. ~~Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applicable sales tax; the maximum fee shall also be imposed for users who lose their time in ticket.~~

b. ~~Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.~~

c. ~~Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.~~

(b) ~~For purposes of the foregoing rates, a holiday that falls on a weekday shall be treated the same as a Saturday or Sunday.~~

(c) ~~The rates provided in this section do not include in and out privileges, and the fee will be imposed for each time the vehicle is parked in, at or upon the facility.~~

(d) ~~The director is authorized to establish rules related to parking within the facilities as he may deem necessary.~~

~~Sec. 12-64. Rate adjustments by director.~~

(a) ~~Wherever in sections 12-62 and 12-63 of this Code rates are stated as not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, the actual rate shall be deemed by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.~~

(b) ~~The director shall ensure a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public.~~

~~Secs. 12-65-12-100. Reserved.~~

Date:	Subject: Ordinance authorizing the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the north property line of Lot 8, Block 316 to the north right-of-way line of the proposed Koehler Street extension, a sanitary sewer easement in Lot 2, Block 324, and a 15-foot-wide prescriptive utility easement, from the south right-of-way line of the proposed Koehler Street extension to the south property line of Lot 7, Block 324, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement along the south side of Lot 7, from Heights Boulevard west to the prescriptive utility easement, and right-of-way for four corner clips totaling 801 square feet at the intersections of Koehler Street and Yale Street, and Koehler Street and Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. Parcels SY11-005A through SY11-005C, DY11-022, and AY11-169A through AY11-169D	Originator's Initials 	Page <u>2</u> of <u>3</u>
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Because the construction requirements associated with this transaction will be completed after the City Council passes the Ordinance, Ainbinder Heights, LLC has provided a Letter of Credit (LOC) for \$78,600.00, an amount equal to the total estimated construction costs required to: cut, plug, and abandon the 8-inch sanitary sewer line and relocate it to the 10-foot-wide sanitary sewer easement being conveyed to the City, along the south side of Lot 7, from Heights Boulevard west to the alley. The construction must be completed within twelve months of the effective date of the ordinance.

Ainbinder Heights, LLC has completed the transaction requirements and provided an LOC to cover any outstanding matters, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Ainbinder Heights, LLC respectively:

Parcel SY11-005A

2,844-square-foot prescriptive utility easement \$42,660.00
Valued at \$15.00 per square foot

Parcel SY11-005B

1,716-square-foot prescriptive sanitary sewer easement \$25,740.00
Valued at \$15.00 per square foot

Parcel SY11-005C

5,554-square-foot prescriptive utility easement \$83,310.00
Valued at \$15.00 per square foot

TOTAL ABANONMENT AND SALE \$151,710.00

In exchange, Ainbinder Heights, LLC will pay:

Cash
Plus convey to the City \$102,930.00

Parcel DY11-022

1,650-square-foot sanitary sewer easement \$24,750.00
Valued at \$15.00 per square foot

Parcel AY11-169A

200-square-foot of street right-of-way \$6,000.00
Valued at \$30.00 per square foot

Parcel AY11-169B

200-square-foot of street right-of-way \$6,000.00
Valued at \$30.00 per square foot

Date:	Subject: Ordinance authorizing the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the north property line of Lot 8, Block 316 to the north right-of-way line of the proposed Koehler Street extension, a sanitary sewer easement in Lot 2, Block 324, and a 15-foot-wide prescriptive utility easement, from the south right-of-way line of the proposed Koehler Street extension to the south property line of Lot 7, Block 324, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement along the south side of Lot 7, from Heights Boulevard west to the prescriptive utility easement, and right-of-way for four corner clips totaling 801 square feet at the intersections of Koehler Street and Yale Street, and Koehler Street and Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. Parcels SY11-005A through SY11-005C, DY11-022, and AY11-169A through AY11-169D	Originator's Initials 	Page <u>3</u> of <u>3</u>
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Parcel AY11-169C

205-square-feet of street right-of-way \$6,150.00
Valued at \$30.00 per square foot

Parcel AY11-169D

196-square-feet of street right-of-way \$5,880.00
Valued at \$30.00 per square foot

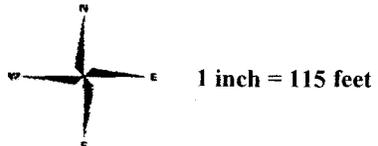
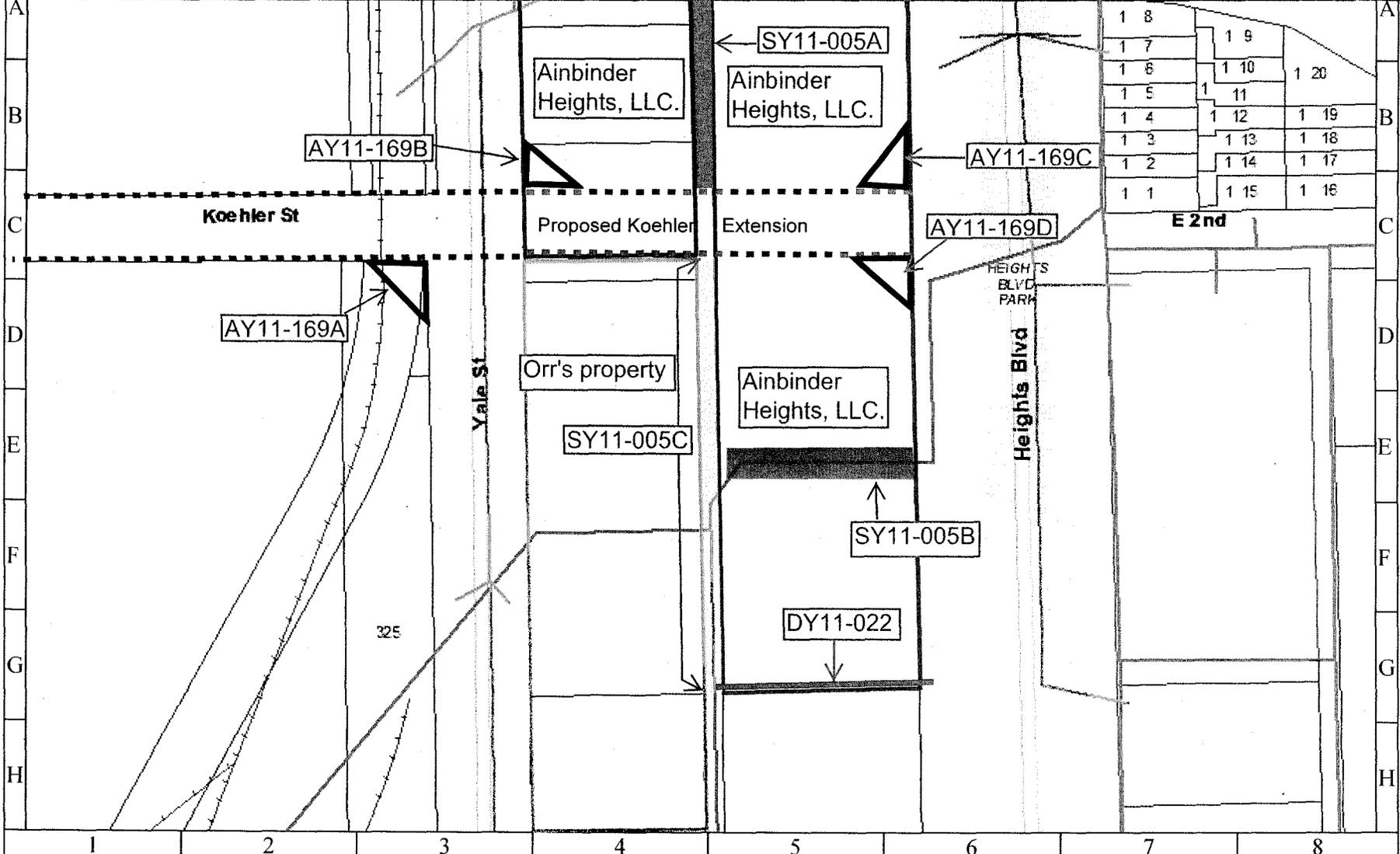
TOTAL CASH AND CONVEYANCE \$151,710.00

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 15-foot-wide prescriptive utility easement, from the north property line of Lot 8, Block 316 to the north right-of-way line of the proposed Koehler Street extension, a sanitary sewer easement in Lot 2, Block 324, and a 15-foot-wide prescriptive utility easement, from the south right-of-way line of the proposed Koehler Street extension to the south property line of Lot 7, Block 324, in exchange for a consideration of \$102,930.00.00 plus conveyance to the City of a 10-foot-wide sanitary sewer easement along the south side of Lot 7, from Heights Boulevard west to the prescriptive utility easement, and right-of-way for four corner clips totaling 801 square feet at the intersections of Koehler Street and Yale Street, and Koehler Street and Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey.

DWK:NPC:tj

- c: Jun Chang, P.E., D.WRE
- Marta Crinejo
- Marlene Gafrick
- Daniel Menendez, P.E.

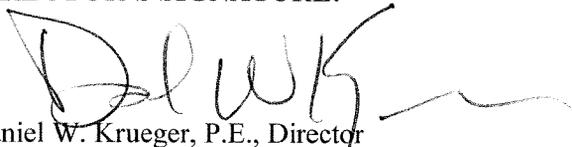
Abandonment and sale of a 15-foot-wide prescriptive utility easement, from the north property line of Lot 8, Block 316 to the north right-of-way line of the proposed Koehler Street extension, a sanitary sewer easement in Lot 2, Block 324, and a 15-foot-wide prescriptive utility easement, from the south right-of-way line of the proposed Koehler Street extension to the south property line of Lot 7, Block 324, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement along the south side of Lot 7, from Heights Boulevard west to the prescriptive utility easement, and right-of-way for four corner clips totaling 801 square feet at the intersections of Koehler Street and Yale Street, and Koehler Street and Heights Boulevard, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey. **Parcels SY11-005A through SY11-005C, DY11-022, and AY11-169A through AY11-169D**



CITY OF HOUSTON
Department of Public Works and Engineering
Geographic Information & Management System (GIMS)



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

SUBJECT: Request for an Ordinance: (1) authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323; (2) approving and authorizing a Purchase and Sale Agreement with Macey Family Properties, LTD. for said property; and (3) establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. Parcel SY10-017		Page <u>1</u> of <u>2</u>	Agenda Item # 20120A
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: I Key Map: 493R 	
For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action: C.M. 2009-0876 (12/2/09)	
RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance: (1) authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323; (2) approving and authorizing a Purchase and Sale Agreement with Macey Family Properties, LTD. for said property; and (3) establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. Parcel SY10-017			
Amount and Source of Funding: Not Applicable			
SPECIFIC EXPLANATION: By Motion 2009-0876, City Council appointed two independent appraisers to establish the value of the subject property. Louis Macey of Macey Family Properties, LTD. [Macey Properties, Inc. (Louis Macey, President), General Partner], 1717 St. James Place, Suite 118, Houston, Texas, 77056, desires to purchase the subject property, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. Block 120 was acquired by the City for the construction of Avenida De Las Americas in connection with the expansion of the George R. Brown Convention Center. The subject property is the remainder of Block 120 not needed for the construction of Avenida De Las Americas. The western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue was not formally established at the time the street was constructed but was built within the eastern portion of City fee-owned Block 120 and Chenevert Street right-of-way. The establishment of the right-of-way line per City Drawing No. 47323 is needed to determine the eastern property line of the remainder of Block 120 to be sold. Macey Family Properties, LTD. plans to include the subject property with its abutting property for parking in the short term and for commercial development in the future. Because the property was acquired using Convention and Entertainment Facilities Department funds, the sale proceeds will be directed to Fund 8601, Cost Center 4200070001.			
s:\dob\sy10-017.rc2.doc		CUI #20DOB054	
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:  Dawn R. Ullrich, Director Convention and Entertainment Facilities Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division	

Date:	Subject: Request for an Ordinance: (1) authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323; (2) approving and authorizing a Purchase and Sale Agreement with Macey Family Properties, LTD. for said property; and (3) establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. Parcel SY10-017	Originator's Initials 	Page <u>2</u> of <u>2</u>
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The City will sell to Macey Family Properties, LTD.:

Parcel SY10-017

25,619.71 square feet of fee-owned land	\$3,394,611.57
At \$132.50 per square foot	

TOTAL SALE	<u>\$3,394,611.57</u>
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Therefore, it is recommended City Council approve an Ordinance: (1) authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323; (2) approving and authorizing a Purchase and Sale Agreement with Macey Family Properties, LTD. for said property; and (3) establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323.

DWK:NPC:dob

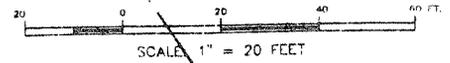
- c: Marta Crinejo
- Marlene Gafrick
- Andrew F. Icken
- Daniel Menendez, P.E
- Jeffrey Weatherford, P.E., PTOE

JACKSON ST
(88' R.O.W.)

CAPITOL AVENUE

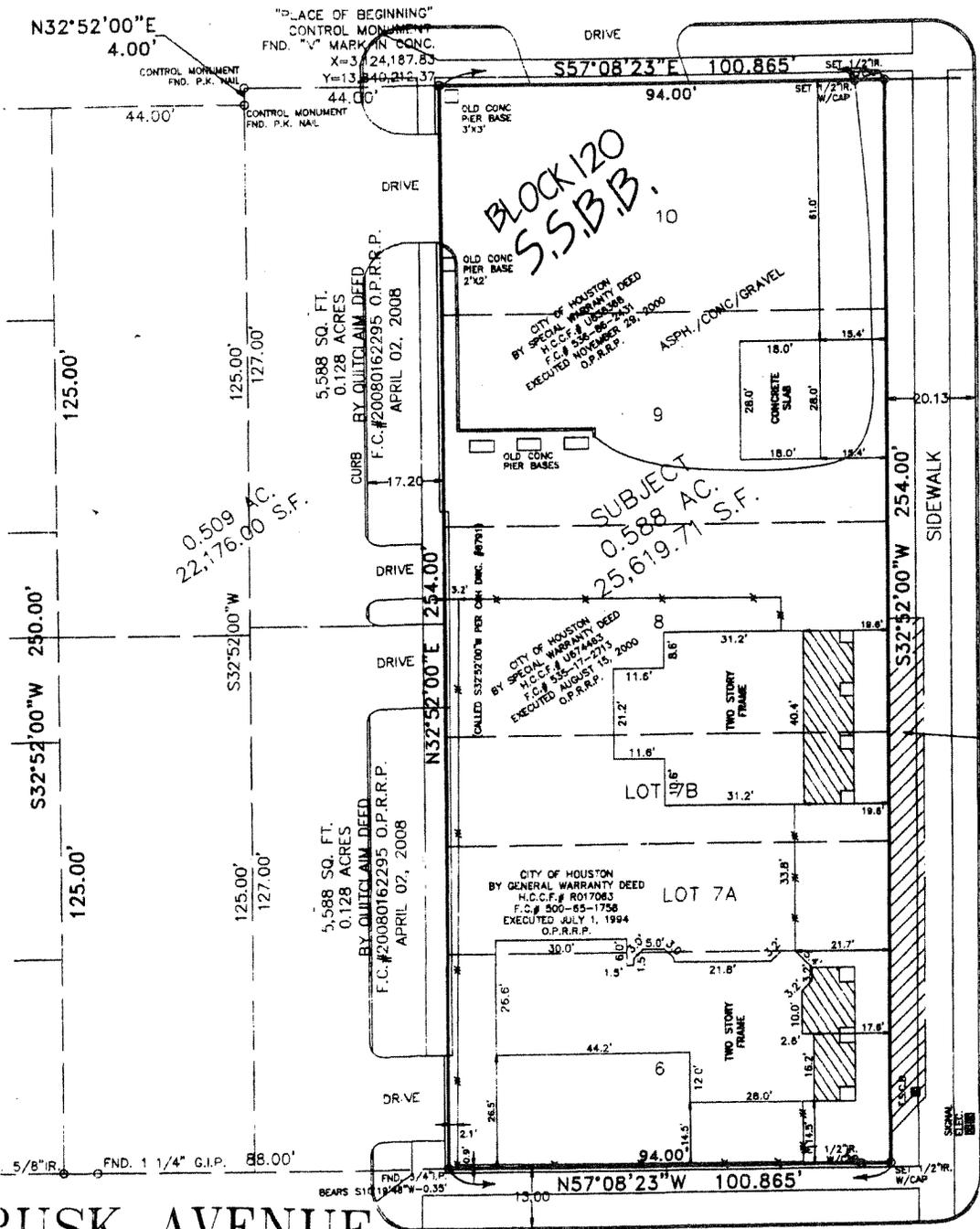
(80' R.O.W.)

J. S. HOLMAN, SURVEY
ABSTRACT NO. 323



J. S. HOLMAN SURVEY, ABSTRACT 323
J. S. HOLMAN SURVEY, ABSTRACT 323

AVENUE DE LAS AMERICAS
(VARIABLE WIDTH)



SUBJECT: Request for an Ordinance: (1) authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323; (2) approving and authorizing a Purchase and Sale Agreement with Macey Family Properties, LTD. for said property; and (3) establishing the western right-of-way line of Avenida De Las Americas from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. Parcel SY10-017

RUSK AVENUE
(80' R.O.W.)



City of Houston
Generated by the My City Application

Disclaimer:
The map is only for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes and does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries

Sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, out of the J.S. Holman Survey, A-323. **Parcel SY10-017**



SUBJECT: Declare surplus and Authorize sealed bid sale and Lease Agreement between the City of Houston and Admiral Linen Service, Inc., for the Heights Recycling Center, 3602 Center Street, Parcel SY9-080 .		Page 1 of 1	Agenda Item 21
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 5/25/11</i>	Council District affected: H
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Motion 2010-0246 dated April 28, 2010
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RECOMMENDATION: (1) Declare surplus and authorize the sealed bid sale of the Heights Recycling Center; located at 3602 Center, **Parcel SY9-080**, and (2) Approve and authorize a Lease Agreement with Admiral Linen Service Inc., (Landlord), for a portion of the Heights Recycling Center, consisting of 26,453 square feet of land for the Solid Waste Management Department.

Amount and Source Of Funding: Revenue - \$2,010,000.00	Finance Budget:
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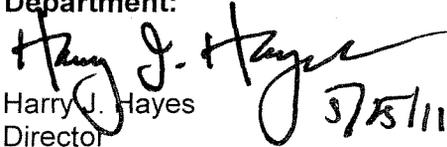
SPECIFIC EXPLANATION: On April 28, 2010, Motion 2010-0246, City Council adopted a motion for the appraisal of Parcel SY9-080, the Heights Recycling Center located at 3602 Center, consisting of 43,491 square feet of land. The parcel was later advertised for sealed bid sale and bids were received on April 7, 2011. Admiral Linen Service, Inc., submitted the highest bid in the amount of \$2,010,000.00, which is greater than the appraised value.

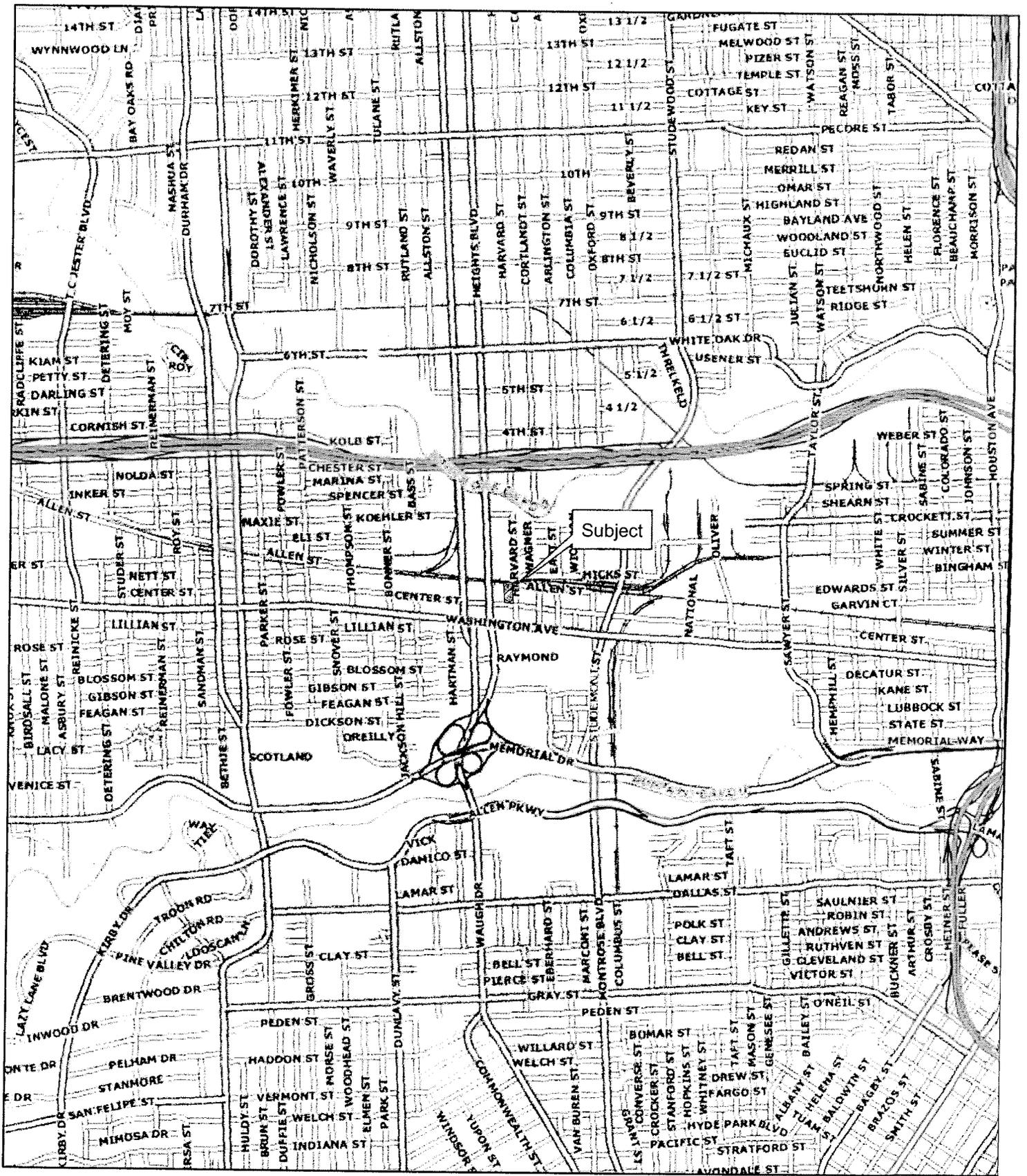
The bid specifications governing the sale require the buyer to enter into a lease agreement with the City for up to 18 months, at no cost to the City, to allow the Solid Waste Management Department to continue to temporarily operate the Heights Recycling Center while other potential options are researched. Under the proposed Lease Agreement, the City also has the option to extend the lease for an additional six months at a rental rate of \$2,150.00 per month.

Therefore, the General Services Department recommends that City Council declare Parcel SY9-080 surplus, accept the highest bid in the amount of \$2,010,000.00 and authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to Admiral Linen Service, Inc. The sale is subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions. It is further recommended that City Council approve a Lease Agreement with Admiral Linen Service Inc., (Landlord) for approximately 26,453 square feet of land, being that same area which the Solid Waste Management Department currently operates the Heights Recycling Center.

SM:JLN:WW:ww
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby and Gary Readore

REQUIRED AUTHORIZATION CUIC ID# 25 WW 19

General Services Department:  Humberto Bautista, P.E. Assistant Director		Solid Waste Management Department:  Harry J. Hayes Director
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Heights Recycling Center - 3602 Center Street

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 2300 block of South Boulevard, north and south sides, between Morningside Drive and Greenbriar Drive as a Special Building Line Requirement Area	Category #	Page 1 of _____	Agenda Item # <i>22</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 04/13/11	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 2300 block of South Boulevard, north and south sides, between Morningside Drive and Greenbriar Drive as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 3, Block 4 of the Greenbriar Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 79% of the area. Notification was mailed to twenty-two (22) property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a 20'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Special Building Line Requirement Area No. 164

Planning Director's Approval

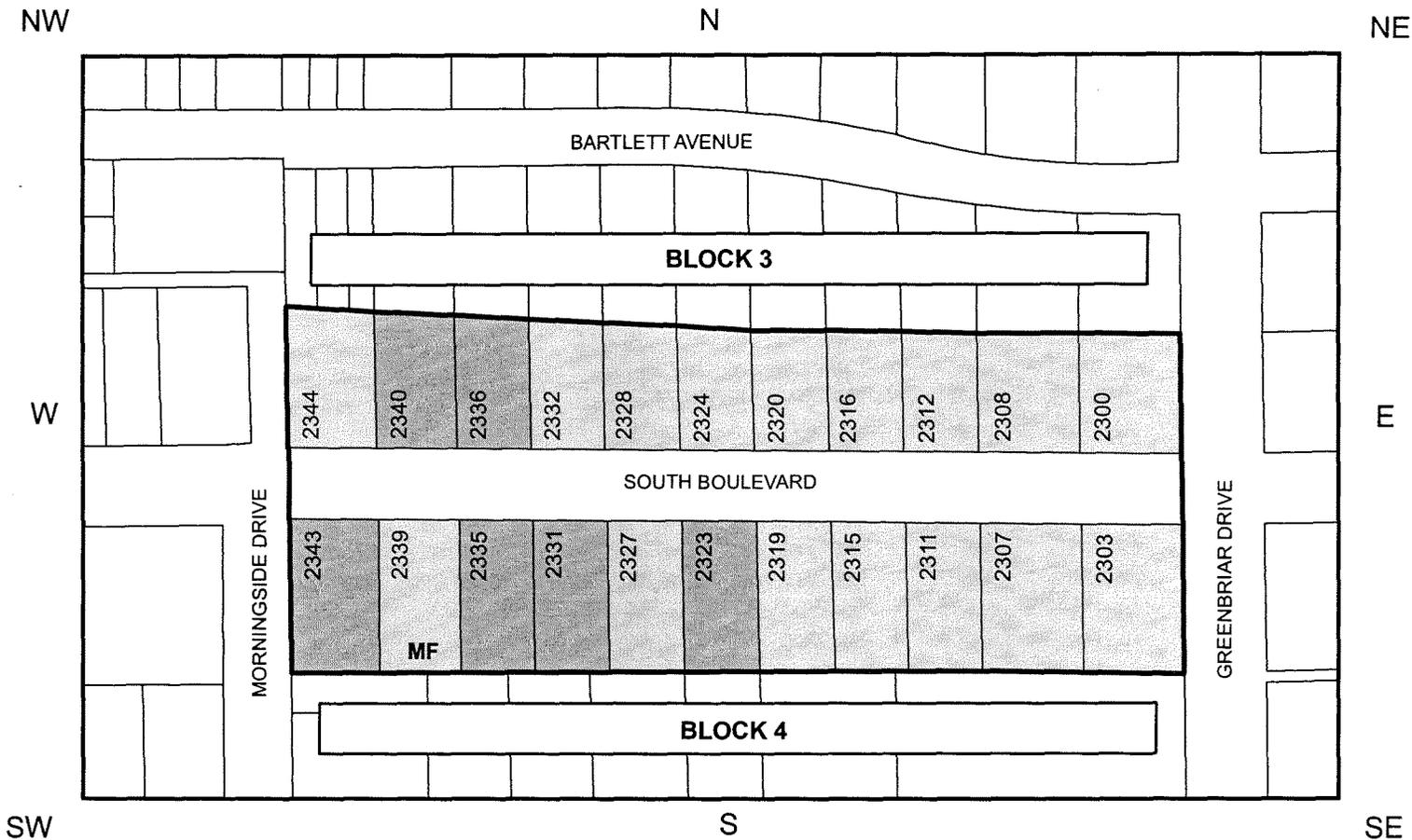
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 2300 block of South Blvd, north and south sides.</p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>95% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 79% of the SBLRA.</p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 20 ft exists on sixteen (16) properties in the blockface.</p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1938. The houses mostly originate from the 1930's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.</p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p>Sixteen (16) out of twenty-two (22) developed properties (representing 73% of the application area) have a building line of at least twenty (20) feet.</p>		

The Special Building Line Requirement Area meets the criteria.


 Marlene L. Gafrick, Director Date

GREENBRIAR



20' Special Building Line

MAP/SKETCH

SBLRA No. 164

- Properties that meet the 20' Special Minimum Building Line
- Properties less than the 20' Special Minimum Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1700 block of Vassar Avenue, north side, between Dunlavy and Woodhead Streets as a Special Minimum Lot Size Area	Category #	Page 1 of ____	Agenda Item # 23
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 02/16/2011	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1700 block of Vassar Avenue, north side, between Dunlavy and Woodhead Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tract A2, Block A, of the West Edgemont Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 26% of the area. Notification was mailed to the four (4) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. No written protests were filed. Pursuant to section 42-194 of the Code of Ordinances, the Director shall refer applications with less than 51% support to the Houston Planning Commission for a public hearing. The Houston Planning Commission considered the application on December 2, 2010 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 3,245 sf.

MLG:kw

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

Special Minimum Lot Size Requirement Area No. 322

Planning Commission Approval

Planning Commission Evaluation:

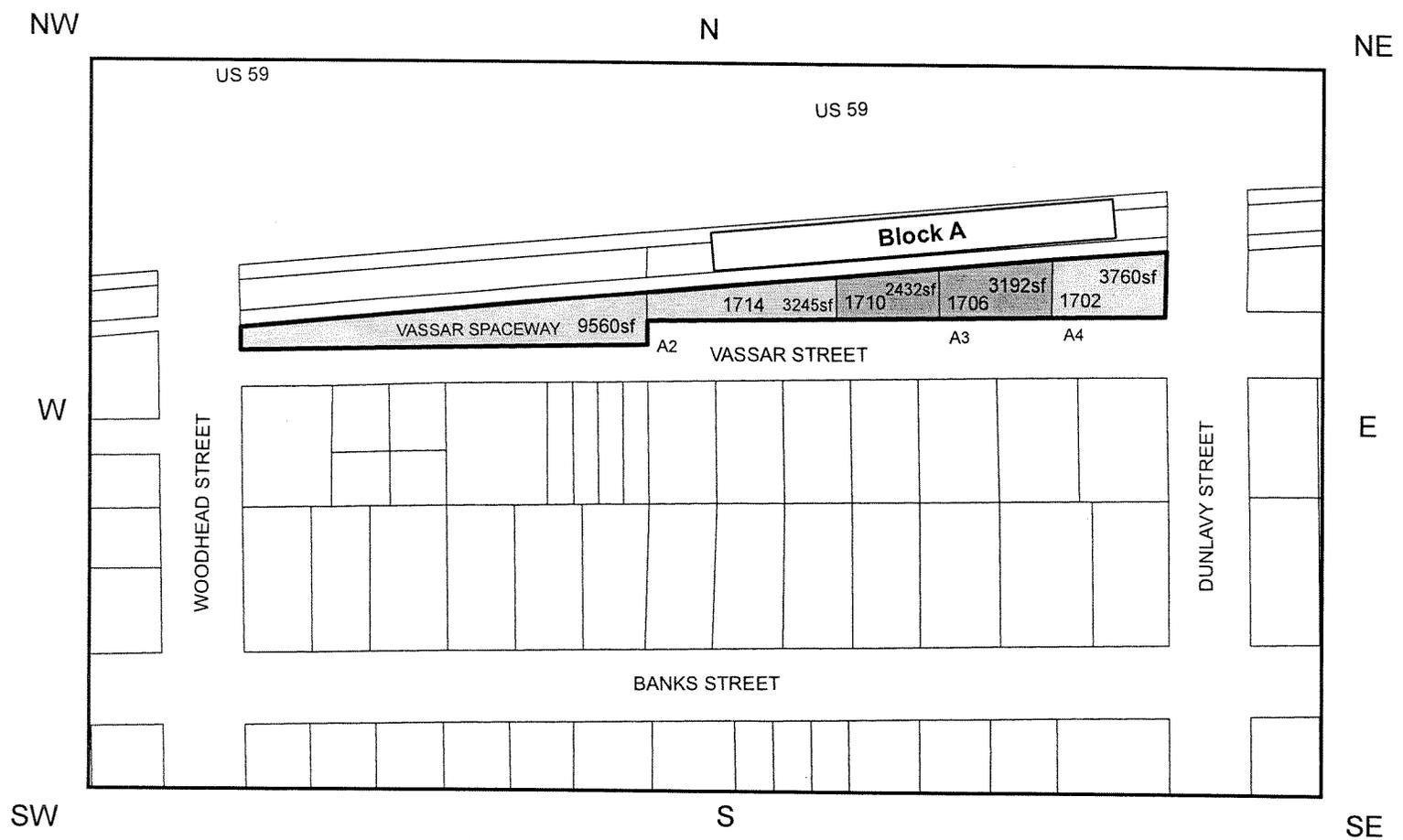
Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1700 block of Vassar Avenue, north side.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 26% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 3,245 sq ft exists on three (3) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivisions were platted in 1924. The houses originate from the 1940's. The application area was not originally platted with any lots but was a separate single block. The block was later subdivided by meets and bounds in the 1940's.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Three (3) out of five (5) lots (representing 74% of the application area) are at least 3,245 square feet in size.</p>		

The Special Minimum Lot Size Requirement Area meets the criteria.


12/2/10
 Mark A. Kilkenney, Chair Date
 or

 Sonny Garza, Date
 Vice-Chair

WEST EDGEMONT/VASSAR COURT



3,245sf Special Minimum Lot Size

MAP/SKETCH

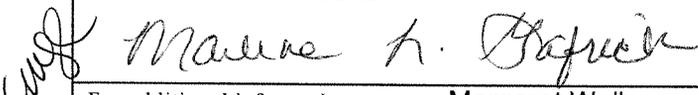
SMLSA No. 322

- Properties that meet the 3,245sf Special Minimum Lot Size
- Properties less than the 3,245sf Special Minimum Lot Size

- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Ord. No. 2011-388, passed May 18, 2011, establishing the single member districts from which District Council Members are elected.		Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Planning & Development Department		Origination Date May 25, 2011	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: Margaret Wallace Phone: 713.837.7826 Tracy Calabrese 832.393.6448		Date and identification of prior authorizing Council action: May 18, 2011, Ord. No. 2011-388	
<u>RECOMMENDATION:</u> (Summary) That the City Council approve an ordinance amending Ordinance No. 2011-388 that established the boundaries of the single member districts from which District Council Members are elected, to correct an error in Exhibit A to such ordinance.			
Amount and Source of Funding: N/A			
<u>SPECIFIC EXPLANATION:</u> On May 18, 2011, City Council passed Ordinance No. 2011-388, the redistricting ordinance, adding two new districts and establishing the boundaries of the single member districts. A clerical error has been identified in Exhibit A to that ordinance: Precinct 0509 was listed as being in Districts A and F; however, it is only in District F. The proposed ordinance corrects the error found in Exhibit A to Ordinance No. 2011-388 and substitutes the attached corrected Exhibit A so that the precincts composing the single member districts are correctly identified.			
REQUIRED AUTHORIZATION			
Other Authorization:			



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving a contract with Texas Association of Local Health Officials (TALHO) to deploy additional features to the current Houston ISD RollCall school surveillance system	Category # 9	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em;">25</div>
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FROM (Department or other point of origin): Houston Department of Health and Human Services	Origination Date 5/12/11	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: ALL
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For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 An ordinance approving a contract with Texas Association of Local Health Officials (TALHO) to deploy additional features to the current Houston ISD RollCall school surveillance system

Amount of Funding: Maximum Contract Amount: \$175,000.00 Federal State Local – Pass Through Fund (5030)	Finance Department:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)

SPECIFIC EXPLANATION:

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing a contract with Texas Association of Local Health Officials (TALHO) to deploy additional features to the current Houston Independent School District's (HISD) RollCall School Surveillance System. The total contract amount is \$175,000. The contract is effective from the countersignature date until July 31, 2011.

The Texas Department of State Health Services (DSHS) awarded HDHHS FY 10 Phase I Discretionary Funds in the amount of 1,047,993.00. Under this agreement TALHO will upgrade HISD's RollCall application to enable HDHHS and local health officials to gather data from schools in order to determine absenteeism due to illnesses, including influenza like illness, and make reports of such data to the CDC and other agencies. The system will provide an interface to the Houston ISD attendance system that imports absentee and clinic data to HDHHS' surveillance system daily. The additional features to the system will:

- increase efficiency of the community's epidemiological surveillance and investigation systems.
- provide health intelligence integration and analysis to increase the community's ability to detect and report community health data patterns; and
- increase ability of community partners to gather information and recognize indicators and warnings for early detection and event preventions;

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.

cc: Finance Department
 Legal Department
 Agenda Director

REQUIRED AUTHORIZATION

Finance Department	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: An ordinance approving and authorizing the 2011 meet and confer agreement between the City of Houston and the Houston Police Officers' Pension System ("HPOPS").		Page 1 of 1	Agenda Item # 26
FROM (Department or other point of origin): David Feldman, City Attorney Legal Department		Origination Date	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: David Feldman Phone: (832) 393-6412		Date and identification of prior authorizing Council action: None	
RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing the 2011 meet and confer agreement between the City of Houston and the Houston Police Officers' Pension System ("HPOPS").			
Amount and Source of Funding: None			
SPECIFIC EXPLANATION: The City Attorney requests City Council approve the Meet and Confer Agreement between the City and HPOPS. The last Meet and Confer Agreement was entered into in 2004. The new agreement extends the end date of the Meet & Confer from July 1, 2017 to July 1, 2023 After extensive negotiations, an agreement was reached that included the following: <ul style="list-style-type: none"> • The City's FY2012 contribution will be reduced by \$17,000,000 (from \$83M to \$66M). The City will also have the option to reduce its FY2013 contribution by up to \$8,500,000. • The deferral in contributions will accrue interest at the rate of 8.5% per annum, not compounded, until repaid, which represents the actuarial rate of return required on HPOPS investments, thereby enabling the HPOPS Board to meet their fiduciary obligations. (Unlike pension obligation bonds this form of financing inures to the City's benefit since, instead of the interest going out to third parties, the money stays within a system which the City is required, by law, to finance.) • As collateral for repayment, HPOPS is being given an undivided interest in 1200 Travis equal in value to the deferral amount(s). The City had already planned to put 1200 Travis on the market for a sale/lease back, pending creation of a new police headquarters. Under the Agreement, it must put it on the market by 1/1/12, and make a good faith effort to sell it, although it is not obligated to take any particular offer. 1200 Travis is currently estimated to be worth between \$55M and \$65M. • The City has the option of paying down the deferrals at any time. In the event the building is sold prior to that time, then HPOPS will be paid off at closing. If the building is not sold, the City must repay the deferrals by 7/1/15. Approval of the agreement is recommended.			

City of Houston, Texas Ordinance No. _____

AN ORDINANCE APPROVING AND AUTHORIZING THE 2011 MEET AND CONFER AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE HOUSTON POLICE OFFICERS' PENSION SYSTEM ("HPOPS"); CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this _____ day of _____, 2011.

APPROVED this _____ day of _____, 2011.

Mayor of the City of Houston, Texas

**2011 Agreement Between the Houston Police Officers'
Pension System and the City of Houston**

This Agreement is made and entered into by and between the HOUSTON POLICE OFFICERS' PENSION SYSTEM ("HPOPS"), for the exclusive benefit of its members and their survivors (collectively, "beneficiaries"), acting pursuant to statutory authority under the provisions of Article 6243g-4, of the Revised Civil Statutes of Texas (hereinafter "Article 6243g-4"), and the CITY OF HOUSTON ("CITY"), collectively referred to as the "Parties."

WHEREAS, under the provisions of Article 6243g-4, Section 27, the Board of Trustees of HPOPS ("BOARD") may enter into a written agreement with the CITY on behalf of the Pension System created under Chapter 76, Acts of the 50th Legislature, Regular Session, 1947 (Article 6243g-1, Vernon's Texas Civil Statutes) and that operates under Section 67, Article XVI of the Texas Constitution, and its members and beneficiaries if the agreement is approved by final vote of the BOARD and signed by the Mayor of the CITY;

WHEREAS, the BOARD is responsible for the general administration, management, and operation of the Pension System for the CITY, which provides benefits as described in Article 6243g-4, as modified by this Meet and Confer Agreement;

WHEREAS, under the provisions of Article 6243g-4, Section 27, and notwithstanding any law to the contrary, the BOARD is responsible for representing the interests of the pension system on all pension related issues, including benefits, which affect the pension system or its beneficiaries under Article 6243g-4 and under this meet and confer agreement, as allowed by Article 6243g-4;

WHEREAS, the CITY and HPOPS, the Parties hereto, agree and acknowledge that certain provisions of this Agreement will have the effect of superseding certain provisions of Article 6243g-4 during the term of this Agreement, and both clarifying and ensuring that certain obligations under the prior 2004 Meet and Confer Agreement are fully understood, recognized and agreed upon by the Parties, and complied with in all respects, except that nothing in this Agreement can deprive a member, without the member's written consent, of a right to receive benefits that have become fully vested and matured in the member;

WHEREAS, the Parties hereto, agree and acknowledge that HPOPS is the sole and exclusive bargaining agent for all classified City of Houston Police Officers, regular and disabled retired City of Houston Police Officers, and their survivors, in all matters involving pensions pursuant to this Meet and Confer Agreement and Article 6243g-4 expressly unless modified as set forth herein;

WHEREAS, HPOPS had successful meet and confer agreements with the City of Houston in 1999, 2001, 2003 and 2004 ("Prior Agreements"); and

WHEREAS, all Prior Agreements were codified in city ordinances and all Prior Agreements (except the 2004 Prior Agreement) were codified in Article 6243g-4;

WHEREAS Article 6243g-4 and this Meet and Confer Agreement automatically make cadets

subject to HPOPS upon becoming a City of Houston classified police officer; and

WHEREAS, HPOPS's beneficiaries, as a result of the performance of their duties (or duties provided by a deceased family member), have provided a great service to the CITY and the citizens of the CITY, under Houston, Texas, Code of Ordinances, Ch. 34, art. II, and are automatically entitled both contractually and statutorily to the benefits under the Plan provided by Article 6243g-4 and, as applicable, the various Meet and Confer Agreements between the City of Houston and HPOPS, under which HPOPS provides city services in administering the Plan, and the Plan, through its BOARD, provides fiduciary responsibilities to the beneficiaries, including all administrative services for eligible beneficiaries, pursuant to the Meet and Confer Agreements and the provisions of Article 6243g-4, which are incorporated into this Meet and Confer Agreement both contractually and statutorily (except to the extent this Meet and Confer Agreement alters the CITY's contributions to the Plan and benefits of certain beneficiaries);

NOW THEREFORE, for and in consideration of the promises, representations, and mutual covenants above and herein, and which the parties hereby acknowledge as essential and agreed terms for city services, the Parties agree as follows:

Definitions

Terms that are used and not defined in this Agreement have the same meanings as when used in Article 6243g-4. The following definitions apply to terms used in this Agreement, unless a different definition is required by the context in which the term is used.

Annual Required Contribution of the Employer ("ARC") is an amount determined pursuant to Government Accounting Standards Boards ("GASB") Statements 25 and 27 as in effect on effective date of this agreement.

City Fiscal Year is the year beginning July 1 of each year and ending the following June 30 (e.g., City Fiscal Year 2012 begins July 1, 2011 and ends June 30, 2012).

Code means the Federal Internal Revenue Code of 1986, as amended, or any successor.

Funded Ratio means the ratio or percentage derived by dividing HPOPS's actuarial value of assets by HPOPS's actuarial accrued liability (representing the sum of the actuarial value of assets plus the unfunded actuarial accrued liability).

Final Average Pay means the total Pay received by a member over the last seventy-eight (78) bi-weekly pay periods ending before the member's termination of employment with the Police Department, divided by thirty-six (36).

Locked-in Benefit means the monthly retirement pension a member would have been entitled to receive if the member had retired or entered DROP immediately before October 9, 2004, calculated in accordance with the provisions of Section 12(b) of Article 6243g-4 without regard to the modifications made by this Agreement.

New Benefit Calculation means the monthly retirement pension a member is entitled to receive as of the date of retirement or DROP entry, calculated in accordance with the provisions of Section 12(b) of Article 6243g-4, but using Final Average Pay rather than average total direct pay in the calculations.

Pay means wages as defined by Section 3401(a) of the Code, plus any amounts that are not included in gross income by reason of Section 104(a)(1), 125, 132(f), 402(g)(2), or 457 of the Code, any member contributions picked up pursuant to Section 414(h)(2) of the Code, and any portion of a clothing allowance or motorcycle allowance that is not considered wages, , or other Pay described in the 2011 Meet and Confer Agreement between the HPOU and the City of Houston not expressly prohibited by this Agreement, less any pay received for overtime work (OT), Exempt Time Pay (ETP) or Strategic Officer Staffing Program (SOSP) pay. The term Pay does not include nontaxable payments not expressly described above.

Pay Date means the date (approximately one week after a pay period has ended) when a member receives his or her pay check for the preceding pay period.

Sliding Average Benefit means a monthly retirement benefit in which Final Average Pay is calculated initially by using twenty-six (26) times the highest Pay, considering only items of Pay that are included in each pay check, received for any pay period in the twenty-six (26) pay periods ending immediately before October 9, 2004 and adding the sum of all other items of Pay excluded above that was received over the twenty-six (26) pay periods, then dividing by twelve (12). The average is adjusted after the end of each pay period by adding the Pay, considering only items of Pay that are included in each pay check, for that pay period to the prior periods plus the sum of all other items of Pay excluded above that was received over all applicable pay periods, dividing by the number of pay periods then included, multiplying by twenty-six (26) then divided by twelve (12) to arrive at a new monthly average. Once seventy-eight (78) pay periods are included in the average, one (1) of the assumed twenty-six (26) original pay periods will be dropped from the average each pay period and replaced by the Pay for the new pay period in calculating the new average, until the effect of the Locked-in Benefit is phased out at the end of the seventy-eight (78) pay periods after October 9, 2004.

The Sliding Average Benefit computation is illustrated by the attached Exhibit A.

City Payment Schedule to HPOPS and Shortfall Financing

- A. The CITY agrees to make fixed cash payments (“Fixed Payments”) to HPOPS from any lawful source in the following amounts in each of the following City Fiscal Years during the term of this Agreement:

<u>City Fiscal Year</u>	<u>Amount</u>
2012	\$83 million, fixed payment, with any shortfall in the fixed payment not to exceed \$17 million (the “FY2012 Fixed Payment Shortfall”) and to be financed as set forth in Part B below.

2013	\$93 million, fixed payment, with any shortfall in the fixed payment not to exceed \$8.5 million (the "FY2013 Fixed Payment Shortfall") and to be financed as set forth in Part B below.
2014	\$103 million, fixed payment.

For all subsequent Fiscal Years, and until the Funded Ratio (to be determined by actuarial method to be solely determined by HPOPS, in the sole authority of HPOPS actuary, and in HPOPS's sole discretion, provided such actuary used by HPOPS is a recognizable, reputable actuarial firm in the industry using sound actuarial methods) reaches 100%, CITY payments shall increase each City Fiscal Year by \$10,000,000 until said 100% of funding is reached. Once the Funded Ratio has reached 100%, CITY payments each City Fiscal Year shall be in amounts equivalent to the greater of 16% of pay, as defined herein, or the ARC.

In addition, on the first day of City Fiscal Year 2012, once the Funded Ratio reaches 80%, if it should ever be subsequently determined that the Funded Ratio has declined below such 80%, then in the City Fiscal Year next following such determination, the CITY shall pay such additional amounts to HPOPS as necessary to increase the Funded Ratio to 80%.

For CITY payments herein agreed, such payments shall be made as soon as administratively feasible after each payroll period in amounts equal to 1/26 of the total CITY payment amount for such City Fiscal Year. In no event shall the payment be delayed more than 10 calendar days after a Pay Date.

B. SUB-AGREEMENT: The CITY agrees to finance the FY2012 and FY2013 Fixed Payment Shortfalls of CITY Contributions required by Section A as hereinafter set forth:

The CITY is the fee title owner of certain tracts of land on which are constructed the building known as the Houston Police Department Headquarters located at 1200 Travis Street, Houston, Texas, and a parking garage located at 801 Polk Street, Houston, Texas, more particularly described on Exhibit B attached hereto (collectively, the "Real Property"); and

HPOPS desires to acquire from the City an undivided interest in the Real Property to secure payment in full of the FY2012 and FY2013 Fixed Payment Shortfalls, and the City desires to convey the undivided interest to HPOPS to secure payment in full of the FY2012 and FY2013 Fixed Payment Shortfalls;

The Parties desired to enter into a Sub-Agreement (herein so-called) to finalize their agreement with respect to the Real Property. In consideration of the promises set forth in this Sub-Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

BINDING SUB-AGREEMENT

This Sub-Agreement constitutes a binding agreement between the CITY and HPOPS for the sale and purchase of the Property Interest (as defined below) subject to the terms set forth herein.

Subject to the limitations set forth herein, this Sub-Agreement shall bind and inure to the benefit of the Parties and their respective successors and assigns and shall not be revocable by changes in City Ordinances without further Meet and Confer of the Parties and approval by HPOPS.

PROPERTY

The term "Property Interest" shall mean an undivided interest in the Real Property. The percentage of undivided interest will be the ratio of the Purchase Price to the appraised value of the Real Property on the Closing Date, plus an undivided interest of an extra 10% to allow for differing valuations and changes in value during the period the Property Interest is held by HPOPS (as hereinafter defined). HPOPS may rely upon CITY's appraisal or obtain an appraisal of its own, at its option. If any shortfall amount (including interest) remains unpaid after City Fiscal Year 2014, HPOPS may have property reappraised and additional interest in Property shall be conveyed by City to HPOPS to cover the ratio of any unpaid shortfall debt (plus any unpaid interest) to the appraisal value plus 10%.

SHORTFALLS; ANNUAL PAYMENTS; FUTURE SALE

The City promises to pay the FY2012 Fixed Payment Shortfall in the amount of \$17 million dollars ("Shortfall Debt") and the FY2013 Fixed Payment Shortfall in the amount of \$8.5 million ("Additional Amount"), along with all unpaid interest thereon, to HPOPS in accordance with the terms hereof. The Shortfall Debt will not immediately be paid by the City. At Closing (hereinafter defined), the City will convey the Property Interest to HPOPS to secure payment of the Shortfall Debt.

The Property Interest shall be transferred and conveyed by execution by the City, and delivery by the City to HPOPS, of a Conveyance of Property Interest, a specimen of which is attached hereto as Exhibit C (the "Conveyance"). The Conveyance and all other documents to be executed and delivered at the Closing (defined below) by a Party are hereinafter collectively referred to as the "Transfer Documents." HPOPS may, at its option, cause to be recorded a brief memorandum of this Sub-Agreement.

For the fiscal year 2012 (July 1, 2011 through June 30, 2012), the City will make quarterly payments to HPOPS of interest on the Shortfall Debt accruing at a rate of 8.5% per annum, not compounded, being in the amount of Three Hundred Sixty-One Thousand, Two Hundred Fifty and No/100 Dollars (\$361,250.00) per quarter. Thereafter, so long as HPOPS retains the Property Interest, the City will make a quarterly payment to HPOPS of \$361,250.00 in accrued interest. The payments will be made as soon as administratively feasible after each quarterly period.

The City and HPOPS agree that the City has the option to convey to HPOPS an additional undivided interest in the Property at the beginning of fiscal year 2013 (July 1, 2012) to secure repayment of any FY2013 Fixed Payment Shortfall of CITY Contributions required by Section A. If the City exercises this option, the City will determine the exact amount of the shortfall, up to Eight Million, Five Hundred Thousand and No/100 (\$8,500,000.00) (the

“Additional Amount”). The City will notify HPOPS in writing of the Additional Amount on or before June 1, 2012. If the City notifies HPOPS, then HPOPS agrees to receive an additional undivided interest in the Property to secure repayment of the Additional Amount. The percentage of additional undivided interest will be the ratio of the Additional Amount to the appraised value of the Real Property as of the date of notice, plus an additional 10% of the appraisal value. The conveyance will take place as soon as practicable after notice by the City to HPOPS, and will be documented by a conveyance substantially in the form of the Conveyance attached hereto. Interest on the Additional Amount, at a rate of 8.5% per annum, not compounded (for example, in the amount of \$180,625.00 per quarter if the Additional Amount were \$8.5 million) will be paid by the City to HPOPS at the same time and in the same manner as interest on the Purchase Price, as set forth above.

On or before January 1, 2012, the City shall place the Real Property on the market for sale and lease back, and agrees to use its best efforts to accomplish a sale and lease back of the Real Property on terms reasonable to the City. The Parties agree that the following provisions will apply with respect to the transaction:

1. Under state law, the City is limited in its ability to make direct sales of real property. The City will explore its ability to sell the Real Property directly, but the City’s only option may be to offer the Real Property at an auction or for sale bid. If that is the case, the City will use one of those means to offer the Real Property for sale.
2. The City will not enter into a proposed sale agreement without the agreement of HPOPS to the terms and provisions of the agreement unless all amounts due and owing to HPOPS hereunder are to be paid upon closing.
3. In the event of a sealed bid sale, under state law the City is not required to accept any bid. Accordingly, after a sealed bid sale, the City in its discretion may elect not to accept any bid. If the City desires to accept a bid, it will not do so without the concurrence of HPOPS.
4. Any sale must include a lease back to the City, so that the City may continue to use the Real Property;
5. In the event that a sale does not occur, the Parties will continue to hold their respective interests in the Real Property and the City will continue to make the interest payments set forth above.
6. In the event that a sale takes place, proceeds of the sale will be allocated between the City and HPOPS according to their respective interests in the Real Property. Interest payments above will be prorated to the closing date of the third-party sale. In no event shall the proceeds received by HPOPS be any more or less than the sum of (a) the outstanding FY 2012 and FY 2013 Fixed Payment Shortfalls, and (b) the prorated amount of interest due and owing as of the closing date.

7. Until any sale takes place, the City shall have, at its sole option and discretion, the right to purchase HPOPS's Property Interest from HPOPS. HPOPS agrees that it will sell its Property Interest to the City upon thirty days written notice from the City. The price for the repurchase of the Property Interest will be the sum of (a) the outstanding FY2012 and FY2013 Fixed Payment Shortfalls, and (b) the prorated amount of interest due and owing as of the date of repurchase.
8. All of the provisions of the SHORTFALLS; ANNUAL PAYMENTS; FUTURE SALE section shall survive the Closing and not be merged into the Transfer Documents.

BUY BACK

If the Real Property has not been sold by July 1, 2015, the City shall buy back HPOPS's interest in the Real Property on July 1, 2015 for the Shortfall Debt (plus any Additional Amount) plus any accrued interest owing from the City to HPOPS that has not yet been paid. This BUY BACK section shall survive the Closing and not be merged into the Transfer Documents.

SURVEY AND TITLE COMMITMENT

If HPOPS requests, the City will provide a survey of the Property (the "Survey"). HPOPS may, if it desires, at its cost, obtain a Commitment for Title Insurance for the Property (the "Title Commitment") from a title insurance company acceptable to HPOPS.

If HPOPS obtains a Survey and/or a Title Commitment, HPOPS shall have until five business days after receipt of the last to be received of the Survey or Title Commitment to specify to the City those items affecting the Property that would materially interfere with HPOPS's use of the Property (the "Encumbrances"). Items shown in the Title Commitment or Survey and not objected to by HPOPS shall be deemed items that HPOPS will accept title subject to (the "Permitted Encumbrances").

The City will use its best efforts to remove all Encumbrances and Closing may, at HPOPS's option, be delayed to allow the City to cure or remove the Encumbrances. If the City fails or is unwilling to cause all of the Encumbrances to be removed or cured by the Closing Date, or if the Title Commitment or Survey indicates that the City does not own indefeasible fee simple title to the Property, HPOPS shall have the following rights, as its sole and exclusive remedies:

HPOPS may terminate this Sub-Agreement by giving the City written notice thereof, and neither party shall have any further rights, duties, or obligations under the Sub-Agreement, whereupon the City will not be entitled to a deferral of its contributions for fiscal year 2012 or fiscal year 2013; or

HPOPS may elect to waive the Encumbrances not so removed or cured and close the transaction contemplated by this Sub-Agreement without any reduction in the Shortfall Debt (or any Additional Amount) in accordance with the remaining terms and provisions, whereupon the

Encumbrances not so removed or cured shall become Permitted Encumbrances, to be treated in the manner provided herein for Permitted Encumbrances. The City affirmatively represents that the Property has no material encumbrances.

CONDITIONS PRECEDENT

HPOPS's obligations to perform under this Sub-Agreement and to close the transaction contemplated by this Sub-Agreement are expressly subject to the following:

1. The delivery by the City to HPOPS at Closing of executed originals of the Transfer Documents to be executed by the City (properly notarized where required); and
2. The delivery by the City to HPOPS at Closing of any additional documents as may be reasonably required for the proper consummation of the transaction contemplated by this Agreement or that may be usual and customary in closing similar transactions.

BROKER'S COMMISSION

The Parties warrant to one another that they have not dealt with any finder, broker or realtor in connection with this Agreement and, if any person shall assert a claim to a finder's fee or brokerage commission on account of alleged employment as a finder or broker in connection with this Agreement, the Party under whom the finder or broker is claiming shall, to the extent permitted by law, indemnify and hold the other Party harmless from and against any such claim and all costs, expenses and liabilities incurred in connection with such claim or any action or proceeding brought on such claim, including, but not limited to, counsel and witness fees and court costs in defending against such claim. The indemnification provisions of this Section shall survive termination of this Agreement or the Closing.

CLOSING

The consummation of the transactions contemplated by this Agreement (the "Closing") shall occur no later than June 30, 2011 (the "Closing Date") or such date as the Parties mutually agree, but no later than June 30, 2011.

ASSIGNMENT

Neither Party shall, directly or indirectly, assign this Sub-Agreement or any of its rights hereunder. Any attempted assignment in violation hereof shall be of no force or effect.

RISK OF LOSS

Risk of loss for damage to the Property, or any part thereof, shall at all times from and after the Effective Date be on the City and the City shall indemnify HPOPS for all risks of loss within thirty (30) days of any claims made against HPOPS or losses incurred by HPOPS on the Property while HPOPS retains its Property Interest or while any principal or interest remains unpaid on the Shortfall Debt or Additional Amount. The City's failure to indemnify HPOPS in full under this risk of loss provision shall cause the entire Sub-Agreement to be null and void,

and the Parties' Agreement shall revert in full to the statutory provisions of Article 6243g-4, except that the legislature issues provisions herein shall remain valid and in effect.

REMEDIES

The City's Breach. Except for the remedies in the risk of loss provision, if the City shall fail or refuse to consummate the transaction in accordance with the terms of this Sub-Agreement (and HPOPS is not in breach hereof), HPOPS may, at HPOPS's sole option, (1) terminate this Sub-Agreement; (2) enforce the City's entire \$83 million contribution for City Fiscal Year 2012 and \$93 million contribution for City Fiscal Year 2013; and (3) may enforce all other provisions of this 2011 Meet and Confer Agreement according to the remedies herein, in accordance with **Contract Conditioned on Agreed Provisions.**

HPOPS's Breach. If HPOPS shall fail or refuse to consummate the Sub-Agreement transaction(s) in accordance with the terms of this Sub-Agreement (and the City is not in breach hereof), the City may, at the City's option and as the City's exclusive remedy, by written notice to HPOPS, either (1) terminate this Sub-Agreement (whereupon (a) neither of the Parties shall have any further liability or obligation under this Sub-Agreement and (b) the City shall not be entitled to any reduction in its contributions for City Fiscal Year 2012 or City Fiscal Year 2013) or (2) specifically enforce this Sub-Agreement, including its shortfall provisions, by mandatory injunctive relief.

AS-IS; DISCLAIMER; INDEMNITY; INSURANCE

THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO: (A) THE NATURE, QUALITY OR CONDITION OF THE REAL PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY; (B) THE SUITABILITY OF THE REAL PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH HPOPS MAY CONDUCT THEREON; (C) THE COMPLIANCE OF OR BY THE REAL PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (D) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE REAL PROPERTY; (E) THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES ON THE REAL PROPERTY, AS WELL AS THE SUITABILITY OF THE REAL PROPERTY AS HABITAT FOR ANY OF THOSE SPECIES; (F) THE ACCURACY OR COMPLETENESS OF ANY MATERIALS GENERATED BY THIRD PARTIES FOR THE CITY WHICH ARE PROVIDED TO HPOPS UNDER THE PROVISIONS OF THIS AGREEMENT OR OTHERWISE; (G) THE ENFORCEABILITY OR EFFECT OF ANY LEGAL, CONTRACTUAL OR OTHER RIGHTS OR OBLIGATIONS PERTAINING TO THE REAL PROPERTY; OR (H) ANY OTHER MATTER WITH RESPECT TO

THE REAL PROPERTY. WITHOUT LIMITING THE FOREGOING, THE CITY DOES NOT MAKE AND HAS NOT MADE ANY REPRESENTATION OR WARRANTY REGARDING THE PRESENCE OR ABSENCE OF ANY HAZARDOUS MATERIAL ON, UNDER OR ABOUT THE REAL PROPERTY OR THE COMPLIANCE OR NON-COMPLIANCE OF THE REAL PROPERTY WITH ANY AND ALL FEDERAL, STATE OR LOCAL ENVIRONMENTAL LAWS, ORDINANCES, REGULATIONS, ORDERS, DECREES OR RULES REGULATING, RELATING TO OR IMPOSING LIABILITY OR STANDARDS OF CONDUCT CONCERNING ANY HAZARDOUS MATERIAL.

HPOPS HEREBY ACKNOWLEDGES AND AGREES THAT, BEING GIVEN THE OPPORTUNITY TO INSPECT THE REAL PROPERTY, IF THIS TRANSACTION IS CONSUMMATED, HPOPS WILL BE PURCHASING THE PROPERTY INTEREST PURSUANT TO HPOPS'S INDEPENDENT EXAMINATION, STUDY, INSPECTION AND KNOWLEDGE OF THE REAL PROPERTY AND HPOPS IS RELYING UPON ITS OWN DETERMINATION OF THE VALUE AND CONDITION OF THE REAL PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY THE CITY. HPOPS FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE REAL PROPERTY WAS OR WILL BE OBTAINED FROM A VARIETY OF SOURCES AND THAT THE CITY HAS NOT MADE AND WILL NOT BE OBLIGATED TO MAKE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND THE CITY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION TO THE EXTENT GENERATED BY THIRD PARTIES FOR THE CITY. HPOPS IS RELYING UPON ITS OWN INSPECTIONS, INVESTIGATIONS, RESEARCH AND ANALYSES IN ENTERING INTO THIS AGREEMENT AND IS NOT RELYING IN ANY WAY UPON ANY REPRESENTATIONS, WARRANTIES, STATEMENTS, PLANS, SPECIFICATIONS, COST ESTIMATES, STUDIES, REPORTS, DESCRIPTIONS, GUIDELINES OR OTHER INFORMATION OR MATERIAL FURNISHED BY THE CITY OR ITS REPRESENTATIVES TO HPOPS OR ITS REPRESENTATIVES, WHETHER ORAL OR WRITTEN, EXPRESS OR IMPLIED, OF ANY NATURE WHATSOEVER REGARDING ANY SUCH MATTERS. THE CITY SHALL HAVE NO LIABILITY WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF SUCH DELIVERED INFORMATION.

THE OCCURRENCE OF CLOSING WILL CONSTITUTE AN ACKNOWLEDGEMENT BY HPOPS THAT THE PROPERTY INTEREST WAS ACCEPTED WITHOUT REPRESENTATION OR WARRANTY, STATUTORY, EXPRESS OR IMPLIED, AND OTHERWISE IN AN "AS IS, WHERE IS, AND WITH ALL FAULTS" CONDITION BASED ON HPOPS'S OWN INSPECTION THEREOF. HPOPS FURTHER ACKNOWLEDGES AND AGREES THAT THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR REPRESENTATIONS COLLATERAL TO OR AFFECTING THE REAL PROPERTY BY THE CITY, ANY AGENT OF THE CITY OR ANY THIRD PARTY. THE CITY IS FURTHER NOT LIABLE OR BOUND IN ANY MANNER BY ANY ORAL OR WRITTEN STATEMENTS, REPRESENTATIONS, OR

INFORMATION PERTAINING TO THE REAL PROPERTY FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON, UNLESS THE SAME ARE EXPRESSLY SET FORTH OR REFERRED TO HEREIN.

HPOPS HEREBY RELEASES THE CITY AND ITS PARTNERS, AGENTS, REPRESENTATIVES, AFFILIATES, OFFICERS, OFFICIALS, SHAREHOLDERS AND EMPLOYEES (TOGETHER WITH THE CITY, THE "CITY RELATED PARTIES") FROM ANY AND ALL CLAIMS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES WHICH HPOPS OR ANY PARTY RELATED TO OR AFFILIATED WITH HPOPS HAS OR MAY HAVE ARISING FROM OR RELATED TO ANY MATTER OR THING RELATED TO THE REAL PROPERTY OR THE PHYSICAL CONDITION OF THE REAL PROPERTY, ANY CONSTRUCTION DEFECTS, ANY ERRORS OR OMISSIONS IN THE DESIGN OR CONSTRUCTION OF THE REAL PROPERTY AND ANY ENVIRONMENTAL CONDITIONS AT, IN, ON OR UNDER THE REAL PROPERTY, AND HPOPS WILL NOT LOOK TO ANY OF THE CITY RELATED PARTIES IN CONNECTION WITH THE FOREGOING FOR ANY REDRESS OR RELIEF. THIS RELEASE INCLUDES CLAIMS OF WHICH HPOPS IS PRESENTLY UNAWARE OR WHICH HPOPS DOES NOT PRESENTLY SUSPECT TO EXIST WHICH, IF KNOWN BY HPOPS, WOULD MATERIALLY AFFECT HPOPS'S RELEASE TO THE CITY. THIS RELEASE WILL BE GIVEN FULL FORCE AND EFFECT ACCORDING TO EACH OF ITS EXPRESS TERMS AND PROVISIONS, INCLUDING THOSE RELATING TO UNKNOWN AND UNSUSPECTED CLAIMS, DAMAGES AND CAUSES OF ACTION.

TO THE EXTENT REQUIRED TO BE OPERATIVE, THE DISCLAIMERS, RELEASES AND/OR WARRANTIES CONTAINED IN THIS SECTION ARE "CONSPICUOUS" FOR PURPOSES OF ANY APPLICABLE LAW, RULE, REGULATION OR ORDER.

NOTWITHSTANDING THE FOREGOING, INCLUDING BUT NOT LIMITED TO THE RELEASE OF THE CITY BY HPOPS SET FORTH ABOVE, THE CITY AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS HPOPS FROM ANY AND ALL CLAIMS FROM THIRD PARTIES THAT ARISE FROM THE CONDITION OF THE REAL PROPERTY, THE PROPERTY INTEREST OR FROM THE USE OF THE REAL PROPERTY DURING THE TIME THAT HPOPS HAS THE PROPERTY INTEREST. IT IS THE INTENT OF THE PARTIES THAT HPOPS WILL BEAR NO RISK RELATED TO THE CONDITION OR USE OF THE REAL PROPERTY DURING THE TIME THAT HPOPS HAS AN INTEREST IN THE REAL PROPERTY. The City's failure to indemnify HPOPS pursuant to this provision shall authorize HPOPS, at HPOPS' option, to declare this Agreement void, except for the legislature issues provisions, which shall remain in force, at HPOPS' option, and to give HPOPS the right to enforce its rights under Article 6243g-4.

In addition to the indemnity provision set forth immediately above, during the time that HPOPS has an interest in the REAL PROPERTY, the City shall continue its program of property insurance covering the REAL PROPERTY, and shall cause HPOPS to be named as a loss payee on such program. The City shall cause to be delivered to HPOPS valid certificates of insurance

during this time period identifying HPOPS as a loss payee under this insurance program. All of the provisions of this AS-IS; DISCLAIMER; INDEMNITY; INSURANCE section shall survive the Closing and not be merged into the Transfer Documents.

NOTICES

Addresses. Except as otherwise required by law, any notice required or permitted under this Sub-Agreement shall be in writing and shall be given by personal delivery, or by deposit in the U.S. Mail, certified or registered, return receipt requested, postage prepaid, addressed to the Parties at the addresses set forth below, or at such other address as a Party may designate in writing pursuant hereto, or tested fax number (with a copy to follow by overnight courier) or email address (with a copy to follow by overnight courier), or any express or overnight delivery service (*e.g.*, Federal Express), delivery charges prepaid:

if to the City: City of Houston
 Attention: David M. Feldman
 City Attorney
 P. O. Box 368
 Houston, Texas 77001-0368

if to HPOPS: Houston Police Officers' Pension System
 John Lawson
 Executive Director
 602 Sawyer, Suite 300
 Houston, Texas 77007

Effective Date of Notices. Notice shall be deemed to have been given on the date on which notice is delivered, if notice is given by personal delivery, facsimile (with a copy to follow by overnight courier) or email (with a copy to follow by overnight courier), and on the date of deposit in the mail, if mailed or deposited with an overnight carrier. Notice shall be deemed to have been received on the date on which the notice is received, if notice is given by personal delivery, and on the third (3rd) day following deposit in the U.S. Mail, if notice is mailed.

CLOSING COSTS

At Closing, Seller shall pay recording fees related to the Transfer Documents. All other customary costs of closing shall be borne by Seller, including cost of appraisal and survey. Otherwise, the City and HPOPS will each be solely responsible for and bear all of their own respective expenses, including but not limited to expenses of legal counsel and other advisors incurred in connection with the transaction contemplated herein.

APPROVALS

Concerning all matters in this Agreement requiring the consent or approval of any Party,

the Parties agree that any such consent or approval shall not be unreasonably withheld unless otherwise provided in this Agreement. HPOPS acknowledges that the City is not bound to any agreement until an ordinance has been passed by the City Council of the City of Houston. However, HPOPS shall have the right, but not the obligation, to terminate this Agreement by June 30, 2011 if (1) all approvals necessary for this entire Agreement to be binding have not been obtained or (2) the required City Ordinance has not been passed. Further, the CITY agrees that any subsequent changes to, or repeal of, the City Ordinance enacting this Agreement shall not in any way affect its validity or enforceability unless approved by HPOPS.

ADDITIONAL ACTS

The Parties agree to execute promptly such other documents and to perform such other acts as may be reasonably necessary to carry out the terms and provisions of this Agreement.

Change in Member Contributions

The Parties agree that effective for the pay period commencing October 9, 2004, all then active members shall begin to contribute to HPOPS at the rate of nine percent (9%) of Pay. The additional one-quarter of one percent (0.25%) of Pay, over the current eight and three-quarters percent (8.75%), shall be credited to HPOPS' general fund, and not to the members' DROP accounts, if any. The Parties further agree that persons who first become active members of HPOPS after October 9, 2004 shall contribute ten and one-quarter percent (10.25%) of their Pay to HPOPS general fund. Former police officers who are reemployed on or after October 9, 2004 will contribute at the ten and one-quarter percent (10.25%) rate, except that any active member who was involuntarily separated from service before October 9, 2004, and is reinstated due to arbitration, civil service and or court rulings after that date shall be entitled to contribute at the nine percent (9%) rate, and will be able to repurchase any forfeited service for the amount of the contributions that were paid to them. Active members who are entitled to purchase service that was forfeited at the time of a prior separation from service may repurchase the service for the amount of the contributions paid to them at the time of the forfeiture, but all new service credit for these reinstated active members will be calculated under the new rules and regulations for new active members first employed after October 9, 2004.

Either former members reemployed after October 9, 2004 or current members who leave after October 9, 2004 when reemployed may buyback prior service credit at two and one-quarter percent (2.25%) per year under the rules that apply to active members hired after October 9, 2004. Current active members who have not yet bought back prior service credit or those members involuntarily separated may buyback prior service credit at two and three-quarters percent (2.75%) per year under Article 6243g-4, Section 12(b).

Data

The CITY agrees that, within 14 days of any request, it will accurately supply to HPOPS all personnel, payroll, and financial records necessary for HPOPS to provide pension administrative and fiduciary services hereunder to establish beneficiaries' eligibility for any benefit, members' credited service, the amount of any benefits (including but not limited to disability benefits), and such other information needed, if any, to calculate the Plan's ARC, including but not limited to:

- A. Service Verification
 - 1. Sworn Date
 - 2. Suspension days
 - 3. Absent without pay days (including maternity leave)
 - 4. Date of Termination
 - 5. Re-employment Date
- B. Medical Records
- C. Workers' Compensation Records and Pay Information
- D. Payroll information
- E. Phase down participants (entry date, phase down plan)
- F. Members on military leave

In addition, the CITY agrees to provide any information that may be reasonably necessary to enable HPOPS to comply with administrative services HPOPS performs for the CITY as reasonably necessary to obtain any ruling or determination letter from the Internal Revenue Service. The information provided by the CITY shall be transmitted to HPOPS electronically in a format specified by HPOPS, to the extent available to the CITY, or in writing if so requested by HPOPS. As a service to the City, HPOPS agrees to determine each member's credited service and pension benefits on the basis of the personnel and financial records of the CITY and the records of HPOPS.

Change in Definition of Pay Used for New Benefit Calculation

The Parties agree that, subject to **Transitional Benefit Options Before October 7, 2007**, monthly pension benefits for persons whose retirement commences after October 9, 2004 will be determined utilizing the New Benefit Calculation.

Floor and Ceiling on Annual Drop Earnings Crediting Rate

The Parties agree that the rate of hypothetical earnings credited to a member's DROP notional account for each calendar year, as computed under Section 14(e) and (h) of Article 6243g-4, shall not be less than three percent (3%) nor more than seven percent (7%), except that for any year for which HPOPS' actuary certifies that HPOPS' past service costs are fully funded, the credit may be as high as ten percent (10%). The computation of the hypothetical earnings credit is not otherwise changed.

Change in Future Cost of Living Allowances

The Parties agree that annual adjustments for cost of living allowances (COLA's), described in Section 12(c), 14(c), 15, or 16(h) of Article 6243g-4, shall be eighty percent (80%) of the

increase in the Consumer Price Index for all Urban Consumers for the preceding year for all years beginning after October 9, 2004. The Parties further agree that this adjustment shall not be less than two and four-tenths percent (2.4%) nor more than eight percent (8%).

Thirteenth Benefit Payment

The Parties agree that no thirteenth benefit payment will be paid on behalf of any person who first becomes a member after October 9, 2004. The Parties further agree that current active, disabled, or retired members or survivors of active, disabled, or retired members shall not be entitled to a thirteenth benefit payment for any year in which HPOPS' Funded Ratio is less than one hundred and twenty percent (120%).

Retirement Age for New Active Members

The Parties agree that minimum retirement age for any person who becomes an active member or a reemployed member after October 9, 2004, other than those active members referenced in **Change in Member Contributions** who are reinstated as a result of their discipline being overturned as stated therein, shall be age fifty-five (55), and the person must also have at least ten (10) years of service in order to retire.

Change in Benefit Formula for New Active Members

The Parties agree that the formula for determining the monthly benefit of any person who first becomes an active member or a reinstated member after October 9, 2004, other than those active members referenced in **Change in Member Contributions** who are reinstated as a result of their discipline being overturned as stated therein, shall be two and one-quarter percent (2.25%) of the person's Final Average Pay times years of service for the first twenty (20) years of service, plus two percent (2%) of Final Average Pay times years of service for all years of service in excess of twenty (20) years of service. The Parties also agree that such a member shall not be able to accrue a benefit in excess of eighty percent (80%) of Final Average Pay. The Parties further agree that there will be no five thousand dollar (\$5,000) lump-sum payment made upon the retirement or death of any person who first becomes an active member after October 9, 2004. There will be no change in the formula for determining the monthly benefit for existing active members, except to the extent provided in **Change in Member Contributions, Change in Future Cost of Living Allowances, and Thirteenth Benefit Payment**.

All new cadets hired on or after the effective date of this Agreement will sign a form prepared by HPOPS (attached hereto as Exhibit D) acknowledging the services provided by HPOPS to the CITY and its police and acknowledging the benefits contained therein for new members. Further, the CITY acknowledges the Form attached hereto as Exhibit D and previously provided to new cadets after the effective date of the 2004 Meet and Confer Agreement, as applicable to new cadets, and cadets hired, after the effective date of the 2004 Meet and Confer Agreement, and agreed by the Executive Assistant Police Chief to be placed in their personnel files with the police and HPOPS for services provided by HPOPS in administering CITY pension benefits for its police.

Transitional Benefit Options Before October 7, 2007

Notwithstanding the other provisions of this Agreement, the Parties agree that, during the transitional period (from the October 9, 2004, until October 7, 2007), the following benefit computations will be available to eligible current active members:

- A. Retirement and DROP Entrance During Transitional Period. The Parties agree that current active members or their survivors who commence to receive a service or disability pension or elect to enter DROP during the transitional period may receive a monthly pension or DROP benefit determined under any one of the following options:
 - 1. The benefit calculated using Final Average Pay in accordance with **Change in Definition of Pay Used for New Benefit Calculation;**
 - 2. The Locked-in Benefit;
 - 3. The Sliding Average Benefit; or,
 - 4. The member's DROP account and a monthly pension determined in accordance with 1, 2 or 3 above.

- B. Backdrop Election. The Parties agree that active members who make a backdrop election in accordance with Section 14(f) of Article 6243g-4 shall be entitled to use average total direct pay rather than Final Average Pay in determining their DROP account and monthly pension, but only if the election is made before 5:00 p.m. on June 30, 2005.

- C. Senior Police Officers. The Parties agree that active members who have at least seventeen (17) years of service on October 9, 2004, and have not then attained Senior Police Officer status, as contractually defined in the 2011 labor agreement between the CITY and HPOU, shall have their Locked-in Benefit adjusted by adding their Senior Police Officer Pay if they attain Senior Police Officer status no later than October 9, 2005.

- D. Members in Phase Down Program. The members currently in the Phase Down Program described in the 2004 Amendments to 2001 Meet & Confer Agreement between the City and the Houston Police Officers' Union are no longer earning pension service, and the Parties agree that benefits for those members will be calculated under Article 6243g-4 without regard to this Agreement. The Parties also agree that active members who enter the Phase Down Program after October 9, 2004, but before October 7, 2007, will have the opportunity to have, a monthly retirement benefit that is computed using either the Locked-in Benefit or the Sliding Average Benefit.

Contract Conditioned on Agreed Provisions

HPOPS has entered into this Agreement in reliance upon the CITY's agreement to each provision of this Agreement. If for any reason the CITY fails to comply with any material provision in this Agreement, including but not limited to the timing and amount of payments for Shortfall Debt, Additional Amount, and interest thereon, and legislature issues provisions provided herein, and such failure remains uncorrected for thirty days following written notice of such failure from HPOPS, then HPOPS may terminate any or all provisions of this Agreement at HPOPS's election; the CITY agrees that all past due and future contributions will be calculated under Article 6243g-4 without regard to this Agreement at HPOPS's election; and the CITY agrees that HPOPS may file suit against it in Harris County district court for any remedy available at law or in equity, including the specific remedies provided for violations of legislature issues provisions, as provided herein.

Closing of Drop Option to New Members

The Parties agree that, subject to the change in earnings credits described in **Change in Future Cost of Living Allowances, Floor and Ceiling on Annual Drop Earnings Crediting Rate, Thirteenth Benefit Payment**, the DROP option shall remain available to current active members (or survivors) as of October 9, 2004. However, DROP shall not be available to persons who first become active members or a reinstated member after October 9, 2004, other than those active members referenced in **Change in Member Contributions** who are reinstated as a result of their discipline being overturned as stated therein.

Disability Provisions for New Members

The Parties agree that the additional disability benefits described in Section 15(h) of Article 6243g-4 shall not be available to persons who first become active members of HPOPS or a reinstated member after October 9, 2004, other than those active members referenced in **Change in Member Contributions** who are reinstated as a result of their discipline being overturned as stated therein.

Medical Insurance

As provided for by the 2011 labor contract between HPOU and the CITY, the CITY agrees to make a good faith effort to address the rising costs of medical insurance and other health care costs for retired members and survivors, including, but not limited to, consideration of funding for a Code Section 401(h) account.

PLOP Option

The Parties agree that a new partial lump sum optional payment (PLOP) of not more than twenty percent (20%) of the actuarial value of the member's accrued pension at retirement shall be made available to persons who become active members of HPOPS after October 9, 2004. The benefit shall be actuarially neutral. Thus, the value of the pension the member would have received, but

for the lump sum, shall be reduced actuarially to reflect the lump sum payment.

Sole and Exclusive Right to Discuss Pension Matters With HPOPS Members, Including Cadets, at HPD Facilities

The CITY and HPOPS agree that HPOPS has the sole and exclusive right to discuss pension matters with HPOPS members and police cadets at all HPD facilities, or at HPD sponsored functions that may be held away from HPD facilities. The CITY will, to the fullest extent necessary, make certain that HPOPS is the only entity or person, outside of HPD management, permitted to discuss pension matters with HPOPS members and police cadets at HPD facilities, or at HPD sponsored functions which may be held away from HPD facilities. HPD management retains the right to discuss with its classified employees, including police cadets, all employment matters that may also include matters relating to pensions. HPD management agrees to make every effort to limit its discussion of pension related matters with classified personnel without first seeking the approval of HPOPS. HPD management also agrees to attempt to work with HPOPS in advance of any dissemination of information regarding pension matters in any police cadet orientation, in-service training and/or roll-call training. If HPD does disseminate pension-related information without the prior approval of HPOPS, HPD will insure that all personnel understand that management is in no way acting as an agent of HPOPS and that the information disseminated has not been approved for dissemination by HPOPS.

Legislature Issues

Until June 30, 2023 (unless the term of this Agreement is extended pursuant to the **Duration** provisions herein), the Parties agree to cooperatively and separately defend and protect this Agreement against any future legislative changes at the local, state or national level that have not been mutually agreed to by the Parties. The Parties further agree not to file or support, and to oppose, any legislative effort that, in any way, affects the terms and conditions which have been agreed to in this Agreement or enacted by Article 6243g-4 of the Statute.

However, the CITY specifically reserves the right to seek or support legislation that may affect the pension benefits of individuals who are hired after the effective date of the legislation.

The City specifically agrees that its obligations under this section are being relied upon by HPOPS and the Parties specifically agree that they are material to the Agreement and that time is of the essence in the enforcement of these provisions, and that any breach thereof by the City may be enjoined by TRO, temporary injunction, and permanent injunction brought by HPOPS, or that HPOPS may seek specific performance by way of TRO, and temporary and permanent mandatory injunction, under which HPOPS may recover costs and attorney's fees as a prevailing party, or such other remedies provided in **Contract Conditioned Upon Provisions** without regard to the City's sovereign immunity or immunity against suit.

City Section 457 Advisory Committee

The Parties agree that the Mayor or the Mayor's designee will continue to appoint an elected active member of the BOARD to the City of Houston Deferred Compensation Plan Advisory Committee.

Tax Matters

The Parties agree that HPOPS is solely responsible for drafting the necessary language to reflect the substantive changes to the statutory language required by the changes adopted in this Agreement and submitting it to the Internal Revenue Service for a new determination letter. The Parties also agree that any provision in this Agreement will be suspended if the Internal Revenue Service determines that the provision will result in the loss of HPOPS' tax qualified status. It is further agreed and understood that HPOPS may make any change in the terms of this Agreement, or the benefit changes effectuated thereby, to the extent that the change is necessary to ensure compliance with the qualification requirements of Section 401 of the Code, or any other applicable law.

Reemployment of Retired Police Offices by the City

The Parties agree that, in accordance with Article 6243g-4 and current practice, HPOPS will discontinue a retired member's pension while the member is reemployed as a police officer. The CITY agrees that it will not make a commitment to employ, in a non-police officer position, any active member who is eligible for a disability pension before first informing the active member of the potential consequences of working for the City while receiving a pension. The CITY will assist HPOPS in dealing with any tax problems HPOPS believes may exist by, among other things, providing the use of the CITY's Washington lobbyist (if any) to assist them with any proposed legislation.

Effectuation of Changes

Pursuant to Section 6(f) of Article 6243g-4, the Parties agree that HPOPS shall have full discretion and authority to administer, construe, and interpret this Agreement, and to do all other acts necessary to administer pension services for the CITY providing pension benefits for its police, including the assumption of fiduciary responsibility by the BOARD for the exclusive benefit of beneficiaries and in furtherance of the purposes of HPOPS's governing statute, Article 6243g-4 or any successor statute(s), as modified by this 2011 Meet and Confer which the parties agree changes were made within the statutory scheme of Article 6243g-4, as previously modified by prior Meet and Confer Agreements, to sustain the actuarial full funding of HPOPS's Plan to Article 6243g-4 under the current benefit structure to HPOPS's beneficiaries in a manner, and upon timing, the CITY believes in good faith will sustain the Plan as set forth under the terms herein and that neither party has information that the Plan is not sustainable on the schedule as set forth herein.

Members in Phase Down Program

The Parties also agree that members in the Phase Down Program, defined in the 2011 labor agreement between the CITY and HPOU, who have separated from service shall be entitled to receive monthly pension payments if they have attained normal retirement age.

Workers' Compensation

Members who are receiving workers' compensation payments or have received workers' compensation and subsequently retire or enter DROP will have their retirement or DROP entrance benefit calculated on the salary that the member would have received had the member not been receiving workers' compensation benefits.

Savings Clause

Subject to **Contract Conditioned on Agreed Provisions**, if any provision of this Agreement, or the application of such provision, should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, which the CITY and HPOPS shall oppose, as set forth herein, such remaining parts or portions of this Agreement shall remain in full force and effect at HPOPS sole election.

If any provision of this Agreement regarding contributions as set forth in **City Payment Schedule to HPOPS and Shortfall Financing** is not made, or is not enforceable, or suit cannot be brought due to sovereign immunity, including immunity against suit, the City contribution provisions of Article 6243g-4 shall apply and become enforceable to the full extent allowed by law.

Termination and Modification

The contractual provisions of this 2011 Meet and Confer Agreement shall remain in effect, absent mutual agreement of the parties, as provided below under **Duration**. To be valid or binding, any change, amendment, or modification of the terms or provisions herein must be in writing and signed by the Parties to be bound.

Additional Employer Contributions

To the extent allowed by law, the CITY may make and HPOPS agrees to accept certain additional pretax employer contributions on behalf of members who have separated from service from the CITY, made a retirement election with HPOPS, and still have accrued benefits from the CITY. For each such member identified above, the CITY shall indicate the member's DROP Account that shall receive these employer contributions.

Certification

By the signature of a representative of each of the Parties, except as expressly limited herein, the Parties certify that the persons who sign on their behalf have the express authority to bind the respective Party and that the authorization is in compliance with Article 6243g-4 § 27 and this Meet and Confer contract. The Parties further agree that this is an enforceable agreement contractually and under all applicable laws, common, statutory, and legislative, including but not limited to enforcement by writ of mandamus, and city ordinances; and nothing herein, however, waives HPOPS's right to claim that any Texas Legislature change, if any, passed over the CITY or HPOPS's objection, violates the Texas or United States Constitutions.

Termination of 2004 Prior Agreement

This Agreement supersedes and replaces the Agreement Between the Houston Police Officers' Pension System and the City of Houston, whose effective date was October 9, 2004, which is hereby terminated.

Authority

The CITY hereby acknowledges that it has no authority to bind HPOPS or affect beneficiaries' pension rights in any administrative, arbitration, or other legal proceeding. In addition, the CITY agrees to give notice to all parties and to HPOPS within 30 days of any such proceedings and within 30 days of any dispute potentially affecting any beneficiary's pension rights.

Duration

This Agreement shall be effective on the date executed by HPOPS or the Mayor of the CITY, whichever is later, and shall be codified by City Ordinance by June 30, 2011, and shall remain in full force and effect until June 30, 2023, unless earlier terminated, modified or changed by a new agreement between the Parties or by a lawful amendment to Article 6243g-4 or successor statute(s), enacted by the Texas Legislature, or terminated under **Contract Conditioned on Agreed Provisions**. Nothing herein is an admission by HPOPS that the Texas Legislature has the right to change this Agreement or Article 6243g-4. If neither party notifies the other party that it desires to end the Agreement at least ninety (90) days before June 30, 2023, this Agreement shall continue in effect for successive one (1) year terms until the earliest of:

- A. June 30, 2040;
- B. One of the Parties gives a termination notice to the other, at least ninety (90) days before the end of an extended one-year term; or
- C. The June 30th following the date on which it is determined HPOPS has reached a one hundred and ten percent (110%) funded level except those provisions dealing with active members hired or reemployed on or after October 9, 2004 will continue to be in full force and effect.

If HPOPS reaches 110% funding level, HPOPS and the CITY agree to commence negotiations in good faith under a Meet and Confer agreement to consider enhanced benefits for active members hired or reinstated after October 9, 2004.

Attorneys' Fees

In the event of any litigation between the Parties as a result of or arising out of this Agreement, the prevailing Party shall be entitled to recover all costs and expenses of such litigation, including reasonable attorney's fees, from the non-prevailing Party.

Time of Essence

Time is of the essence in this Agreement. However, if this Agreement requires any act to be

done or action to be taken on a date which is a Saturday, Sunday or legal holiday, such act or action shall be deemed to have been validly done or taken if done or taken on the next succeeding day which is not a Saturday, Sunday or legal holiday, and the successive periods shall be deemed extended accordingly.

Terminology and Incorporation of Exhibits by Reference

All exhibits to this Agreement are fully incorporated herein as though set forth at length herein.

“Include,” “includes,” and “including” as used in this Agreement shall be deemed to be followed by “, but not limited to,” whether or not they are in fact followed by such words or words of like import.

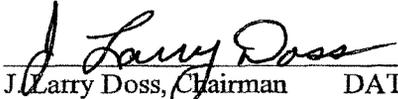
“Hereof,” “herein,” “hereunder,” and comparable terms refer, unless otherwise expressly indicated, to the entire Agreement or instrument in which such terms are used and not to any particular article, section or other subdivision thereof or attachment thereto.

EFFECTIVE DATE

The date this Agreement is signed by the Mayor of the City of Houston shall be the “Effective Date” of this Agreement. However, if required by State or City law, the provisions of the Sub-Agreement shall be June 30, 2011 unless the required signatures are not obtained by such date, giving HPOPS the right to terminate this Agreement or any of its provisions.

Houston Police Officers’ Pension System:

City of Houston, Texas:


J. Larry Doss, Chairman DATE

Annise Parker, Mayor DATE

COUNTERSIGNED:

City Controller DATE

ATTEST:

City Secretary DATE

APPROVED AS TO FORM:

City Attorney DATE

ACKNOWLEDGED AND ACCEPTED

FOR PURPOSES OF EXHIBIT "D":

Houston Police Chief DATE

Exhibit A
Example of the Sliding Average Benefit Calculation

Sliding Average Benefit shall be calculated as follows:

1. Take the highest biweekly Pay received by a member for any single pay period in the last 26 pay periods in which the member worked full-time, considering only items of Pay that are included in each pay check.

Highest Pay Period = \$1800

2. Multiply by 26

\$1800 x 26 = \$46,800

3. Add the Pay for any subsequent pay period, considering only items of Pay that are included in each pay check.

\$46,800
Pay period 27: \$1,800
Pay period 28: \$2,000
Pay period 29: \$2,000
\$52,600

4. Add all Pay, excluding all items of the type included above received during the same last included biweekly pay periods.

Sum of averagable* pays for first 26 pay periods: \$5,000
Averagable pays for Pay period 27: \$44
Averagable pays for Pay period 28: \$400
Averagable pays for Pay period 29: \$120

\$5,000 + \$44 + \$400 + \$120 = \$5,564 (Sum of averagable pays for all applicable pay periods)

Sum of categories of Pay occurring in each paycheck and other averagable pays over the 29 pay periods.

\$52,600 + \$5,564 = \$58,164

5. Divide by the total number of pay periods included which gives the average pay per pay period

\$58,164 ÷ 29 = \$2,005.66 (Average bi-weekly pay)

6. Multiply this number by 26

$$\mathbf{\$2,006 \times 26 = \$52,147.16}$$

7. Divide by 12 to get the AMS (average monthly salary)
 $\mathbf{\$52,156 \div 12 = \$4,345.60}$ (Average Monthly Salary, AMS)
8. Multiply the AMS by the member's benefit percentage
 $\mathbf{\$4,345.60 \times 55\% = \$2,390.08}$ (Member's monthly benefit)

*As explained in Article 6243g-4 Section 2 (2) "Average Total Direct Pay" excluding Exempt Time Pay (ETP) and Strategic Officer's Staffing Pay (SOSP)

EXHIBIT B

LEGAL DESCRIPTION OF THE REAL PROPERTY

502-06-2940

PARCEL I:

All of Block TWO HUNDRED SEVENTY (270), S.S.B.B., City of Houston, Harris County, Texas, together with and including that portion described in and conveyed by Deed from the City of Houston to William Howard Lee, et al, dated April 26, 1939, recorded in Volume 3585, Page 58 of the Deed Records of Harris County, Texas; and being more particularly described as follows:

D^L

Being 1.474 Acres (64,195 square feet) of land, more or less, situated in the J.S. Holman Survey, Abstract 323, Harris County, Texas and being all of Block 270, S.S.B.B., City of Houston, Harris County, Texas, including that portion described in and conveyed by deed from the City of Houston, to William Howard Lee, et al, dated April 26, 1939, recorded in Volume 3585, Page 58 of the Harris County Deed Records (H.C.D.R.) and the portion described in and conveyed by Deed from the City of Houston to L.B. Moody, dated June 29, 1927, recorded in Volume 713, Page 308 (H.C.D.R.), Block 270, being the same land conveyed by Nicholas M. Salgo, Trustee to HNG/Block 270 Joint Venture recorded under File Number F663959, Film Code Number 199-09-0439 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.) and including the property described in the Ground Lease as described in Deed and Assignment from Bernard Weingarten, et al, to HNG/Block 270 Joint Venture, dated June 29, 1978 and recorded under File Number F663960, Film Code Number 199-09-0446 of the H.C.O.P.R.R.P. Said 1.474 acres of land, more or less, being more particularly described by metes and bounds as follows, with all bearings based on the Texas Coordinate System, South Central Zone. All distances and coordinates are surface and may be converted to grid by multiplying by the combined adjustment of factor of 0.9998878;

COMMENCING at the City of Houston Engineering Department Reference Monument Number 41, located on Main Street at Polk Avenue (City Survey Marker 5457-0107D);

THENCE, North 57°09'51" West, with the City of Houston Engineering Department Reference Line on Polk Avenue, a distance of 377.5 feet to a point;

THENCE, North 32°52'48" East, a distance of 40.00 feet to an "X" set in concrete for the POINT OF BEGINNING (X = 3,152,798.14, Y = 716,743.62), being the southeast corner of said Block 270, the southeast corner of Lot 1 of said Block 270, and the intersection of the northerly right-of-way line of said Polk Avenue (80 feet wide) with the westerly right-of-way line of Travis Street (80 feet wide);

THENCE, North 57°09'51" West, along said northerly right-of-way line of Polk Avenue, being the southerly line of said Block 270, a distance of 252.29 feet to an "X" set in concrete for the southwest corner of said Block 270, being in the existing easterly right-of-way line of Milam Street (80 feet wide);

EXHIBIT B

LEGAL DESCRIPTION OF THE REAL PROPERTY

502-06-2941

THENCE, North 32°52'48" East, along said easterly right-of-way line of Milam Street, and the westerly line of said Block 270, a distance of 254.50 feet to an "X" set for the northwest corner of a 4.3 feet x 126 feet strip conveyed to said William Howard Lee, and being in the existing southerly right-of-way line of Dallas Avenue (75.7 feet wide);

THENCE, South 57°08'21" East, along said existing southerly right-of-way line of Dallas Avenue and said 4.3 foot feet strip at 126.14 feet pass the common northerly corner of said William Howard Lee 4.3 x 126.0 strip and the L.B. Moody 4.3 x 126 foot strip being the northwest corner of said Ground Lease, in all, a distance of 252.29 feet to a p.k. nail set for the northeast corner of said 4.3 foot Moody Strip, being in the existing westerly right-of-way line of said Travis Street

THENCE, South 32°52'48" West, along said Travis Street and the easterly line of said 4.3 foot Moody Strip and Block 270, at 159.3 feet pass the southeast corner of said Ground Lease, in all, a total distance of 254.39 feet to the POINT OF BEGINNING, containing a computed area of 1.474 acres (64.195 square feet) of land.

PARCEL II

Appurtenant easements and rights created by the following instruments:

1. City Ordinance No. 65-2020 granting permission to use and occupy space under sidewalks, filed for record under Clerk's File No. C 228944 of the Official Public Records of Real Property of Harris County, Texas.
2. Underground Pedestrian Tunnel or Overhead Pedestrian Walkway dated December 19, 1989 filed for record under Clerk's File No. N 415652 of the Official Public Records of Real Property of Harris County, Texas. Amended by that certain Amendment to Tunnel or Walkway Consent dated effective February 15, 1994, filed for record under Clerk's File No. P 822930 of the Official Public Records of Real Property of Harris County, Texas.
3. Permit for Use and Occupancy of a Portion of the City's Right-of-Way dated May 1, 1968, filed for record under Volume 7264, Page 227 of the Deed Records of Harris County, Texas, and under Clerk's File No. C 741787 of the Official Public Records of Real Property of Harris County, Texas.
4. Agreement dated December 19, 1966 for pedestrian tunnel connecting building on Block 270 of this S.S.B. and building on Block 257 of the S.S.B. under Dallas Avenue as evidenced by Permit For Use and Occupancy dated May 2, 1967 and filed for record under Clerk's File No. C 535892 and Volume 6840, Page 234 of the Official Public Records of Real Property of Harris County, Texas.

EXHIBIT C

**CONVEYANCE OF UNDIVIDED INTEREST
(With Reconveyance Rights)**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

THE CITY OF HOUSTON, TEXAS, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas ("City"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid to City, the receipt and sufficiency of which are hereby acknowledged, has, subject to the matters hereinafter set forth, GRANTED, ASSIGNED AND SET OVER and does hereby GRANT, ASSIGN AND SET OVER unto **HOUSTON POLICE OFFICERS' PENSION FUND**, acting pursuant to statutory authority under the provisions of Article 6234g-4 of the Revised Civil Statutes of Texas ("HPOPS"), whose address is _____, Houston, Texas _____, the following real property interest::

an undivided interest (the "Property Interest") in the tracts of land known as the Houston Police Department Headquarters located at 1200 Travis Street, Houston, Texas, and a parking garage located at 801 Polk Street, Houston, Texas, more particularly described on Exhibit "A" attached hereto (the "Real Property").

This conveyance is made and accepted subject to all matters of record against the Real Property and all matters that a true and correct survey of the Real Property would show, to the extent such matters are valid and subsisting and affect the Real Property as of the date hereof (the "Permitted Encumbrances").

This conveyance is subject to the terms and provisions of that certain Sub-Agreement dated _____, 2011 (the "Agreement"), between City and HPOPS. The Agreement provides, among other matters, that City has, at its sole option and discretion, the right to purchase the Property Interest from HPOPS until the Real Property is sold to a third party.

TO HAVE AND TO HOLD the Property Interest, together with the rights, privileges and appurtenances thereto belonging, subject to the Permitted Encumbrances and other matters set forth herein, unto HPOPS and City binds itself and its representatives to warrant and forever defend the Property Interest, subject to the Permitted Encumbrances and other matters set forth herein, unto HPOPS, and its successors and assigns, against the claim or claims of all persons claiming or to claim the same or any part thereof, by through or under City, but not otherwise.

City and HPOPS expressly agree that the Property Interest is being conveyed by City and accepted by HPOPS "**AS IS**" WITH ALL FAULTS OF ANY KIND,

INCLUDING ENVIRONMENTAL FAULTS (WHETHER ABOVE, WITHIN, ON OR UNDER THE REAL PROPERTY), AND CITY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, AS TO THE FITNESS, ENVIRONMENTAL COMPLIANCE, MERCHANTABILITY OR HABITABILITY OF THE REAL PROPERTY, EXCEPT THE WARRANTY OF TITLE SET FORTH HEREIN. CITY SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES AND REPRESENTATIONS, EXPRESSED OR IMPLIED, AS TO THE STATE OF THE REAL PROPERTY, AND PERSONAL PROPERTY TO BE CONVEYED THEREWITH, ITS CONDITION, QUALITY, QUANTITY, CHARACTER, SIZE, DESCRIPTION OR SUITABILITY OR FITNESS FOR ANY USE OR PURPOSE, WHETHER EXISTING OR CONTEMPLATED, EXCEPT AS SPECIFICALLY SET FORTH IN THIS CONVEYANCE.

[Signature page follows]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the ____ day of _____, 2011.

CITY:

THE CITY OF HOUSTON, TEXAS

ATTEST:

Anna Russell
City Secretary

Annise D. Parker
Mayor of the City of Houston

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____, 2011, by Annise D. Parker, Mayor of **THE CITY OF HOUSTON, TEXAS**, a municipal corporation situated in Harris, Fort Bend and Montgomery Counties, Texas, on behalf of said corporation.

Notary Public, State of Texas

(Notary Seal)

APPROVED AS TO FORM:

Gary W. Dzierlenga
Senior Assistant City Attorney

Exhibit A

Real Property

502-06-2940

PARCEL 1:

All of Block TWO HUNDRED SEVENTY (270), S.S.B., City of Houston, Harris County, Texas, together with and including that portion described in and conveyed by Deed from the City of Houston to William Howard Lee, et al, dated April 26, 1939, recorded in Volume 3585, Page 58 of the Deed Records of Harris County, Texas; and being more particularly described as follows:

Being 1.674 Acres (64,195 square feet) of land, more or less, situated in the 15. Holman Survey, Abstract 323, Harris County, Texas and being all of Block 270, S.S.B., City of Houston, Harris County, Texas, including that portion described in and conveyed by deed from the City of Houston, to William Howard Lee, et al, dated April 26, 1939, recorded in Volume 3585, Page 58 of the Harris County Deed Records (H.C.D.R.) and the portion described in and conveyed by Deed from the City of Houston to L.B. Moody, dated June 29, 1927, recorded in Volume 713, Page 308 (H.C.D.R.), Block 270, being the same land conveyed by Nicholas M. Salgo, Trustee to HNG/Block 270 Joint Venture recorded under File Number F663959, Film Code Number 199-09-0439 of the Harris County Official Public Records of Real Property (H.C.O.P.R.R.P.) and including the property described in the Ground Lease as described in Deed and Assignment from Bernard Wehngarten, et al, to HNG/Block 270 Joint Venture, dated June 29, 1978 and recorded under File Number F663960, Film Code Number 199-09-0446 of the H.C.O.P.R.R.P. Said 1.674 acres of land, more or less, being more particularly described by metes and bounds as follows, with all bearings based on the Texas Coordinate System, South Central Zone. All distances and coordinates are surface and may be converted to grid by multiplying by the combined adjustment of factor of 0.99988878;

COMMENCING at the City of Houston Engineering Department Reference Monument Number 41, located on Main Street at Polk Avenue (City Survey Marker 5457-0107D);

THENCE, North 57°09'51" West, with the City of Houston Engineering Department Reference Line on Polk Avenue, a distance of 377.5 feet to a point;

THENCE, North 32°52'48" East, a distance of 40.00 feet to an "X" set in concrete for the POINT OF BEGINNING (X = 3,152,798.14, Y = 716,743.62), being the southeast corner of said Block 270, the southeast corner of Lot 1 of said Block 270, and the intersection of the northerly right-of-way line of said Polk Avenue (80 feet wide) with the westerly right-of-way line of Travis Street (80 feet wide);

THENCE, North 57°09'51" West, along said northerly right-of-way line of Polk Avenue, being the southerly line of said Block 270, a distance of 252.29 feet to an "X" set in concrete for the southwest corner of said Block 270, being in the existing easterly right-of-way line of Millam Street (90 feet wide);

Exhibit A

Real Property

502-06-294.I.

THENCE, North 32°52'45" East, along said easterly right-of-way line of Milam Street and the westerly line of said Block 270, a distance of 254.50 feet to an "X" set for the northwest corner of a 4.3 feet x 126 feet strip conveyed to said William Howard Lee, and being in the existing southeasterly right-of-way line of Dallas Avenue (75.7 feet wide);

THENCE, South 57°08'21" East, along said existing southeasterly right-of-way line of Dallas Avenue and said 4.3 foot feet strip at 126.14 feet pass the common northeasterly corner of said William Howard Lee 4.3 x 126.0 strip and the L.B. Moody 4.3 x 126 foot strip being the northwest corner of said Ground Lease, in all, a distance of 252.29 feet to a p.k. nail set for the northeast corner of said 4.3 foot Moody Strip, being in the existing westerly right-of-way line of said Travis Street

THENCE, South 32°52'45" West, along said Travis Street and the easterly line of said 4.3 foot Moody Strip and Block 270, at 159.3 feet pass the southeast corner of said Ground Lease, in all, a total distance of 254.39 feet to the POINT OF BEGINNING, containing a computed area of 1.474 acres (64,195 square feet) of land.

PARCEL II

Appurtenant easements and rights created by the following instruments:

1. City Ordinance No. 65-2020 granting permission to use and occupy space under sidewalks, filed for record under Clerk's File No. C 239844 of the Official Public Records of Real Property of Harris County, Texas.
2. Underground Pedestrian Tunnel or Overhead Pedestrian Walkway dated December 19, 1969 filed for record under Clerk's File No. N 415662 of the Official Public Records of Real Property of Harris County, Texas. Amended by that certain Amendment to Turned or Walkway Consent dated effective February 15, 1994, filed for record under Clerk's File No. P 822990 of the Official Public Records of Real Property of Harris County, Texas.
3. Permit for Use and Occupancy of a Portion of the City's Right-of-Way dated May 1, 1968, filed for record under Volume 7264, Page 227 of the Deed Records of Harris County, Texas, and under Clerk's File No. C 741787 of the Official Public Records of Real Property of Harris County, Texas.
4. Agreement dated December 19, 1966 for pedestrian tunnel connecting building on Block 270 of the S.S.B. and building on Block 257 of the S.S.B. under Dallas Avenue as evidenced by Permit for Use and Occupancy dated May 2, 1967 and filed for record under Clerk's File No. C 535892 and Volume 6840, Page 234 of the Official Public Records of Real Property of Harris County, Texas.



HPOPS

FOR TODAY & TOMORROW

EXHIBIT D

October 11, 2004

VIA FACSIMILE and US Mail

Mr. Michael Thaler
Executive Assistant Chief of Police
1200 Travis, 15th Floor
Houston, Texas 77002

Re: CADET PENSION BENEFIT ACKNOWLEDGEMENT FORM

Dear Mike:

I have attached for your review a proposed handout explaining the pension benefits that police officers hired after October 9, 2004 will be entitled to receive. Additionally, an acknowledgement form, to be signed by each new classified employee, is enclosed. I envision that a copy of the completed acknowledgement form will be placed in the member's personnel folder at HPD Personnel Division and at the HPOPS' Pension Office.

Please give me a call if you have any questions.

Respectfully,

John E. Lawson
Executive Director

cc: Board of Trustees
Mr. Craig Ferrell

PENSION BOARD
J. Larry Doss
CHAIRMAN

Ralph D. Marsh
VICE CHAIRMAN

James E. Montero
SECRETARY

Terry A. Bratton
TRUSTEE

Joe Glezman
TRUSTEE

Philip Scheps, Ph. D.
TREASURER

Michael Nichols
MAYOR'S
REPRESENTATIVE

EXECUTIVE DIRECTOR
John E. Lawson

HOUSTON
POLICE OFFICERS'
PENSION SYSTEM
602 Sawyer, Suite 300
Houston, TX 77007
713.869.8734
800.874.0454
713.869.7657 Fax
www.hpops.org

**ACKNOWLEDGMENT AND RECEIPT
OF
HIGHLIGHTS OF SERVICE AND DISABILITY PENSIONS
OFFERED BY AND THROUGH
HOUSTON POLICE OFFICERS' PENSION SYSTEM**

This is to acknowledge receipt of the "Highlights of Service and Disability Pensions Offered by and through Houston Police Officers' Pension System."

I further acknowledge that I have read and understand the "Highlights of Service and Disability Pensions Offered by and through Houston Police Officers' Pension System," and/or I have had the opportunity to ask questions concerning the same.

Signed this ____ day of _____, 20__.

Signature

Printed Name

Social Security Number

Address

CITY OF HOUSTON ACKNOWLEDGMENT

CITY REPRESENTATIVE

DATE

Highlights of Service and Disability Pensions

Offered by and Through

Houston Police Officers' Pension System ("HPOPS")

One of the benefits you will receive if you become a classified Police Officer of the City of Houston is the opportunity to earn a pension as a member of the Houston Police Officers' Pension System (called "HPOPS"). These highlights, which are in question and answer format, describe the major features of HPOPS' pension program. Once you become a classified Police Officer, you will be a member of HPOPS, and you may then want to ask HPOPS for a copy of the Plan that provides a complete legal description of the pension benefits you may earn and other materials describing the Plan. The questions and answers below provide only a general summary of the most important features of the detailed legal document that is the Plan administered by HPOPS, and in the event of any inconsistency between these questions and answers and the details of the Plan document, the Plan document shall prevail. Also, it is important for you to know that the contributions and the benefits earned by certain current members of HPOPS are different from the contributions and benefits that will apply to you.

1. What is HPOPS?

HPOPS is a trust fund created by the Texas Legislature to provide service and disability pensions to eligible, retired Police Officers of the City of Houston. HPOPS is administered by a Board of Trustees composed of City of Houston Officials and active and retired members of HPOPS. The active and retired Police Officers who serve on the Board of Trustees are elected by their fellow active and retired Police Officers to serve three (3) year terms. The Board of Trustees acts on behalf of HPOPS to receive and prudently invest the contributions and other payments received by HPOPS, provide pension information to members, determine the eligibility of members and their survivors for benefits and pay pensions to those who are entitled to pensions. HPOPS employs a staff and maintains extensive records to enable it to carry out its duties.

2. Who will pay for my pension benefits?

Both members and the City of Houston make contributions to pay for the pension benefits provided by HPOPS. When you become a member of HPOPS, you will contribute ten and one quarter percent (10.25%) of your pay to HPOPS as your share of the cost of your pension benefits. Your contribution will be withheld from your pay every two weeks. The remaining cost of the pension benefits is provided from payments made to HPOPS by the City of Houston and investment earnings on the money held by HPOPS.

3. What "Pay" is used to determine how much I will contribute to HPOPS?

The Pay that is used to determine your member contributions and would be used to compute your pension, if you become entitled to a pension, is specifically defined. Pay means wages as defined by Section 3401(a) of the United States Internal Revenue Code (the "Code"), plus any amounts that are not included in gross income by reason of Section 104(a)(1), 125, 132(f), 402(g)(2) or 457 of the Code, any member contributions picked up pursuant to Section 414(h)(2) of the Code, and any portion of a clothing allowance or motorcycle allowance that is not considered wages, and less any pay

received for overtime work (OT), Exempt Time Pay (ETP) or Strategic Officer Staffing Program (SOSP) pay. Pay does not include any nontaxable payments that are not expressly described above.

4. When will I be able to get a pension from HPOPS?

You will be entitled to receive a service pension from HPOPS if you leave active service with the Houston Police Department after you attain age fifty-five (55) and you then have at least ten (10) years of service as a classified Police Officer. You will be entitled to receive a disability pension if you leave active service with the City of Houston because you have become totally and permanently incapacitated for the performance of your duties as a Police Officer as a result of a bodily injury or illness.

5. What happens if I leave active service before I attain age fifty-five or become disabled?

If you leave active service after you have earned at least ten (10) years of service as a Police Officer, but before you attain age fifty-five (55), you will be able to commence receiving a service pension once you do attain age fifty-five (55). If you leave active service before you have earned at least ten (10) years of service, you will generally not be entitled to a Pension from HPOPS. An exception applies if you leave active service with the Houston Police Department but work for some other department of the City of Houston. In that case, you would be able to combine your service with all departments of the City of Houston to meet the ten (10) year service requirement, but your pension from HPOPS would be based only on your service in the Police Department. In any event, you will be able to obtain a refund of your member contributions that were withheld from your pay if you do not qualify for a pension.

6. If I become entitled to a pension, how much will it be?

If you become entitled to a service pension, the amount of your monthly pension will be determined by a formula based on your years of service and final 3-year average pay. Your service is the period of time you are employed by the Police Department, including the time (if any) that you were receiving a disability pension or on a military leave of absence, provided you return to active duty after the period of disability or leave of absence. Your final 3-year average pay is the total pay you receive over the last seventy-eight (78) bi-weekly pay periods ending before your termination of employment with the Police Department, divided by thirty-six (36). To figure the amount of your pension, HPOPS takes the following steps:

- A. Multiply your final 3-year average pay by your years of service, not to exceed twenty (20) years of service, and then multiply that result by two and one quarter percent (2.25%);

- B. Multiply your final 3-year average pay by the number of all years and fractions of years of service in excess of twenty (20), and then multiply that result by two percent (2%); and,
- C. Add the amounts obtained in A and B above.

Your total service pension may not exceed eighty percent (80%) of your final 3-year average pay.

If you retire as a result of a disability that has been approved by the Board upon recommendation of the HPOPS' physician, your monthly disability pension is computed in the same manner as a service pension, subject to certain exceptions. First, if your disability retirement was due to, or caused by, the performance of your duties as a Police Officer, your disability pension may not be less than forty-five percent (45%) of your final 3-year average pay. Second, if your disability retirement was due to a catastrophic injury incurred in the performance of your duties as a Police Officer, your monthly disability pension will be equal to one hundred percent (100%) of your final 3-year average pay. If your disability benefit was not incurred in connection with your duty as a Police Officer, your disability pension may not be less than twenty-two and one-half percent (22.5%) of your final 3-year average pay. Finally, in order to receive a disability pension, you must apply for the pension no later than one hundred and eighty (180) days after you leave active service with the Police Department due to the disability. A person who applies for a disability pension is subject to examination to verify the existence of the disability and if the disability pension is approved, to recall and reexamination, from time to time, to determine whether the person remains disabled.

Once your service or disability pension commences, you will be entitled to certain additional supplements. You will receive an additional \$150 each month to help defray the cost of group medical insurance. Also, you will receive an annual cost-of-living increase in your pension, effective on April 1 of each year. The cost-of-living increase is a percentage of your pension that is the same as eighty percent (80%) of the increase in the Consumer Price Index for all Urban Consumers for the preceding year. However, the amount of this annual cost-of-living increase may not be less than two and four tenths percent (2.4%) or more than eight percent (8%).

If you become eligible to receive a service pension, you will have the option of receiving twenty percent (20%) of the value of your pension in a lump sum and a reduced pension. Your pension will be reduced by the actuarial value of the lump sum received, so that the financial impact of paying the lump sum instead of the larger pension will be neutral. This lump sum payment must not be confused with the quite different "DROP" payments that are available to certain current members of HPOPS.

7. What happens to my pension when I die?

If you die after you retire leaving a spouse, the surviving spouse will receive a monthly benefit equal to the monthly pension you were receiving at the time of death. If

you do not leave a surviving spouse but leave one or more surviving children, a monthly benefit equal to the monthly pension you were receiving will be divided among the surviving children. If there is no spouse or dependent child, but you leave dependent parents, the monthly death benefit will be divided between the parents.

Except as described below, if you die while you are still an active Police Officer and you leave a surviving spouse, the surviving spouse will receive a benefit computed in the same manner as a service pension, except it will be based on your service and final 3-year average pay at the time of death. If there is no surviving spouse, but there is a dependent child or children, the benefit will be divided among the dependent children and, if there is neither a surviving spouse nor a dependent child, the benefit will be divided between the dependent parents, if any.

If you are killed or die from any cause growing out of or in consequence of the performance of your duties as a Police Officer, the monthly benefit payable to your surviving spouse, dependent children or dependent parents, as the case may be, will be equal to one hundred percent (100%) of your final 3-year average pay.

If you, or your spouse or dependents, commence to receive benefits and then all persons entitled to receive benefits by reason of your service die or become ineligible to receive benefits before those benefits have been paid for a total of five (5) years, then benefits will continue to be made to your estate or beneficiary for the remainder of the five (5) year period.

By the way, in order to be treated as your surviving spouse, a person must be married to you at the time of your death, or if you are retired at the time of death, the person must either have been married to you on the date of your retirement or for the five (5) year period ending with your death. Furthermore, the marriage must have been recorded in the records of the recorder's office in the county in which the marriage ceremony was performed. A common-law marriage is considered to have occurred on, and not before, the date that a marriage declaration is signed by the Member and the common-law spouse before a notary public and recorded in the county in which the couple resides.

A dependent child is your unmarried natural or adopted child who is either: under eighteen (18) years of age; between eighteen (18) and twenty-four (24) years of age and a full-time student; or, permanently disabled as a result of a disability that commenced before the child attained age eighteen (18). A dependent parent is a natural parent, or an adoptive parent who adopted the Member before the Member attained age eighteen (18), who received at least fifty percent (50%) of his support from the Member during the one-year period preceding the Member's death.

8. How is my pension benefit treated for Federal income tax purposes?

HPOPS is an employees' pension trust that is qualified for Federal income tax purposes under Section 401 of the Code. Because the City of Houston "picks-up" your

you do not leave a surviving spouse but leave one or more surviving children, a monthly benefit equal to the monthly pension you were receiving will be divided among the surviving children. If there is no spouse or dependent child, but you leave dependent parents, the monthly death benefit will be divided between the parents.

Except as described below, if you die while you are still an active Police Officer and you leave a surviving spouse, the surviving spouse will receive a benefit computed in the same manner as a service pension, except it will be based on your service and final 3-year average pay at the time of death. If there is no surviving spouse, but there is a dependent child or children, the benefit will be divided among the dependent children and, if there is neither a surviving spouse nor a dependent child, the benefit will be divided between the dependent parents, if any.

If you are killed or die from any cause growing out of or in consequence of the performance of your duties as a Police Officer, the monthly benefit payable to your surviving spouse, dependent children or dependent parents, as the case may be, will be equal to one hundred percent (100%) of your final 3-year average pay.

If you, or your spouse or dependents, commence to receive benefits and then all persons entitled to receive benefits by reason of your service die or become ineligible to receive benefits before those benefits have been paid for a total of five (5) years, then benefits will continue to be made to your estate or beneficiary for the remainder of the five (5) year period.

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8. How is my pension benefit treated for Federal income tax purposes?

HPOPS is an employees' pension trust that is qualified for Federal income tax purposes under Section 401 of the Code. Because the City of Houston "picks-up" your

member contributions to HPOPS, they are considered employer contributions and are not taxed to you when made. Due to HPOPS' tax qualified status, you will not pay any Federal income taxes on your accrued pension before you actually receive payments. However, payments received by you, your spouse or dependents will generally be included in your income for the year received. The exception is that if you are disabled or killed in connection with the performance of your duties as a Police Officer, some or all of the payments received by you and your spouse or dependents will be tax free.

9. What responsibilities does HPOPS have with respect to the pension benefits it administers?

HPOPS' major responsibilities including the following:

- Administering retirement and disability pensions for classified Police Officers of the City of Houston.
- Providing you and other Members and their beneficiaries with various publications, which contain detailed information regarding your benefits.
- Keeping you informed of your rights and options through benefit statements, newsletters, correspondence, seminars and the HPOPS Web site.
- Keeping you up to date on changes that affect your benefits.
- Investing the funds held by HPOPS in such a manner as to enhance the benefits that may be provided to Members without taking undue risks.

10. Will I have any responsibilities as a Member of HPOPS?

Yes. You should:

- Read your annual Statement of Benefits and to inform HPOPS of any incorrect information.
- Read the handbooks, brochures, newsletters and other informative materials provided by HPOPS.
- Ask questions if you do not understand your benefits or the services provided by HPOPS.
- Share your benefit information with your family.
- Inform HPOPS if your mailing address or phone number changes.

- Notify HPOPS of any changes in your marital status.
- Monitor and understand the income tax and medical deductions that are withheld from your monthly pension once you begin to receive a pension.

11. Where can I get more pension information when I become a Member of HPOPS?

The staff of HPOPS is available to assist our Members, Monday through Friday, from 8:00 a.m. to 5:00 p.m. You may contact HPOPS as follows:

Phone: (713) 869-8734
or toll free (800) 874-0454

Facsimile: (713) 869-7657

Web site: www.hpops.org

Office address: 602 Sawyer
Suite 300
Houston, TX 77007

Members also may access detailed information regarding their pension benefits and read about current events affecting their pensions on our Web site. HPOPS also posts frequently requested forms and informational booklets on the Web site. Members who do not have Internet access or prefer not to use the HPOPS Web site can obtain certain information and forms by personal request at the HPOPS Office.

Please be prepared to show a picture ID when requesting information that is not available to the general public. You may also send a written request for information to HPOPS. All responses will be sent to the most recent address on file with HPOPS.

HPOPS' staff is pleased to meet with Members on an appointment basis. HPOPS' staff wants to be properly prepared to assist you and devote an adequate amount of time to your needs. A Member may make an appointment over the phone or by visiting the HPOPS Office and completing an Appointment Request Form.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance allowing the Houston Police Department to apply for and accept Criminal Justice Division funding for the Forensic Science Backlog Reduction for Controlled Substances	Category #	Page 1 of 1	Agenda Item # 27
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FROM: (Department or other point of origin): Houston Police Department	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council Districts affected: All
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For additional information contact: Joseph A. Fenninger, <i>JAF 4/28/11</i> CFO and Deputy Director 713-308-1770	Date and identification of prior authorizing Council Action:
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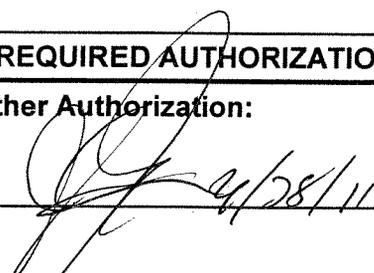
RECOMMENDATION: (Summary)
The Houston Police Department recommends City Council approve an ordinance authorizing application for and acceptance of the grant funds through the Office of the Governor's Criminal Justice Division to fund the Forensic Science Backlog Reduction for Controlled Substances.

Amount of Funding: Grant Revenue Forensic Science Backlog Reduction for Controlled Substances from the Criminal Justice Division: \$233,126.40	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)
Criminal Justice Division/Amount Requested: \$233,126.40

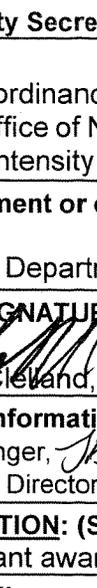
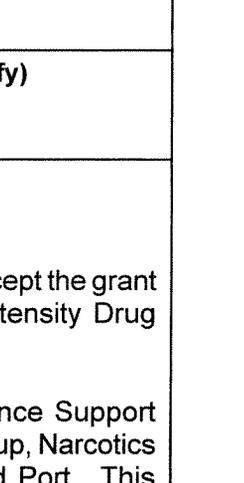
SPECIFIC EXPLANATION:
The Office of the Governor's Criminal Justice Division provides state and federal funds to entities for implementing crime victim assistance programs and initiatives. The Houston Police Department has made an application with the Criminal Justice Division seeking to obtain grant funding for the Forensic Science Backlog Reduction for Controlled Substances. City Council approval of the grant submission is a requirement to receive funding. The grant does not require city matching funds.

Forensic Science Backlog Reduction for Controlled Substances
The Crime Lab of the Houston Police Department is seeking \$233,126.40 to hire four full-time, temporary analysts to perform microscopic and chemical analysis on marijuana and non-marijuana cases. The Crime Lab expects to reduce the marijuana case backlog by 25% with this additional staffing. The significance of this initiative is that it will aid in the adjudication of drug offenders charged with possession and distribution of narcotics through the analysis of evidence. By identifying and prosecuting drug offenders, deterrence for these crimes will occur.

REQUIRED AUTHORIZATION		
Finance Budget:	Other Authorization:  <i>JAF 4/28/11</i>	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance allowing the Houston Police Department to accept the Office of National Drug Control Policy funding for the FY 2011 High Intensity Drug Trafficking Area Grant.		Category #	Page 1 of 1	Agenda Item # 28
FROM: (Department or other point of origin): Houston Police Department		Origination Date		Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police		Council Districts affected: All		
For additional information contact: Joseph A. Fenninger,  CFO and Deputy Director 713-308-1770		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) Approve the grant award for the FY 2011 High Intensity Drug Trafficking Area Grant				
Amount of Funding:			Finance Budget:	
<u>Total Funding</u> \$1,240,678				
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: <u>FY 2011 High Intensity Drug Trafficking Area Grant</u> <p>The Houston Police Department (HPD) recommends that City Council approve the ordinance to accept the grant award of \$1,240,678 from the Office of National Drug Control Policy for the FY 2011 High Intensity Drug Trafficking Area (HIDTA) Grant. This will represent the 21st year of funding for the department.</p> <p>The HIDTA initiatives consist of the Gang and Non-Traditional Gang Squad, Houston Intelligence Support Center, Houston Money Laundering Initiative, Major Drug Squads, Methamphetamine Initiative Group, Narcotics Operation Control Center, Targeted Narcotics Enforcement Team, and the Truck, Air, Rail, and Port. This funding will be used for salaries, overtime, purchase of evidence and information, investigative expenses, Investigative travel, training, and lease vehicles.</p> <p>The \$1,240,678 award is a portion of the grant request per the award notice "Consistent with Public Law 111-322, the Continuing Appropriations Act, 2011, this document provides a total budget and spending ceiling as reflected in Block 10 of the Grant Award document, which represents funding at the rate of 42% of the fiscal year 2010 funding level. Accordingly, the sum of all budgets cannot exceed the award amount reflected on the Grant Award document. The Office of the National Drug Control Policy acknowledges that the aforementioned funding level is below the stated budget requirements; however, additional funding cannot be made available until enacted through public law."</p> <p>An additional request for council action will be forthcoming when the remaining funds are released from the federal funding agency.</p> <p>This grant does not require a cash or in-kind match.</p>				
REQUIRED AUTHORIZATION				
Finance Budget:		Other Authorization:  4/28/11		Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9058

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Next Generation Wireless Devices and Services for the Information Technology Department/S33-T23387

Category #
4

Page 1 of 2

Agenda Item

29

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
May 25, 2011

Agenda Date
JUN 01 2011

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Gary Morris Phone: (832) 393-0065
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance awarding a contract to Sprint Solutions, Inc. in an amount not to exceed \$20,000,000.00 for next generation wireless devices and services for the Information Technology Department.

Maximum Contract Amount: \$20,000,000.00

Finance Budget

\$20,000,000.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Sprint Solutions, Inc., in an amount not to exceed \$20,000,000.00 for next generation wireless devices and services for the Information Technology Department (ITD). The City Purchasing Agent or the Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to deploy wireless devices and services that will provide various departments with the tools necessary to communicate retrieve and deliver data in a precise and timely manner.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. One hundred twenty-six prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from: AT&T Mobility, Sprint Solutions, Inc., T-Mobile, and Verizon Communications. The evaluation committee consisted of seven evaluators from the Houston Airport System (HAS), Houston Fire Department (HPD), Houston Police Department (HPD) and the ITD. The proposals were evaluated based upon the following criteria:

- Conformation to the RFP Requirements
- Price
- Expertise/Experience Qualifications
- Financial Strength
- M/WBE Participation

Sprint Solutions, Inc. received the highest overall score. Moreover, ITD is confident that Sprint Solutions, Inc. can perform the required services as outlined in the RFP.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 5/25/2011	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Next Generation Wireless Devices and Services for the Information Technology Department/S33-T23387	Originator's Initials CJ	Page 2 of 2
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M/WBE Subcontracting:

This RFP was issued as a goal-oriented contract with a 5% M/WBE participation level. Sprint Solutions, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Percentage</u>	<u>Amount</u>
Premier Paging, Inc.	Wireless Deployment, Delivery and Training	5%	\$1,000,000.00

The Mayor's Office of Business Opportunity 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: Conley Jackson

Estimated Spending Authority

Department	FY11	Out Years	Total Amount
Information Technology Department	\$200,000.00	\$19,800,000.00	\$20,000,000.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8961

Subject: Approve an Ordinance Awarding a Sole Source Contract for Flight Information Display System Services for the Houston Airport System/ S33-E23872

Category #
4

Page 1 of 1

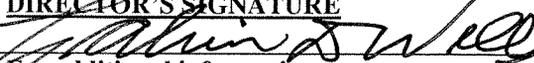
Agenda Item

30

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
March 01, 2011

Agenda Date
JUN 01 2011

DIRECTOR'S SIGNATURE


Council District(s) affected
B-Johnson, I-Rodriguez

For additional information contact:
Dallas Evans Phone: (281) 230-8001
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance awarding a sole source contract to Infax, Inc. in an amount not to exceed \$1,833,400.00 for flight information display system services for the Houston Airport System.

Maximum Contract Amount: \$1,833,400.00

Finance Budget

\$1,833,400.00 - HAS Revenue Fund (8001)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year sole source contract to Infax, Inc. in an amount not to exceed \$1,833,400.00 for flight information display system (FIDS) services for the Houston Airport System (HAS). The City Purchasing Agent and/or the HAS Director may terminate this contract at any time upon 30-days written notice to the contractor.

Infax, Inc. is the sole proprietary owner, developer, supplier and distributor of the multi-user flight information software and is the sole provider of the associated technical support services used to manage, maintain and/or repair the FIDS. There are no authorized third-party software service or maintenance providers.

The FIDS are located at the William P. Hobby (HOU) and Bush Intercontinental Airports (IAH) and are used to provide airport patrons with the latest flight information. The scope of work requires the contractor to furnish all software services, on-site services, system upgrades and enhancements at the HOU and IAH airports on an as-needed basis.

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

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: Conley Jackson

ESTIMATED SPENDING AUTHORITY

Department	FY 2011	Out Years	Total
Houston Airport System	\$201,560.00	\$1,631,840.00	\$ 1,833,400.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



4250 River Green Parkway - Suite D
Duluth, Georgia 30096

January 13, 2011

Mr. Douglas Shields
Houston Airport System
Senior Procurement Specialist
Technical Services Building
18600 Lee Road
Humble, TX 77338

RE: Multi-user Flight Information Display System Software

Dear Mr. Shields:

This letter shall serve as official notification that Infax, Inc. is the sole provider for the software driving the Infax Multi-User Flight Information Display Systems at the Houston Bush Intercontinental and William P. Hobby Airports.

Infax, Inc's. software is propriety and only Infax, Inc's. software can be used to interface with the existing Multi-user Flight Information Display Systems. Should you require additional information, please contact me directly at 678-533-4001.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Davis".

Mike Davis
President

cc: Dan McWilliams-Infax, Inc.
Cindy Dwyer-Infax, Inc.
Dena Hulse-Infax, Inc.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9048

Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Jail Food Services for the Houston Police Department L23859

Category #
4

Page 1 of 2

Agenda Item

31

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
April 27, 2011

Agenda Date
JUN 01 2011

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Joseph A. Fenninger  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 ARAMARK Correctional Services, LLC on its best value bid in an amount not to exceed \$3,182,165.89 for jail food services for the Houston Police Department.

Maximum Contract Amount: \$3,182,165.89

Finance Budget

\$3,182,165.89 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to ARAMARK Correctional Services, LLC on its best value bid (BVB) in an amount not to exceed \$3,182,165.89 for jail food services for the Houston Police Department (HPD). 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 equipment, labor, materials, supervision, and transportation necessary to provide quality jail food services for the HPD jail facilities, located at 61 Riesner and 8400 Mykawa Road. The contractor will be required to provide jail inmates with three dietary meals per day, seven days per week. Additionally, the contractor will be responsible for preparing and serving meals on-site at the Central Jail Facility (CJF), located at 61 Riesner and will be required to transport all prepared meals as necessary from the CJF to serve the jail inmates located at the 8400 Mykawa Road facility.

The BVB was advertised in accordance with the requirements of the State bid laws. Forty prospective bidders downloaded the solicitation document from the Strategic Purchasing Division website. Bids were received from ARAMARK Correctional Services, LLC, Michaeline's Fresh Foods and Selrico Services, Inc. The Evaluation Committee consisted of three (3) evaluators from the City Legal Department. The Best Value Bids were evaluated based upon the following criteria:

- Cost
- Expertise / Experience /Qualifications
- Financial Strength of Offeror
- Safety Record

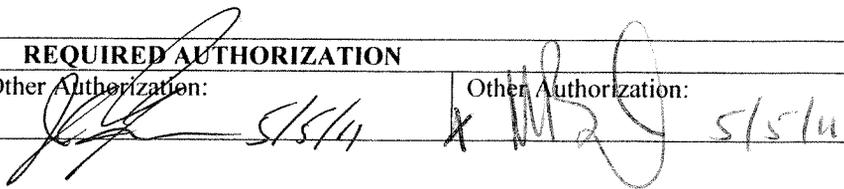
ARAMARK Correctional Services, LLC received the highest overall score.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

 5/5/11

MOI

31

Date: 4/27/2011	Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Jail Food Services for the Houston Police Department L23859	Originator's Initials GK	Page 2 of 2
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M/WBE Subcontractor:

This Best Value Bid was issued as a goal-oriented contract with a 12% M/WBE participation level. ARAMARK Correctional Services, LLC has designated the below-named company as its certified M/WBE subcontractor:

Subcontractor Name	Type of Services	Total Amount	Percentage
PD Morrison Enterprises, Inc.	Disposal Trays and other Paper Products	\$368,113.00	11.56%
Kwik Kill Exterminations	Exterminating and Pest Control	\$8,783.00	0.28%
Diversified Chemical and Supply, Inc.	Janitorial Chemical and Supplies – Disinfectants	\$4,964.00	0.16%
Total		\$381,860.00	12%

This award will be monitored by the Affirmative Action Division.

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: Gloria Jordan-King

Estimated Spending Authority

Department	FY11	Out Years	Total Amount
Houston Police	\$636,433.18	\$2,545,732.71	\$3,182,165.89

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8953

Subject: Approve an Ordinance Awarding a Contract for Disposal of Waste Materials from Sewer Cleanouts for the Public Works & Engineering Department
S37-L23790

Category #
4

Page 1 of 2

Agenda Item

32

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
March 22, 2011

Agenda Date
JUN 01 2011

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 McCarty Road Landfill Texas, LP, on its sole bid in an amount not to exceed \$641,901.15 for disposal of waste materials from sewer cleanouts for the Public Works & Engineering Department.

Maximum Contract Amount: \$641,901.15

Finance Budget

\$435,000.00 - PWE-W & S System Operating Fund (8300)
\$206,901.15 - Stormwater Fund (2302)

\$641,901.15 - 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 extend, to McCarty Road Landfill Texas, LP, on its sole bid in an amount not to exceed \$641,901.15 for disposal of waste materials from sewer cleanouts for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-nine prospective bidders viewed the solicitation document on 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 these services were 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.

<u>Company</u>	<u>Total Amount</u>
1. McCarty Road Landfill Texas, LP	\$641,901.15

This contract will be used to provide all labor, materials, equipment, transportation and supervision necessary to contain, transport and dispose of sewer cleanout waste materials at 101 Japhet, and for the receipt and removal of sewer waste materials delivered by City trucks from the City's wastewater collection system to the contractor's landfill. Additional services under this contract include the washout of rented containers and City owned trucks after the waste has been removed and the rental of roll off containers at various job sites.

M/WBE Subcontracting

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level. McCarty Road Landfill Texas, LP has designated the below-named company as its certified M/WBE subcontractor.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Mx

33

Date:
3/22/2011

Subject: Approve an Ordinance Awarding a Contract for Disposal of
Waste Materials from Sewer Cleanouts for the Public Works &
Engineering Department
S37-L23790

Originator's
Initials
JH

Page 2 of 2

Name

Velez Trucking, Inc.

Type of Work

Dump Trucking Services

Dollar Amount

\$70,609.13

This contract will be monitored by the Affirmative Action Division.

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.

Estimated Spending Authority

DEPARTMENT	FY 2011	OUT YEARS	TOTAL
Public Works	\$0.00	\$641,901.15	\$641,901.15

Buyer: Joyce Hays

SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order to T.F. Harper & Associates L.P. through the Texas Local Government Purchasing Cooperative (Buy Board) for Cole Creek Park for the Parks and Recreation Department. WBS No. F-0504C2-0005-4

Page
1 of 1

Agenda
Item

33

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

Origination Date

5-26-11

Agenda Date
JUN 01 2011

DIRECTOR'S SIGNATURE

Scott Minnix



Council District(s) affected:

A

For additional information contact:

Jacquelyn L. Nisby Phone: 832 393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Appropriate funds and authorize issuance of a purchase order in the amount of \$68,662.00 to T.F. Harper & Associates L.P. through the Texas Local Government Purchasing Cooperative (Buy Board) for the Parks and Recreation Department.

Amount and Source Of Funding:

\$ 68,661.60 Parks & Recreation Dedication Fund (4035)

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$ 68,661.60 and authorize issuance of a purchase order to T.F. Harper & Associates L.P. through the Buy Board to purchase and install a new playground unit and 2 bay swing set at Cole Creek Park for the Parks and Recreation Department.

PROJECT LOCATION: 7200 Drowsy Pine (411W)

PROJECT DESCRIPTION: This project consists of the purchase, delivery, and installation of a new playground unit and 2 bay swing set.

FUNDING SUMMARY:

\$ 65,392.00 Construction Services
\$ 3,269.60 5% Contingency
\$ 68,661.60 Total Funding

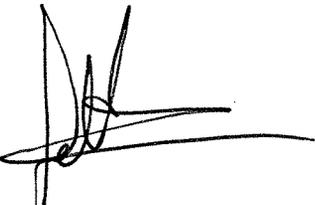
SM:RAV:JLN:LJ:MS:ms

c: Marta Crinejo, Mark Ross, Jacquelyn L. Nisby, Calvin Curtis, Luci Correa, Christopher Gonzales, Angela Jackson, Sandy Yen, Martha Leyva, Beatrice Ornelas, File 813

REQUIRED AUTHORIZATION

CUIC# 25PARK154

General Services Department:



Richard A. Vella
Chief of Design & Construction Division

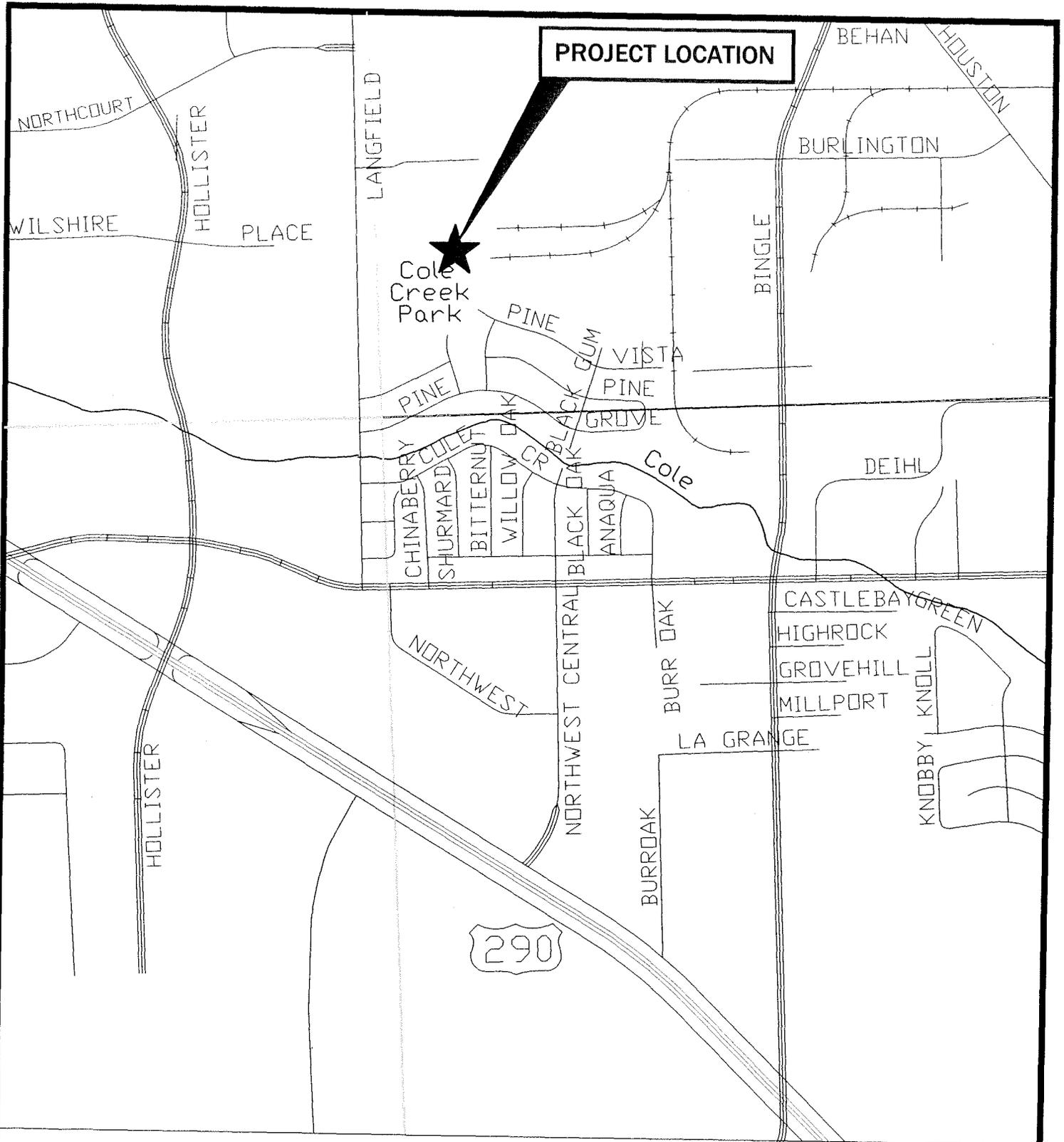
Parks and Recreation Department:



Joe Turner
Director

not

34



Cole Creek Park
7200 Drowsy Pine
Houston, Tx 77092

SUBJECT: Award three Job Order Contracts to Horizon International Group, LLC; J.E. Dunn Construction Company; and Weatherproofing Technologies, Inc.		Page 1 of 2	Agenda Item 34
FROM (Department or other point of origin): General Services Department		Origination Date	
DIRECTOR'S SIGNATURE: Scott Minnix <i>5/4/11</i> <i>Scott Minnix</i>		Council District(s) affected: All	
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action:	

RECOMMENDATION: Award three Job Order Contracts (JOC).

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 three Job Order Contracts to Horizon International Group, LLC (Horizon); J.E. Dunn Construction Company (JE Dunn); and Weatherproofing Technologies, Inc. (WTI), and delegate authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of \$10,000,000. 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; thereby reducing the existing contractors to three. GSD desires to expand its JOC Program. Upon approval of these three contracts, GSD's job order contracting capacity will increase to six contractors.

JOC is used for minor construction, repairs, rehabilitations, or alterations of various facilities. This alternative delivery method allows the City to expedite smaller facility construction projects by having contracts in place which provide these services. Additionally, JOC contracts can help the City respond quickly to emergency situations. Work Orders are issued and approved in accordance with pre-described and pre-priced tasks as established by the construction unit price book, *R.S. Means*. 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.

Horizon, J.E. Dunn, and WTI 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, JOC management plan, key personnel experience, response to emergencies, safety, and claims history. Sixteen firms responded. A selection committee consisting of GSD staff and department representatives ranked the respondents. All contractors scoring greater than 75 points on their Statement of Qualifications were requested to submit proposals (coefficients). Eleven firms submitted proposals. Based on the advertised criteria, Horizon, J. E. Dunn and WTI were selected. GSD negotiated common fees with the selected contractors.

REQUIRED AUTHORIZATION

CUIC # 25CONS179

General Services Department: <i>H. Bautista</i> Humberto Bautista, P.E. Assistant Director		
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NO

SUBJECT: Award three Job Order Contract to Horizon International Group, LLC; J.E. Dunn Construction Company; and Weatherproofing Technologies, Inc.

**Originator's
Initials**
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Page
2 of 2

GSD presented its recommendation to the Budget and Fiscal Affairs Committee on March 1, 2011, but no action was taken because a quorum was not present

PROJECT LOCATION: Citywide

MWBE/SBE PARTICIPATION: A 15% MBE goal and 5% SBE goal have been established for each contract. Since these are work 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, each contractor has elected to provide health benefits to eligible employees in compliance with City policy.

SM:HB:JLN:ea 

c: Martha Crinejo, Jacquelyn L. Nisby, Robert Gallegos, Calvin Curtis, Martha Leyva, Morris Scott, Jean Abercrombie, Darien Helton, Project File 813

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract Hassell Construction Company, Inc. Kingwood Community Center WBS No. F-504C13-0001-4	Page 1 of 2	Agenda Item 35
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FROM (Department or other point of origin): General Services Department	Origination Date 5/25/11	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE: Scott Minnix 	Council District(s) affected: E
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For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: \$ 2,076,721.00 Parks Consolidated Construction Fund (4502) \$ 412,279.00 Parks Special Fund (4012) \$ 2,489,000.00 Total Appropriation	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Hassell Construction Company, Inc. on the proposal amount of \$2,295,272.00 to provide construction services for Kingwood Community Center for the Houston Parks and Recreation Department

PROJECT LOCATION: 4102 Rustic Woods (297X)

PROJECT DESCRIPTION: The scope of work includes construction of a new community center, parking lot replacement and expansion, connecting walkways, landscaping and irrigation, and site detention.

The contract duration for this project is 339 days. M2L Associates is the design consultant and GSD is the construction manager for this project.

PROPOSALS: Hassell Construction Company, Inc. was selected through a two-step Competitive Sealed Proposals process. The project 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 building construction experience, references, contractor representatives, subcontractors and suppliers, safety, and claim history. Eighteen firms responded. A selection committee comprised of GSD project management ranked the respondents. Fourteen of the eighteen firms received sufficient points and were requested to submit proposals. Ten firms submitted proposals. Hassell Construction Company, Inc. submitted the lowest proposal and offers the best value for the City.

REQUIRED AUTHORIZATION CUIC ID # 25PARK147 *NDT*

General Services Department:



Richard A. Vella
 Chief of Design & Construction Division

Parks and Recreation Department:



Joe Turner
 Director

Date	SUBJECT: Award Construction Contract Hassell Construction Company, Inc. Kingwood Community Center WBS No. F-504C13-0001-4	Originator's Initials CFP	Page 2 of 2
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PROPOSALS CONT: The ten firms are ranked as follows:

PROPOSER

1. Hassell Construction Company, Inc.
2. LS & A Group, Inc.
3. DT Construction, L.P.
4. Times Construction, Inc.
5. State Construction, L.P., dba Martin-Harris Construction Texas
6. Millis Development and Construction, Inc.
7. The Gonzalez Group, L.P.
8. Resicom, Inc.
9. Jeffrey C. Stone, Inc. dba Summit Builders
10. ZenCon Inc. dba Zenith Construction

AWARD: It is recommended that City Council award the construction contract to Hassell Construction Company, Inc. and appropriate funds for the project, including an additional appropriation of \$38,797.14 for engineering and materials testing services under the existing contract with Atser, LP.

FUNDING SUMMARY:

\$ 2,295,272.00	Construction Contract Services
\$ 114,763.60	5% Contingency
\$ 2,410,035.60	Total Contract Services
\$ 40,167.26	Civic Art (1.75%)
\$ 38,797.14	Engineering and Materials Testing
\$ 2,489,000.00	Total Funding

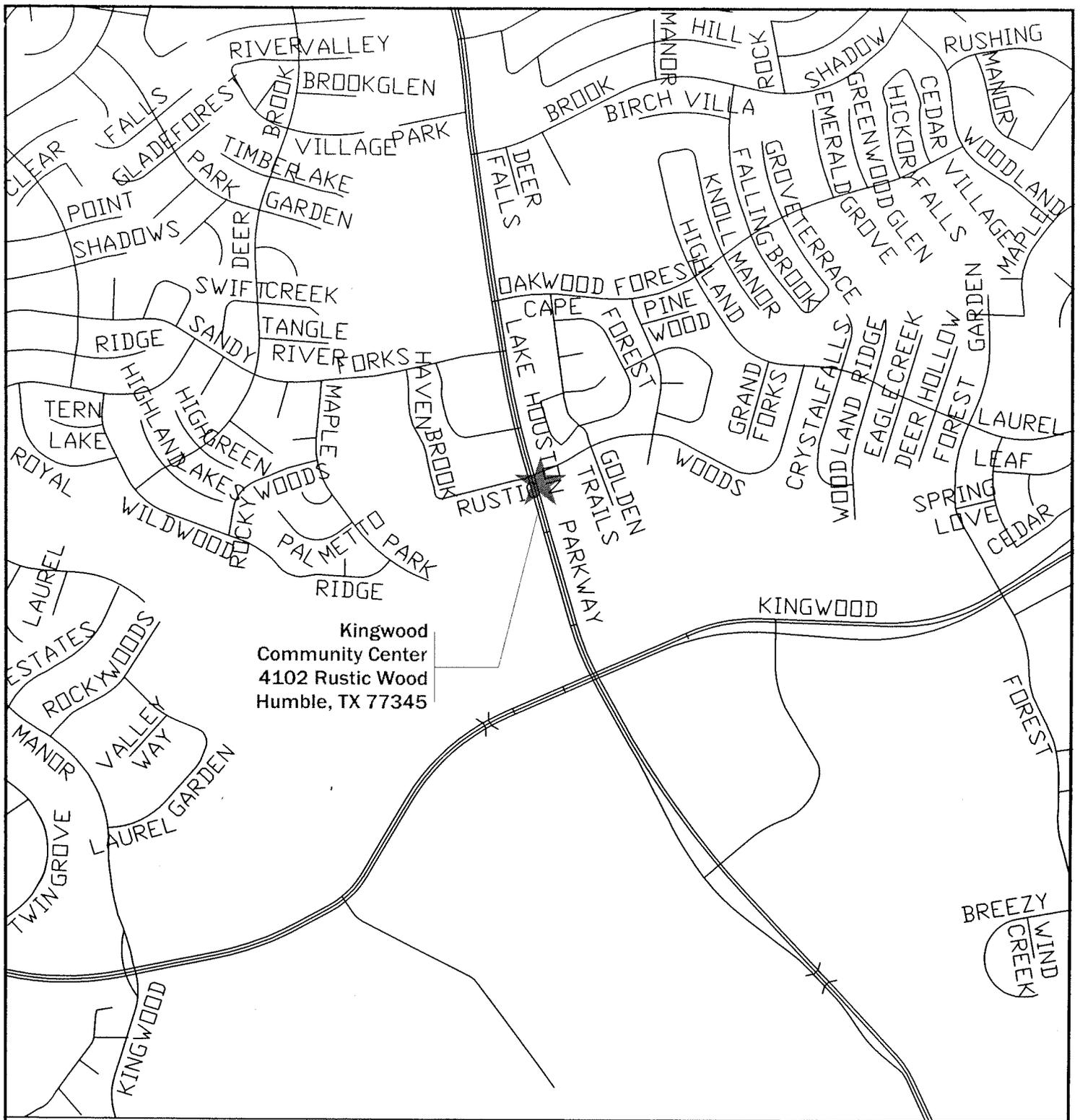
CONSTRUCTION GOALS: A 14% MBE goal and 10% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

<u>FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% OF CONTRACT</u>
Matt Mechanical, LLC	Mech/HVAC	\$ 274,000.00	11.94 %
Matt Mechanical, LLC	Site Utility	\$ 32,000.00	1.39 %
Central Marble & Tile, Inc.	Tile Floors	\$ 22,000.00	0.96 %
TOTAL		\$ 328,000.00	14.29 %
<u>FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% OF CONTRACT</u>
Contracting Paving Supply, LLP	Concrete Supply	\$ 51,000.00	2.22 %
Halco Life Safety Systems, Inc.	Fire Alarm	\$ 10,000.00	0.44 %
Construction Ecoservices II, Inc.	Carpet/Flooring	\$ 171,000.00	7.45 %
TOTAL		\$ 232,000.00	10.11%

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.

SM:JLN:RAV:LJ:CFP:cfp

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Calvin Curtis, Morris Scott, Gabriel Mussio, Chris Gonzales, Martha Leyva, Estella Espinosa, File 712



Kingwood Community Center

**4102 Rustic Woods
Kingwood, TX 77345**

Date

SUBJECT: Additional appropriation between the City of Houston and Texas Department of Transportation (TxDOT) for the Broadway Boulevard Intersection at the IH 610 Loop; WBS No. S-000521-00S4-4.

**Originator's
Initials
ERJ**

**Page
2 of 2**

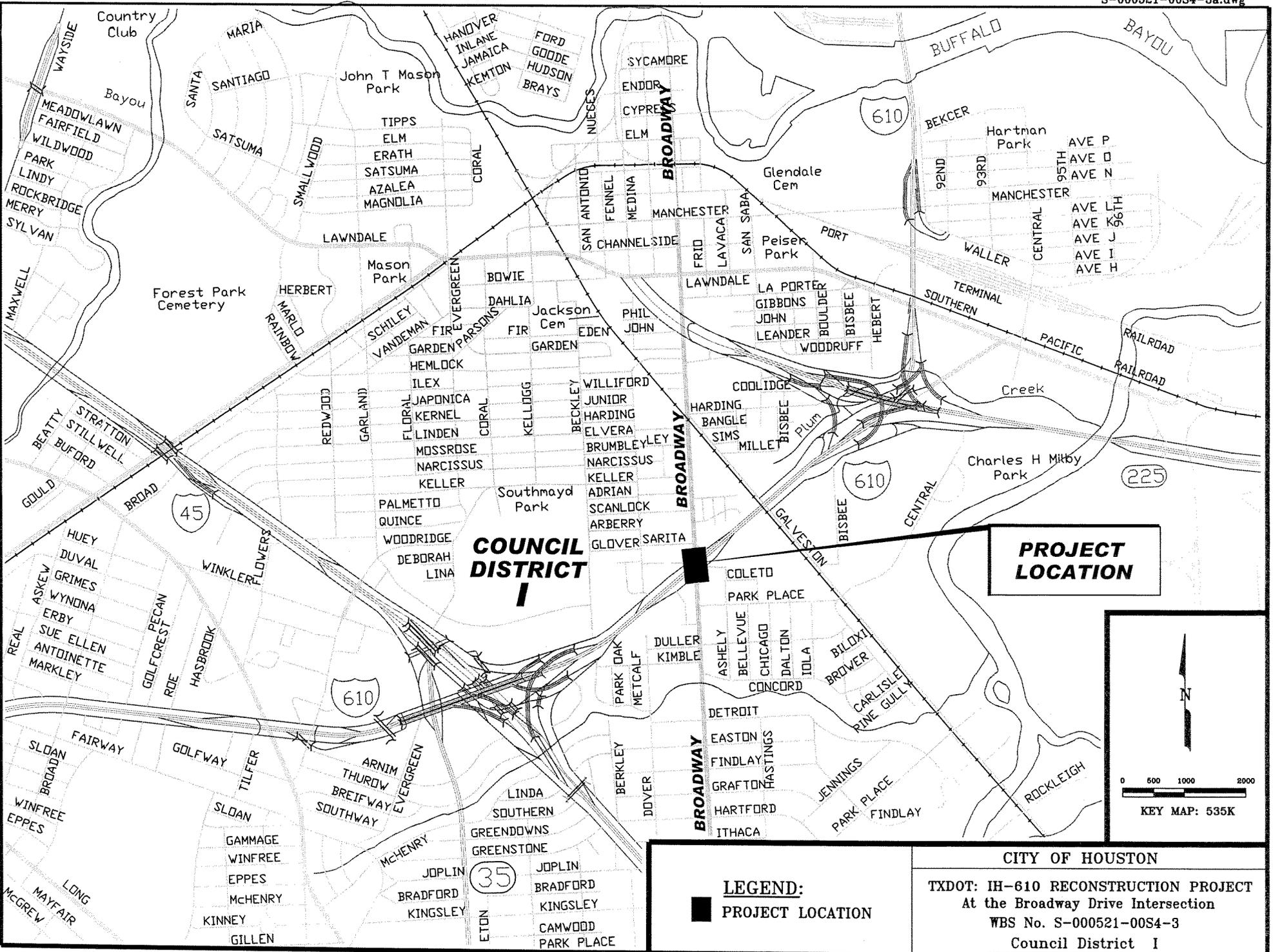
ACTION RECOMMENDED: It is therefore recommended that City Council adopt an ordinance authorizing and approving an additional appropriation of \$53,285.14 for the City's cost participation.


DWK:DRM:RK:TAA:PKC:erj

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File: TxDOT – IH 610 Loop at Broadway Blvd.



COUNCIL DISTRICT I

PROJECT LOCATION

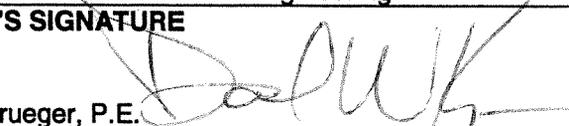
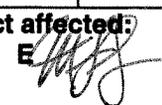
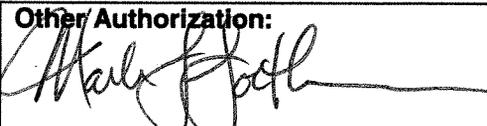
LEGEND:
 **PROJECT LOCATION**

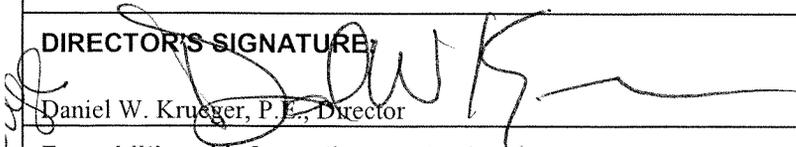
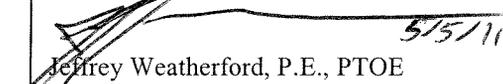
CITY OF HOUSTON
 TXDOT: IH-610 RECONSTRUCTION PROJECT
 At the Broadway Drive Intersection
 WBS No. S-000521-00S4-3
 Council District I



0 500 1000 2000
KEY MAP: 535K

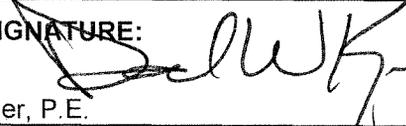
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Amend an Interlocal Cost Sharing Contract with Harris County Municipal Utility District No. 410 for the construction of water, sanitary sewer and storm sewer lines to serve Southdown Trace Section 4		Page 1 of 1	Agenda Item # 37
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: E 	
For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE 832-395-2705		Date and Identification of prior authorizing Council action: 3/9/2005 Ordinance No. 2005-0198 2/27/2008 Ordinance No. 2008-0166	
RECOMMENDATION: (Summary) Approve the Amendment to the Contract for an Interlocal Cost Sharing Contract with Harris County Municipal Utility District No. 410 and de-appropriate partial funds			
Amount and Source of Funding: Funds Appropriated in Ordinance #2008-0166 for an active Interlocal Cost Sharing Contract: Decrease Appropriation from Fund 8500 from \$322,349.00 to \$100,683.27 Decrease Appropriation from Fund 4501 from \$363,000.00 to \$117,000.00 Release \$221,665.73 to Fund 8500 Release \$246,000.00 to Fund 4501 X 25 5/3/11			
SPECIFIC EXPLANATION: On February 27, 2008 Council approved an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 to construct water, sanitary sewer, and storm sewer lines in a 121-lot subdivision, Southdown Trace Section Four. The ordinance appropriated the sum of \$322,349.00 out of the Water and Sewer Consolidated Construction Fund (Fund 8500) and the sum of \$363,000.00 out of the Homeless and Housing Consolidated Fund (Fund 4501). The Contract was signed on March 6, 2008. The District is requesting a contract amendment revising Exhibit A to Exhibit A-1 because the land plan has changed. This will also decrease the City reimbursement amounts. The project under Exhibit A-1 will be to construct approximately 1,600 linear feet of water line, 1,030 linear feet of sanitary sewer line and 1,814 linear feet of storm sewer line to serve the 39-lot subdivision, Southdown Trace Section 4. The revised City estimated reimbursement amount will be: Water S-000800-0113-4 \$55,115.98; Sewer R-000800-0113-4 \$45,567.29; Storm Drainage M-000800-0113-4 \$117,000.00. Therefore, the revisions of the appropriation will decrease the amount appropriated from the Water and Sewer Consolidated Construction Fund 8500 from \$322,349.00 to \$100,683.27 and decrease the amount appropriated from the Homeless and Housing Consolidated Fund 4501 from \$363,000 to \$117,000.00. The difference in the amounts will be returned to the originating fund. cc: Marta Crinejo Howard Hilliard Susan Bandy			
		REQUIRED AUTHORIZATION	20UPA97
Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services		Other Authorization:

SUBJECT: Interlocal Agreement between the City of Houston and Houston-Galveston Area Council (H-GAC) for funding of Mobility Planning. WBS No. N-000662-0031-3		Category	Page 1 of 1	Agenda 38
FROM (Department or other point of origin): Public Works and Engineering Department		Origination Date	Agenda Date JUN 01 2011	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council Districts affected: C, D, G, H, I		
For additional information contact: Jeffrey Weatherford, P.E., PTOE (832) 395-2461		Date and Identification of prior authorizing Council Action: Ordinance #2008-310 Dated: 04/09/08		
RECOMMENDATION: (Summary) It is recommended that City Council pass an Ordinance authorizing an Interlocal Agreement between the City of Houston and Houston-Galveston Area Council and accept an amount of \$400,000.00 from H-GAC.				
Amount and Source of Funding: No funding required.				
PROJECT NOTICE/JUSTIFICATION: It is of mutual benefit of the City of Houston and H-GAC to improve mobility and enhance growth in the Greater Houston Region. This project is part of an ongoing City Mobility Planning Process and will be used to evaluate specific geographic and corridor areas of the City.				
SPECIFIC EXPLANATION: The analyses are targeted to improve regional mobility and enhance growth in the Greater Houston Region. The additional funding will be used on Phase II of the contract with Kimley-Horn & Associates, Inc. The original contract was approved by Council on April 9, 2008 under ordinance 2008-310. Upon approval of this Interlocal Agreement by The Council, a request for Council Action will be submitted to amend the Kimley-Horn contract to include this additional work. The scope of the amendment will include a series of work orders to be issued for evaluation of mobility and congestion in specific geographic areas, mobility corridors, major thoroughfare and capital improvement project corridors. The Public Works and Engineering Department, the Planning and Development Department and the Houston-Galveston Area Council worked together to identify the first area for further analysis as the West Inner Loop Sub Area. This area is bounded by IH-10 (Katy Freeway), IH-610 (West Loop), US59 (Southwest Freeway) & the Central Business District.				
The City will accept funds from H-GAC and deposit into the Mobility Response Team Fund No. 2304.				
DWK:JSW:MG:lhm				
cc: Jeffrey Weatherford, P.E., PTOE Marlene Gafrick LaVerne Hollins-McGlothen Susan Bandy Preston Rice				
REQUIRED AUTHORIZATION		CUIC# 20JSW60		
Finance Department:	Other Authorization:  Marlene Gafrick Director Planning & Development Department	Other Authorization:  5/5/11 Jeffrey Weatherford, P.E., PTOE Deputy Director Traffic and Transportation Division		

SUBJECT: Professional Engineering Services Contract between the City and Jacobs Engineering Group Inc. for Neighborhood Street Reconstruction (NSR) Project 453. WBS No. N-000385-0001-3.	Page 1 of 2	Agenda Item # 39
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: C MB
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For additional information contact: Ravi Kaleyatodi 3/16/11 Ravi Kaleyatodi, P.E., CPM Phone: 832-395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary) An Ordinance approving a Professional Engineering Services Contract with Jacobs Engineering Group Inc. and appropriate funds.

Amount and Source of Funding: \$400,200.00 from the Street and Bridge Consolidated Construction Fund No. 4506.
N.P. 3/21/2011

PROJECT NOTICE/JUSTIFICATION: This project is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhoods.

DESCRIPTION/SCOPE: This project consists of the design of neighborhood street reconstruction. The proposed improvements will consist of concrete roadways with curbs, sidewalks and underground utilities, as required.

LOCATION: The streets included in the NSR Project 453 are listed below:

<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>
1. Beverly Hill	Chimney Rock to Barrington	491X
2. Barrington	Richmond to Windswept	491X
3. Judalon	Chimney Rock to South Rice Avenue	491X, Y
4. Lincrest	Chimney Rock to cul-de-sac east of Barrington	491X
5. Pagewood	Chimney Rock to South Rice Avenue	491X, Y
6. Schumacher	Chimney Rock to South Rice Avenue	491X, Y
7. Windswept	Barrington to South Rice Avenue	491X, Y
8. Yorktown	Windswept to Dead-end	491Y

REQUIRED AUTHORIZATION CUIC# 20MXB13 NDT

Finance Department:	Other Authorization:	Other Authorization:  Daniel R Menendez, P.E., Deputy Director Engineering and Construction Division
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SCOPE AND FEE: Under the scope of the Contract, the Consultant will perform Phase I (Preliminary Design), Phase II (Final Design), Phase III (Construction Phase Services) and Additional Services. The Basic Services Fee for Phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services Fee for Phase II and Phase III will be negotiated on a lump sum amount or on a reimbursable basis after the completion of Phase I. The total Basic Services Fee for Phase I will be \$127,000.00 and the total Additional Services Fee for Phase I will be \$221,000.00.

The design services of this project will be funded in two (2) parts. Part I, which is requested at this time, requires funds in the amount of \$400,200.00 for Preliminary Design and required Additional Services to be appropriated as follows: \$348,000.00 for Phase I Contract Services and \$52,200.00 for CIP Cost Recovery. Funding for Part II, consisting of Phase II and Phase III Basic Services, the remaining Additional Services and CIP Cost Recovery will be requested upon completion of Preliminary Design.

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.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The consultant proposes the following program to meet the goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. B & E Reprographics, Inc.	Reprographics	\$ 625.14	0.18%
2. Chief Solutions, Inc.	Television Inspection Survey	\$ 17,850.00	5.13%
3. ESPA Corp.	Design (Civil Engineering)	\$ 3,000.00	0.86%
4. HVJ Associates, Inc.	Geotechnical/Environmental	\$ 37,433.00	10.76%
5. Landtech Consultants, Inc.	Surveying	<u>\$125,867.50</u>	<u>36.17%</u>
TOTAL		\$184,775.64	53.10%

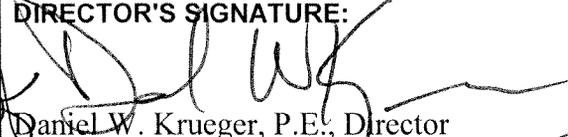
epk ms MB
 DWK:DRM:RK:MS:MB

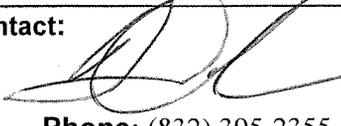
Z:\design\A-NP-DIV\NSR\Board\NSR 453 N-000385-0001-3\1.0 Design Contract\1.2 RCA\NSR 453 RCA.docx

c: File No. N-000385-0001-3

SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and Ratnala & Bahl, Inc. for Street and Bridge Capital Improvements Projects. WBS No. N-000668-0015-4.	Page 1 of 1	Agenda Item # 40
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: All
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For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (832) 395-2355	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approve Professional Construction Management and Inspection Services Contract with Ratnala & Bahl, Inc. and appropriate funds. *M.P. 5/4/2011*

Amount and Source of Funding: \$12,000.00 from Street and Bridge Consolidated Construction Fund, Fund No.4506.

PROJECT NOTICE/JUSTIFICATION: This project is a part of the City's Capital Improvement Plan (CIP) for Street and Bridge projects.

DESCRIPTION/SCOPE: This Contract provides for Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with Street and Bridge projects.

LOCATION: The projects are located throughout the City of Houston.

SCOPE OF CONTRACT AND FEE: This contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

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

Project funding for construction management services will be appropriated with the construction contract award. The requested appropriation of \$12,000.00 will provide for limited pre-construction review and preparation as required.

M/WBE PARTICIPATION: Ratnala & Bahl, Inc. has proposed the following firm to achieve the 24% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. BSCI	Inspection/Administrative Services	24.00%

DWK:DRM:JTL:ALS:ha
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c: File No. Admin – Ratnala & Bahl, Inc.

REQUIRED AUTHORIZATION

20HA107 *NDT*

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and Weston Solutions, Inc. for Sewer Service to Unserved Areas Package 1: Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main & Trunk Main; Strange's Camp Lift Station & Force Main. WBS No. R-000801-0013-4.

Page
1 of 1

Agenda Item #
41

From: Department of Public Works and Engineering

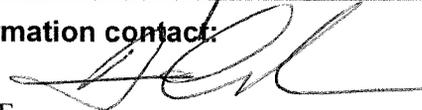
Origination Date

Agenda Date
JUN 01 2011

Director's Signature:

Daniel W. Krueger, P.E., Director

Council District affected:
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:
N/A

Recommendation: Approve a Professional Construction Management and Inspection Services Contract with Weston Solutions, Inc. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 5/4/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's program to provide sanitary sewer to the Unserved areas within the City limit.

DESCRIPTION/SCOPE: This project provides for construction management and inspection services for Sewer Service to Unserved Areas Package 1: Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main & Trunk Main; Strange's Camp Lift Station & Force Main.

LOCATION: The project is located in the Key Map grids 298-X, Y &, Z and 299-W.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

Project funding for construction management services will be appropriated with the construction award. The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

M/WBE PARTICIPATION: Weston Solutions, Inc. has proposed the following firms to achieve the 25% M/WBE goal for this project.

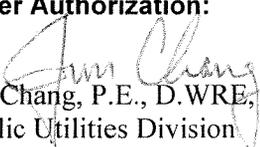
1. KIT Professionals, Inc.	Inspection/Administrative Services	10%
2. Gunda Corporation, Inc.	Inspection/Administrative Services	10%
3. Mepit Engineers	Inspection/Administrative Services	5%
	Total	25%

DWK:DRM:JTL:JLS:mq
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c: File No. Admin – Weston Solutions, Inc.

REQUIRED AUTHORIZATION **CUIC ID #20MZQ190**

Finance Department:

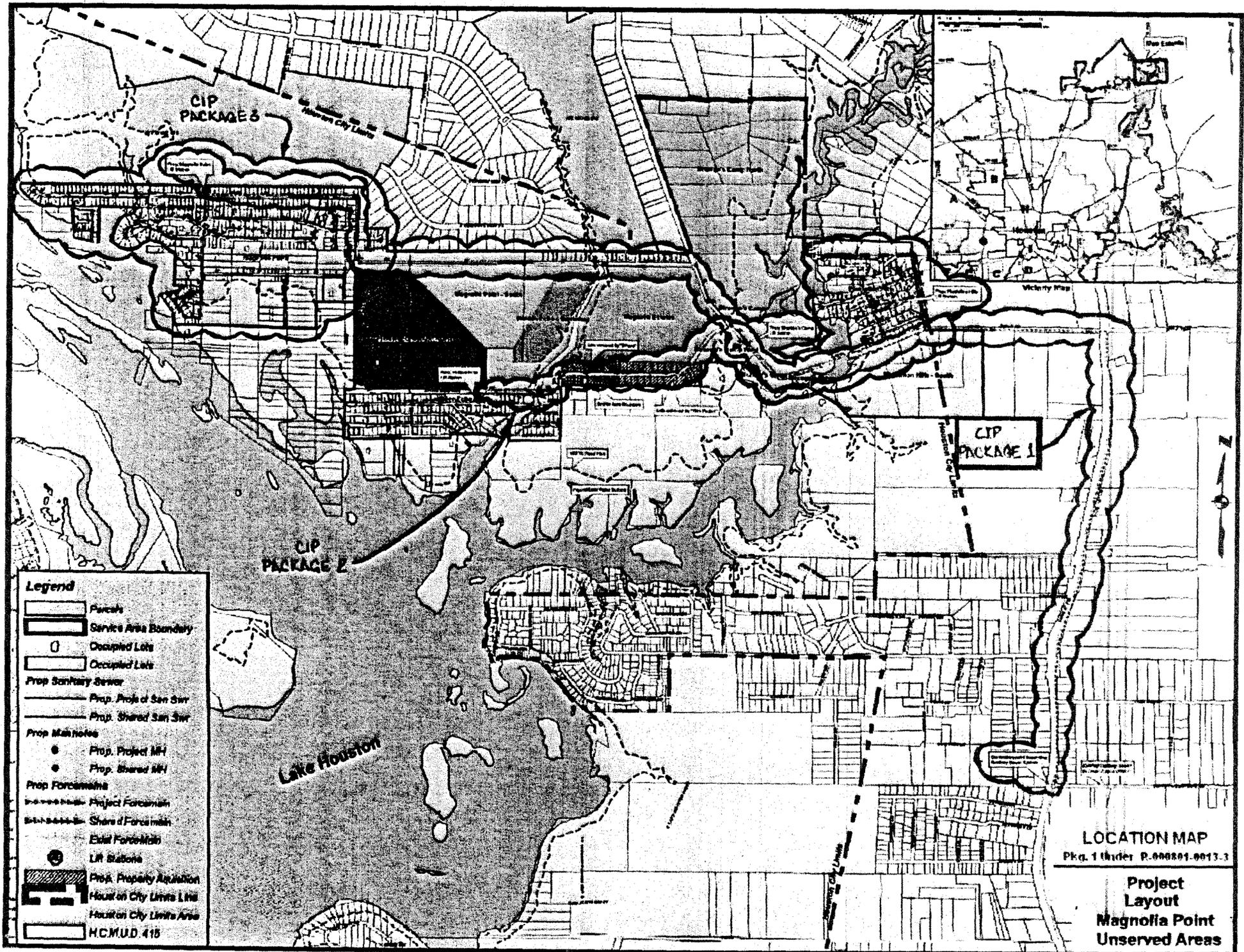
Other Authorization:

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

42

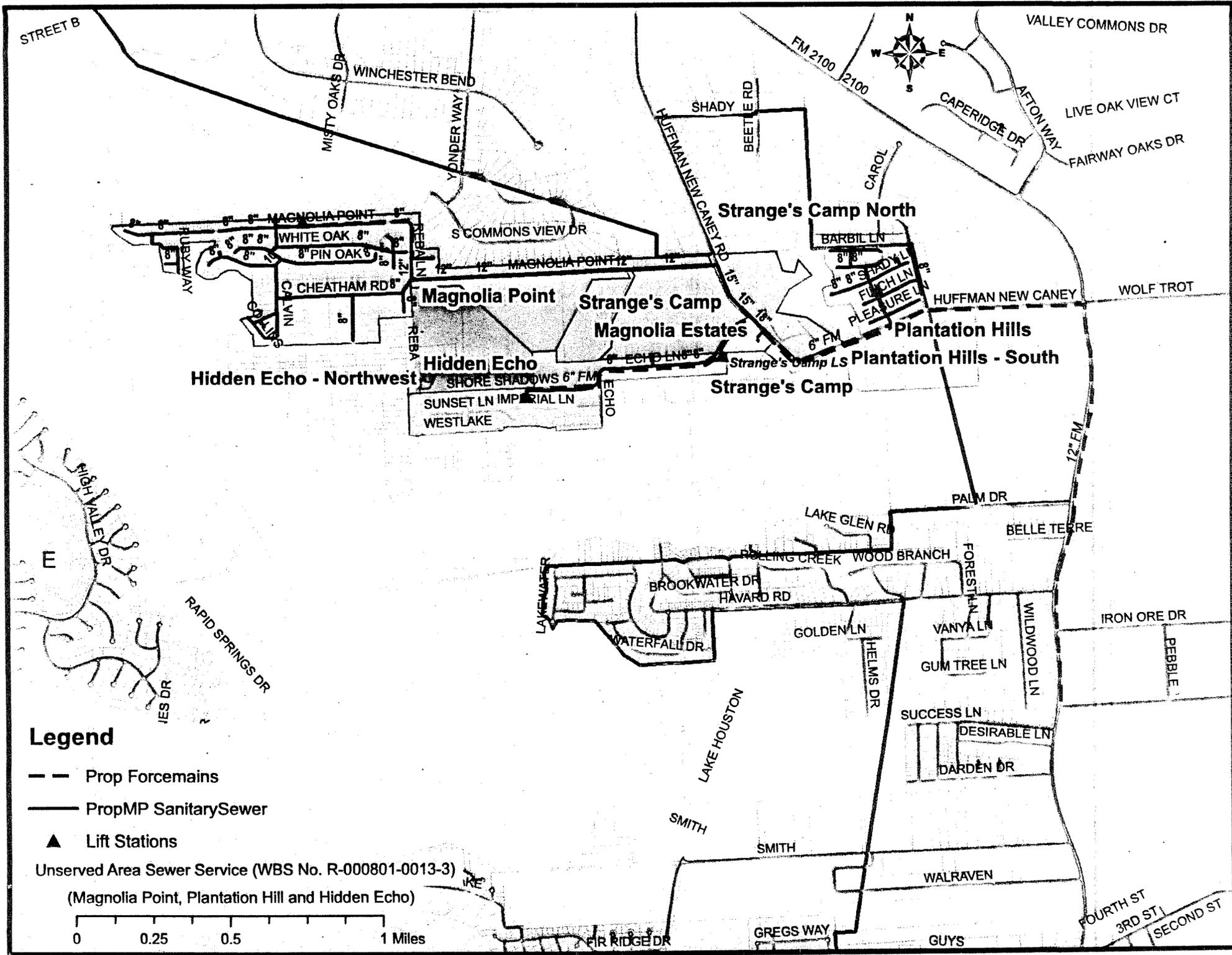


Legend

-  Parcels
-  Service Area Boundary
-  Occupied Lots
-  Prop. Sanitary Sewer
-  Prop. Proj. of San Sew
-  Prop. Shared San Sew
-  Prop. Manholes
-  Prop. Project MH
-  Prop. Shared MH
-  Prop. Forcemain
-  Project Forcemain
-  Shared Forcemain
-  Exist. Forcemain
-  Lift Stations
-  Prop. Property Acquisition
-  Houston City Limits Line
-  Houston City Limits Area
-  HCMUD 415

LOCATION MAP
 Pkg. 1 Under P. 000201.0013.1

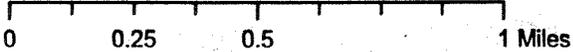
**Project
 Layout
 Magnolia Point
 Unserved Areas**



Legend

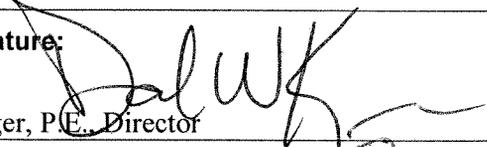
- — Prop Forcemains
- PropMP SanitarySewer
- ▲ Lift Stations

Unserved Area Sewer Service (WBS No. R-000801-0013-3)
 (Magnolia Point, Plantation Hill and Hidden Echo)



SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and Omega Engineers, Inc. for Water and Sewer Capital Projects. WBS No. S-000020-0003-4; R-000020-0003-4.	Page 1 of 1	Agenda Item # 42
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From: Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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Director's Signature:  Daniel W. Krueger, P.E., Director	Council District affected: All
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For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355	Date and identification of prior authorizing Council action: N/A
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Recommendation: Approve a Professional Construction Management and Inspection Services Contract with Omega Engineers, Inc. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 5/11/2011*

PROJECT NOTICE/JUSTIFICATION: These projects are part of the City's Capital Improvement Plan (CIP).

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for the Construction Branch of the Department of Public Works and Engineering in connection with water and sanitary sewer projects.

LOCATION: These projects are located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

Project funding for construction management services will be appropriated with the construction award. The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

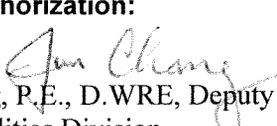
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Play or Play' ordinance regarding health benefits for employees of City contractor. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE PARTICIPATION: Omega Engineers, Inc. has proposed the following firms to achieve the 24% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. Texas American Engineering	Inspection	10%
2. Access Data Supply, Inc.	Administrative Services	14%
Total		24%

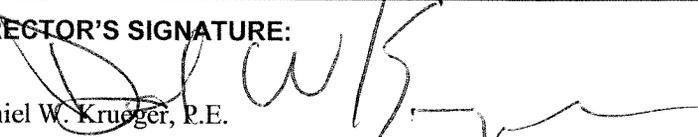
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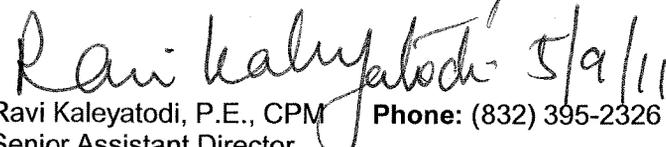
c: File No. Admin - Omega Engineers, Inc.

REQUIRED AUTHORIZATION		CUIC ID #20MZQ220
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

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Atkins North America, Inc. dba Atkins (formerly PBS&J) for West Little York Paving from T.C. Jester to Alabonson / Deep Forest. WBS No. N-000687-0003-3	Page 1 of 2	Agenda Item # 43
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: A, B <i>JK</i>
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance No. 1998-1242 : Dated 12/22/1998 Ordinance No. 1999-0948; Dated 9/1/1999 Ordinance No. 2006-0030; Dated 1/11/2006 Ordinance No. 2008-0703; Dated 8/6/2008
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RECOMMENDATION: (Summary)
 Approve an Ordinance appropriating additional funds for Professional Engineering Services Contract with Atkins North America, Inc. dba Atkins (formerly PBS&J)

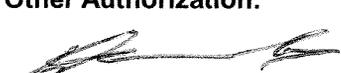
Amount and Source of Funding:
 \$46,750.00.00 from the Street & Bridge Consolidated Construction Fund No. 4506. Original (previous) appropriation of \$709,000.00 from the Street and Bridge Consolidated Construction Fund No. 437 and subsequent additional appropriation of \$253,000.00 from the Street & Bridge Consolidated Construction Fund No. 4506. *M.P. 5/10/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Capital Improvement Plan (CIP) and is necessary to meet City of Houston standards and improve traffic. Prior to being acquired by Atkins, PBS&J was originally under contract with the City to provide engineering services for this project.

DESCRIPTION/SCOPE: This project consists of the design of approximately 7,400 linear feet of reconstructed concrete roadways on West Little York from T.C. Jester to Alabonson / Deep Forest with related waterlines, storm sewer, sidewalks, street lighting, tree saturation and necessary underground utilities.

LOCATION: The project area is generally bounded by Victory on the north, Tidwell on the south, Alabonson on the west and T.C. Jester on the east. The project is located in Key Map Grids 411X, Y & Z.

PREVIOUS HISTORY AND SCOPE: The original Contract was approved on December 22, 1998 by Ordinance No. 1998-1242. The scope of services under the original Contract consisted of Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. During the preliminary Design phase of this project, Harris County Flood Control District (HCFCD) requested that the City expedite the design and construction of West Little York Bridge over Vogel Creek. An Inter-local agreement was entered into with HCFCD on January 11, 2006 via Ordinance No. 2006-0030. West Little York Bridge over Vogel Creek was subsequently designed and bid under this contract. An amendment to deduct \$26,895.00 from the Contract amount was approved on September 1, 1999 by Ordinance No. 1999-0948. Due to accelerating the design, bid and construction of Vogel Creek bridge from the original scope, additional level-of-effort and appropriation necessary to accomplish the project were approved by City Council on August 6, 2008 under Ordinance No. 2008-0703..

REQUIRED AUTHORIZATION		CUIC ID#20SAB40 <i>NOT</i>
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

Date	Subject: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Atkins North America, Inc. dba Atkins (formerly PBS&J) for West Little York Paving from T.C. Jester to Alabonson / Deep Forest. WBS No. N-000687-0003-3	Originator's Initials SAB	Page 2 of 2
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SCOPE OF THIS SUPPLEMENT AND FEE: This additional appropriation is necessary in order to facilitate Right-of Way acquisition for West Little York paving project. Right-of-Way (ROW) acquisition that was initially deemed unnecessary by the Technical Review Committee (TRC) is now needed in order to accommodate left turn lanes at related intersections. As a result, an additional appropriation of \$46,750.00 is needed for surveying and preparation of right-of-way maps in order to complete the scope of West Little York paving project.

The total requested Additional appropriation is \$46,750.00 to be appropriated as follows: \$40,650.00 for Contract Services and \$6,100.00 for CIP Cost recovery

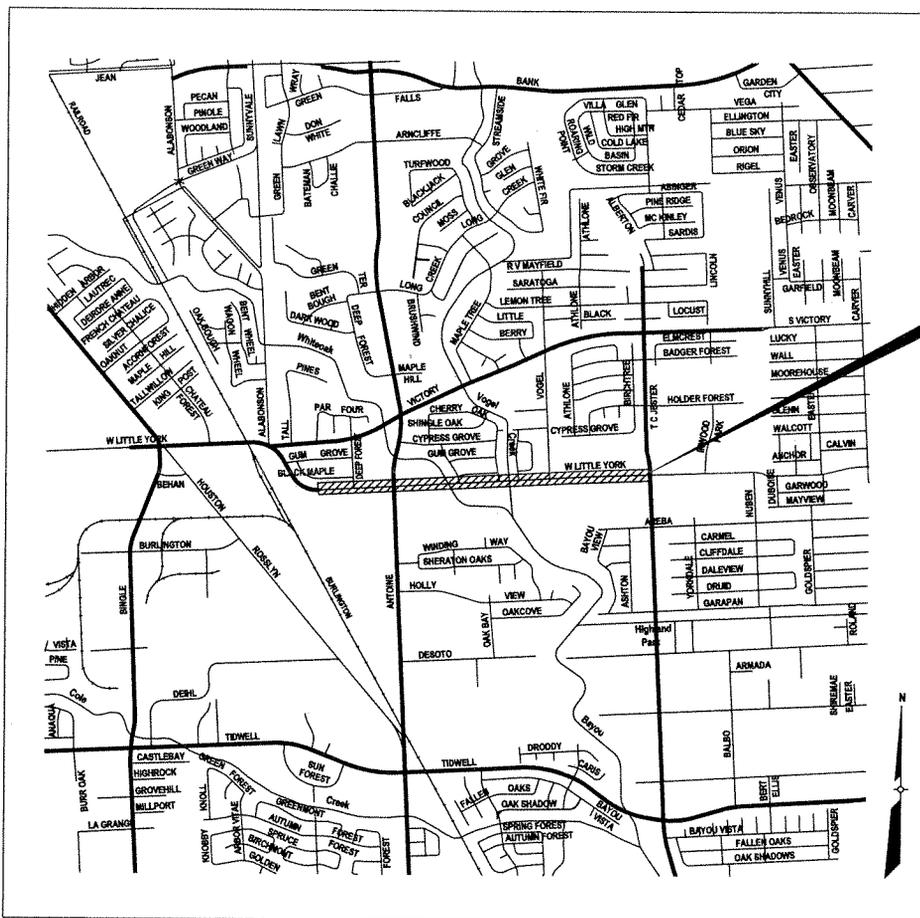
M/WBE INFORMATION: The M/WBE goal established for this project is set at 24%. The original contract and subsequent additional appropriations were approved by Ordinance No. 1998-1242, Ordinance No. 1999-0948, Ordinance No. 2006-0030 and Ordinance No. 2008-0703 for a total of \$845,216.75. The consultant has been paid \$631,062.63 (74.66%) to date. Of this amount, \$190,917.20 (30.25%) has been paid to M/WBE sub-consultants to date. Assuming approval of this additional appropriation, the contract amount will be increased to \$885,866.75. The consultant has proposed the following firms to achieve this goal:

	<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1.	Prior M/WBE Work	Various Services	\$224,376.20	25.33%
2.	GeoSurv, Inc. dba TSC Surveying	Surveying & R.O.W Mapping	\$ 36,950.00	4.17%
		TOTAL	\$261,326.20	29.50%


DWK:DRM:RK:JHK:SAB

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ec: WBS No. N-000687-0003-3 (1.2 DSGN_RCA_Suppl 3)



**PROPOSED
PROJECT SITE**

N.T.S.

ATKINS 1250 WOOD BRANCH PARK
DRIVE SUITE 300
HOUSTON, TEXAS 77079
281-493-5100
TBP REG. #F-474

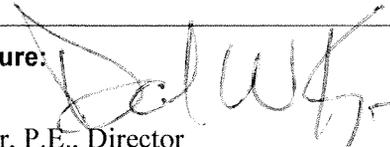
WEST LITTLE YORK ROAD
T.C. JESTER TO ALABONSON/DEEP FOREST DR.
WBS No. N-000687-0003-4

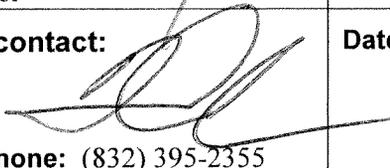
VICINITY MAP

COUNCIL DISTRICT A & B
KEY MAP No. 411 X, 411 Y, 411 Z

SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and Kellogg Brown & Root Services, Inc. for Various Wastewater Facilities Projects. WBS No. R-000020-0002-4. **Page 1 of 1** **Agenda Item # 44**

From: Department of Public Works and Engineering **Origination Date** **Agenda Date**
JUN 01 2011

Director's Signature:  **Council District affected:**
 Daniel W. Krueger, P.E., Director All

For additional information contact:  **Date and identification of prior authorizing Council action:**
 J. Timothy Lincoln, P.E.
 Senior Assistant Director **Phone:** (832) 395-2355

Recommendation: Approve a Professional Construction Management and Inspection Services Contract with Kellogg Brown & Root Services, Inc. and appropriate funds. *H.P. 4/21/2011*

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: These projects are part of the City's Wastewater Facilities Improvements Program. This program is required to meet the Texas Commission on Environmental Quality's (TCEQ) regulations.

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for various wastewater facilities projects.

LOCATION: These projects are located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

M/WBE PARTICIPATION: Kellogg Brown & Root Services, Inc. has proposed the following firms to achieve the 24% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. Isani Consultants	Inspection/Administrative Services	8%
2. Kalluri Group, Inc.	Inspection/Administrative Services	8%
3. Total Construction Inspections	Inspection/Administrative Services	8%
Total		24%

DWK:DRM:JTL:SKF:mq
 Z:\E&C Construction\Facilities\CMs\KBR\R-000020-0002-4\RCA-S-000020-0002-4.doc

c: File No. Admin - KBR, Inc.

REQUIRED AUTHORIZATION CUIC ID #20MZQ209

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
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SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and ESPA CORP. for Water and Sewer Capital Projects. WBS No. S-000020-0004-4; R-000020-0004-4.

Page
1 of 1

Agenda Item #
45

From: Department of Public Works and Engineering

Origination Date

Agenda Date
JUN 01 2011

Director's Signature:



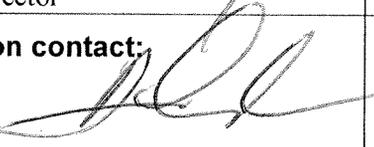
Daniel W. Krueger, P.E., Director

Council District affected:

All

For additional information contact:

J. Timothy Lincoln, P.E.
Senior Assistant Director



Phone: (832) 395-2355

Date and identification of prior authorizing Council action:

Recommendation: Approve a Professional Construction Management and Inspection Services Contract with ESPA CORP. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 5/4/2011*

PROJECT NOTICE/JUSTIFICATION: These projects are part of the City's Capital Improvement Plan (CIP).

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for the Construction Branch of the Department of Public Works and Engineering in connection with water and sanitary sewer projects.

LOCATION: These projects are located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

Project funding for construction management services will be appropriated with the construction award. The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

M/WBE PARTICIPATION: ESPA CORP. has proposed the following firms to achieve the 24% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. BSCI, Inc.	Inspection	12%
2. KIT Professional, Inc.	Inspection	12%
	Total	24%

DWK:DRM:JTL:JLS:mq
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c: File No. Admin – ESPA CORP.

REQUIRED AUTHORIZATION

CUIC ID #20MZQ219

Finance Department:

Other Authorization:

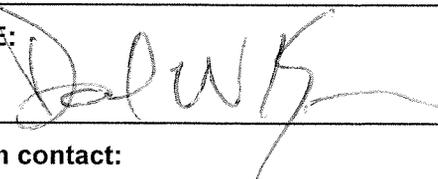
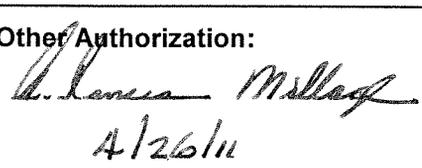
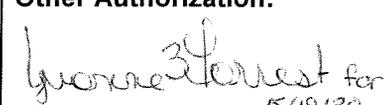

Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Other Authorization:


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

NOT

4/6

SUBJECT: Contract Award for FY11 Water Distribution System Rehabilitation and Renewal WBS No. S-000MAO-0006-4		Category	Page 1 of 2	Agenda Item # 46								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011									
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. 		Council District affected: All										
For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566		Date and identification of prior authorizing Council action: N/A										
RECOMMENDATION: (Summary) Accept low bid, award construction Contract, and allocate funds.												
Amount and Source of Funding: \$ 5,000.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY11) \$1,585,103.00 Water and Sewer System Operating Fund No. 8300 (Allocating in FY12) \$1,590,103.00 Total 												
SPECIFIC EXPLANATION: This project will provide for the on-call repair of water lines up to 16-inches in diameter in the distribution system on an emergency basis throughout the City.												
DESCRIPTION/SCOPE: Work shall include the repair, improvement and/or new installation of main water lines and service lines. The main lines range in diameter up to 16 inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The contract duration for this project is 365 calendar days. This is an on-call contract with projects assigned on an as-needed basis.												
LOCATION: The project area is generally bounded by the City Limits.												
BIDS: Three (3) bids were received for this project on 03/10/11 as follows:												
<table border="1"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Resicom, Inc.</td> <td>\$1,471,526.67</td> </tr> <tr> <td>2. Metro City Construction, L.P.</td> <td>\$1,517,527.51</td> </tr> <tr> <td>3. D.L. Elliott Enterprises, Inc.</td> <td>\$1,667,030.24</td> </tr> </tbody> </table>					<u>Bidder</u>	<u>Bid Amount</u>	1. Resicom, Inc.	\$1,471,526.67	2. Metro City Construction, L.P.	\$1,517,527.51	3. D.L. Elliott Enterprises, Inc.	\$1,667,030.24
<u>Bidder</u>	<u>Bid Amount</u>											
1. Resicom, Inc.	\$1,471,526.67											
2. Metro City Construction, L.P.	\$1,517,527.51											
3. D.L. Elliott Enterprises, Inc.	\$1,667,030.24											
REQUIRED AUTHORIZATION CUIC#20AJM248 NDT												
Finance Department:	Other Authorization:  4/26/11		Other Authorization:  5/19/20 Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division									

Date	Subject Contract Award for FY11 Water Distribution System Rehabilitation and Renewal, WBS No. S-000MAO-0006-4	Originator's Initials	Page <u>2</u> of <u>2</u>
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AWARD: It is recommended that this construction Contract be awarded to Resicom, Inc. with a low bid of \$1,471,526.67.

PROJECT COST: The total cost of this project is \$1,590,103.00 to be allocated as follows:

	<u>FY11</u>	<u>FY12</u>
• Bid Amount	\$4,000.00	\$1,467,526.67
• Contingencies	-----	\$73,576.33
• Engineering Testing Services	<u>\$1,000.00</u>	<u>\$44,000.00</u>
	\$5,000.00	\$1,585,103.00

Tolunay-Wong Engineers, Inc. will provide Engineering Testing Services under a previously approved 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WDBE PARTICIPATION: The low bidder has submitted the following proposed MWBE/SBE participation plan to satisfy the eleven percent (11%) MBE goal and nine percent (9%) SBE goal for this project:

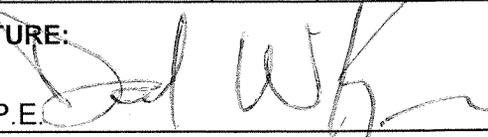
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
R.P. Construction, dba Reyes Pineda Construction, Inc.	Waterlines	\$ 161,867.94	11.00 %
MMG Contractors	Waterlines	\$ 132,437.39	9.00 %
	TOTAL	\$ 294,305.33	20.00 %

DWK:JC:AJM:OS:SM:TC:tc

cc: Robert Gallegos
Sam Lathrum
File No. WA 10873-06

SUBJECT: Contract Award for Morningside Improvements Project. WBS No. N-000403-0003-4.	Page 1 of 2	Agenda Item # 47
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date JUN 01 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: C MS
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: 832-395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$1,508,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506. *M.P. 5/6/2011*

PROJECT NOTICE/JUSTIFICATION: This project is required to improve the condition of Morningside in addition to enhancing the quality of life in the neighborhood.

DESCRIPTION/SCOPE: Project provides for sidewalk, asphalt overlay, and drainage improvements along Morningside from Rice to Bissonnet.

LOCATION: The proposed project is bounded on the north by Bissonnet, on the east by Greenbriar, on the south by Rice, and on the west by Kirby, and is in Key Map grids 532C, 492Y.

BIDS: Bids were received on April 7, 2011. The three (3) bids are as follows:

Bidder	Bid Amount
1. Huff & Mitchell, Inc.	\$1,292,841.00
2. Metro City Construction, L.P.	\$1,311,061.88
3. SER Construction Partners, Ltd.	\$1,357,692.50

AWARD: It is recommended that this construction Contract be awarded to Huff & Mitchell, Inc. with a low bid of \$1,292,841.00.

PROJECT COST: The total cost of this project is \$1,508,000.00 to be appropriated as follows:

•	Bid Amount	\$1,292,841.00
•	Contingencies	\$64,659.00
•	Engineering and Testing Services	\$60,000.00
•	CIP Cost Recovery	\$90,500.00

REQUIRED AUTHORIZATION CUIC# 20MXB14 **ADT**

Finance Department:	Other Authorization:	Other Authorization:  Daniel R Menendez, P.E., Deputy Director Engineering and Construction Division
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Engineering and Testing Services will be provided by All-Terra Materials Testing, Inc. under a previously approved contract. Construction Management will be provided by City of Houston personnel.

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.

MBE/SBE INFORMATION: The MBE goal for the project is set at 9% and the SBE goal is set at 7%. The consultant proposes the following program to meet the goal:

<u>Name of MBE Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. City Build Utility Supply	Pipe Supply	\$ 66,360.00	5.13%
2. P. A. Berrios Trucking	Hauling	\$ 50,000.00	3.87%
TOTAL		\$116,360.00	9.00%

<u>Name of SBE Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Chief Solutions, Inc.	Inspection	\$ 7,140.00	0.55%
2. KMA Contractors Services, Inc.	Photos/Supplies	\$ 37,070.00	2.87%
3. R. P. Construction, DBA Reyes Pineda Construction, Inc.	Water Line Work	\$ 38,790.00	3.00%
4. Stripes & Stops Company, Inc.	Traffic Markings, Barricades	\$ 7,500.00	0.58%
TOTAL		\$ 90,500.00	7.00%

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

MS
DRM
RK
MS
MB
 DWK:DRM:RK:MS:MB

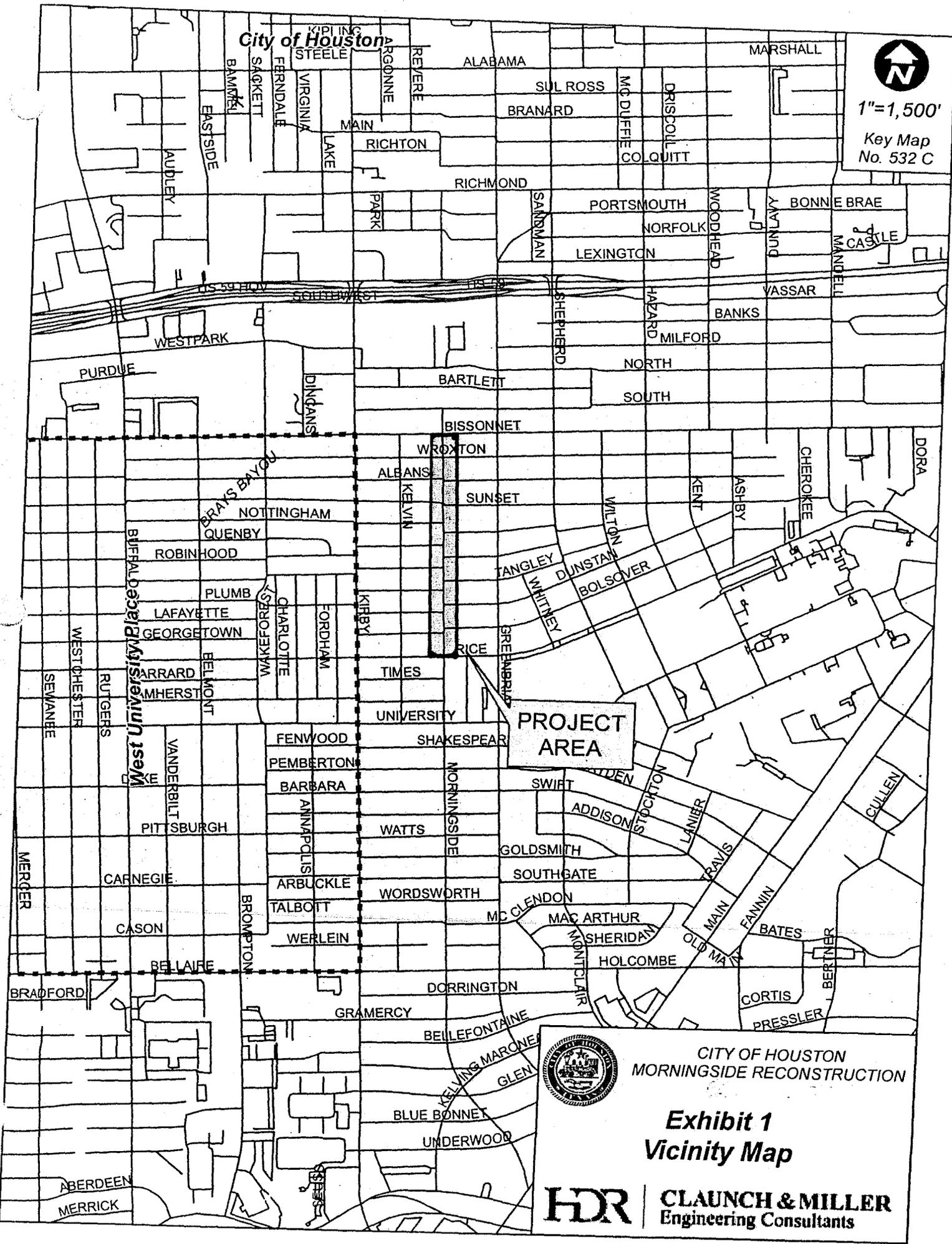
Z:\design\A-NP-DIV\NSR\Board\Morningside N-000403-0003-3\3.0 Final Design (Phase II)\3.7 Advertisement-Bid-Award\RCA\Morningside Construction RCA.docx

c: File No. N-000403-0003-4

City of Houston



1"=1,500'
Key Map
No. 532 C



**PROJECT
AREA**

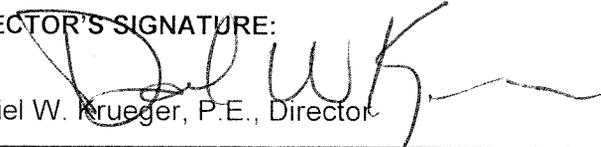


CITY OF HOUSTON
MORNINGSIDE RECONSTRUCTION

**Exhibit 1
Vicinity Map**



CLAUNCH & MILLER
Engineering Consultants

SUBJECT: Contract Award for Safe Sidewalk Project, W B S No. N-00610A-00L1-4.		Page 1 of 2	Agenda Item # 48
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date:	Agenda Date: JUN 01 2011
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: E, H <i>8a</i>	
For additional information contact: <i>Ravi Kaleyatodi 5/10/11</i> Ravi Kaleyatodi, P.E. CPM Phone: (832) 395-2326 Senior Assistant Director		Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: Total of \$460,900.00 to be appropriated from the Street and Bridge Consolidated Construction Fund No. 4506. *A.P. 5/16/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of its residents.

DESCRIPTION/SCOPE: This project provides for the construction of sidewalk improvements at numerous locations. The Contract duration for this project is 107 calendar days. This project was designed by United Engineers, Inc.

LOCATION: This project is located in Council Districts E, and H. The project is located in various Key Map Grids.

BIDS: Bids were received on April 7, 2011. The six (6) bids are as follows:

Bidder	Bid Amount
1. DCE Construction, Inc.	\$393,656.68
2. Tikon Group, Inc.	\$476,851.25
3. Metro City Construction, L.P.	\$482,564.50
4. Resicom, Inc.	\$566,700.75
5. Total Contracting Limited	\$652,090.50
6. GLM Contracting, L.P.	\$677,866.00

CUIC#20SIK37

NDT

Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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AWARD: It is recommended that this construction Contract be awarded to DCE Construction, Inc. with a low bid of \$393,656.68.

PROJECT COST: The total cost of this project is \$460,900.00 to be appropriated as follows:

- Bid Amount \$ 393,656.68
- Contingencies \$ 19,682.83
- Engineering and Testing Services \$ 20,000.00
- CIP Cost Recovery \$ 27,560.49

Engineering and Testing Services will be provided by Bandy & Associates, Inc. under a previously approved 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 benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City Policy.

M/WBE PARTICIPATION: M/WBE participation for this project is not required.

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

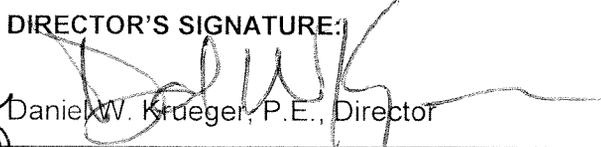


DWK:DRM:RK:MS:SK:as

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ec: File No. N-00610A-00L1-4 (1.2 RCA)

Safe Sidewalk Project WBS# N-00610A-00L1-4

Key Map #	Council District	Street	From	To	Length	Replacing	New
297X	E	Brook Shadow Dr.	W Lake Houston Pkwy	Village Manor Dr.	609'	YES	YES
297S	E	Clear Ridge Dr.	Sweet Gum Trails	Sycamore Springs Dr.	317'	NO	YES
497F	E	Frankie St.	Renault St.	Bandera St.	801'	YES	YES
296Z, 297W	E	Tree Ln.	Garden Lake Dr.	Park Royal Dr.	424'	YES	NO
494D, 495A	H	Brownsville St.	Lathrop St.	Harris St.	877'	YES	YES
494H,D	H	Henke St.	Laredo St.	Lyons Ave.	2274'	YES	YES
493D,H	H	McKee St.	Noble St.	Harrington St.	130'	YES	NO
454N	H	Jensen Dr.	Creston Dr.	King St.	518'	NO	YES

SUBJECT: Contract Award for Safe Sidewalk Project, W.B.S. No. N-00610A-00L2-4.		Page 1 of 2	Agenda Item # 49
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: JUN 01 2011	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: E, H, I S		
For additional information contact: Ravi Kaleyatodi 5/13/11 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.			
Amount and Source of Funding: Total of \$763,450.00 to be appropriated from the Street and Bridge Consolidated Construction Fund No. 4506. M.P. 5/18/2011			
PROJECT NOTICE/JUSTIFICATION: This project is part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of its residents.			
DESCRIPTION/SCOPE: This project provides for the construction of sidewalk improvements at numerous locations. The Contract duration for this project is 107 calendar days. This project was designed by United Engineers, Inc.			
LOCATION: This project is located in Council Districts E, H and I. The project is located in various Key Map Grids.			
BIDS: Bids were received on April 7, 2011. The six (6) bids are as follows:			
<u>Bidder</u>	<u>Bid Amount</u>		
1. CAAN Construction Services, Inc.	\$ 641,459.00		
2. Tikon Group, Inc.	\$ 727,711.15		
3. Resicom, Inc.	\$ 760,400.30		
4. Metro City Construction, L.P.	\$ 827,266.80		
5. GLM Contracting, L.P.	\$ 897,220.50		
6. Total Contracting Limited	\$ 1,263,026.00		
		CUIC#20SIK38 NDT	
	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for Safe Sidewalk Project, W.B.S. No. N-00610A-00L2-4.	Originator's Initials <i>SH</i>	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to CAAN Construction Services, Inc. with a low bid of \$641,459.00.

PROJECT COST: The total cost of this project is \$763,450.00 to be appropriated as follows:

•	Bid Amount	\$ 641,459.00
•	Contingencies	\$ 32,072.95
•	Engineering and Testing Services	\$ 45,000.00
•	CIP Cost Recovery	\$ 44,918.05

Engineering and Testing Services will be provided by Coastal Testing Laboratories, Inc. under a previously approved 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE PARTICIPATION: M/WBE participation for this project is not required.

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



DWK:DRM:RK:MS:SK:as

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ec: File No. N-00610A-00L2-4 (1.2 RCA)

Safe Sidewalk Project WBS# N-00610A-00L2-4

Key Map #	Council District	Street	From	To	Length	Replacing	New
576Q	E	Alameda-Genoa Rd.	Mace	Gulfpalms St.	1847'	NO	YES
576K	E	Bessemer St.	Bronson St.	Bronson St.	150'	YES	YES
578X,Y	E	Clear Lake City Blvd.	Pine Green Way	Middlebrook Dr.	4315'	NO	YES
617A	E	Flushing Meadows Dr.	Astoria Blvd.	Ryewater Dr.	3303'	YES	YES
576Z	E	Scarsdale Blvd.	Sageglen Dr.	I.H . 45	953'	YES	YES
576E	E	Shawnee St.	Rodney St.	Welk St.	1011'	YES	NO
494N	H	Garrow St.	Delano St.	Paige St.	82'	YES	NO
494N	H	N. Ennis St.	Commerce St.	Navigation Blvd.	1066'	YES	YES
493H,M	H	N. Main St.	Girard St.	Naylor St.	377'	YES	YES
535F	I	Elvera St.	Fennell St.	Broadway St.	372'	YES	YES
535L,P,Q	I	Jennings St.	Hartford St.	Detroit St.	331'	YES	YES
535E,F	I	Linden St.	Kellogg St.	Berkley St.	678'	YES	YES
494Z,495W	I	Walker St.	Forest Hill Blvd.	S. 74th St.	71'	YES	NO
535U	I	Arizona St.	Howard Dr.	Elrod St.	824'	YES	NO
494X	I	Dumble St.	Telephone Rd.	Polk St.	577'	YES	YES

SUBJECT: Contract Award for Safe Sidewalk Project, W.B.S. No. N-00610A-00L4-4.		Page 1 of 2	Agenda Item # 50																
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date:	Agenda Date: JUN 01 2011																	
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council District affected: G, H Se																		
For additional information contact: Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:																		
RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.																			
Amount and Source of Funding: Total of \$506,750.00 to be appropriated from the Street and Bridge Consolidated Construction Fund No. 4506. M.P. 5/18/2011																			
PROJECT NOTICE/JUSTIFICATION: This project is part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of its residents.																			
DESCRIPTION/SCOPE: This project provides for the construction of sidewalk improvements at numerous locations. The Contract duration for this project is 53 calendar days. This project was designed by United Engineers, Inc.																			
LOCATION: This project is located in Council Districts G and H. The project is located in various Key Map Grids.																			
BIDS: Bids were received on April 7, 2011. The seven (7) bids are as follows:																			
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Bidder</th> <th style="text-align: right; border-bottom: 1px solid black;">Bid Amount</th> </tr> </thead> <tbody> <tr><td>1. CAAN Construction Services, Inc.</td><td style="text-align: right;">\$434,563.00</td></tr> <tr><td>2. Resicom, Inc.</td><td style="text-align: right;">\$448,821.00</td></tr> <tr><td>3. Metro City Construction, L.P.</td><td style="text-align: right;">\$460,859.05</td></tr> <tr><td>4. Tikon Group, Inc.</td><td style="text-align: right;">\$520,656.05</td></tr> <tr><td>5. DCE Construction, Inc.</td><td style="text-align: right;">\$613,728.70</td></tr> <tr><td>6. Total Contracting Limited</td><td style="text-align: right;">\$682,771.00</td></tr> <tr><td>7. GLM Contracting, L.P.</td><td style="text-align: right;">\$744,148.00</td></tr> </tbody> </table>				Bidder	Bid Amount	1. CAAN Construction Services, Inc.	\$434,563.00	2. Resicom, Inc.	\$448,821.00	3. Metro City Construction, L.P.	\$460,859.05	4. Tikon Group, Inc.	\$520,656.05	5. DCE Construction, Inc.	\$613,728.70	6. Total Contracting Limited	\$682,771.00	7. GLM Contracting, L.P.	\$744,148.00
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6. Total Contracting Limited	\$682,771.00																		
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CUIC#20SIK40 NDT																			
	Other Authorization:	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division																	

Date	Subject: Contract Award for Safe Sidewalk Project, W.B.S. No. N-00610A-00L4-4.	Originator's Initials <i>SK</i>	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to CAAN Construction Services, Inc. with a low bid of \$434,563.00.

PROJECT COST: The total cost of this project is \$506,750.00 to be appropriated as follows:

- Bid Amount \$ 434,563.00
- Contingencies \$ 21,728.15
- Engineering and Testing Services \$ 20,000.00
- CIP Cost Recovery \$ 30,458.85

Engineering and Testing Services will be provided by Titan Testing & Engineering Services, Inc. under a previously approved 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE PARTICIPATION: M/WBE participation for this project is not required.

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



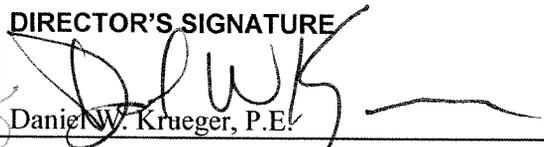
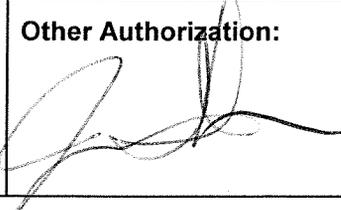
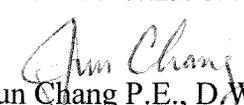
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ec: File No. N-00610A-00L4-4 (1.2 RCA)

Safe Sidewalk Project WBS# N-00610A-00L4-4

Key Map #	Council District	Street	From	To	Length	Replacing	New
488J,K	G	Briar Forest Dr.	Briar Home Dr.	Eldridge Pkwy.	654'	YES	NO
492H	H	Center St.	Patterson St.	E. Bonner St.	828'	YES	YES
493A	H	E. 9th St.	Harvard St.	Cortlandt St.	70'	YES	YES
452S,453V	H	W. 19th St.	Yale St.	Heights Blvd.	69'	YES	NO
453J	H	E. 41st St.	Cortlandt St.	40 1/2th St.	1809'	NO	YES
492H	H	Maxie St.	Shepherd Dr.	Patterson St.	879'	YES	YES
493A,B	H	Merrill St.	Studewood St.	Michaux St.	467'	YES	NO
453X	H	Pecore St.	Michaux St.	N. Main St.	2032'	YES	YES
492H	H	Shepherd Dr.	Washington Ave.	I.H. 10	1128'	YES	YES

SUBJECT: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0148-4		Page 1 of 2	Agenda Item # 51												
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011												
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All													
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: N/A													
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.															
Amount and Source of Funding: \$1,585,809.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II.		M.P. 5/12/2011													
SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.															
DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 540 calendar days.															
LOCATION: The project area is generally bounded by the City Limits.															
BIDS: Five (5) bids were received on August 12, 2010 for this project as follows:															
<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Bidder</u></th> <th style="text-align: left;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. North Houston Pole Line, L.P.</td> <td>\$1,491,246.94</td> </tr> <tr> <td>2. Texas ReExcavation, L.C.</td> <td>\$1,532,880.80</td> </tr> <tr> <td>3. PM Construction & Rehab, L.P.</td> <td>\$1,743,893.39</td> </tr> <tr> <td>4. Reliance Construction Services, L.P.</td> <td>\$1,898,446.40</td> </tr> <tr> <td>5. Huff & Mitchell, Inc.</td> <td>\$2,670,196.00</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. North Houston Pole Line, L.P.	\$1,491,246.94	2. Texas ReExcavation, L.C.	\$1,532,880.80	3. PM Construction & Rehab, L.P.	\$1,743,893.39	4. Reliance Construction Services, L.P.	\$1,898,446.40	5. Huff & Mitchell, Inc.	\$2,670,196.00		
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1. North Houston Pole Line, L.P.	\$1,491,246.94														
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3. PM Construction & Rehab, L.P.	\$1,743,893.39														
4. Reliance Construction Services, L.P.	\$1,898,446.40														
5. Huff & Mitchell, Inc.	\$2,670,196.00														
File/Project No. WW 4235-49		REQUIRED AUTHORIZATION													
Finance Department		CUIC# 20JAI343 NDT													
Other Authorization: 		Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division													

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0148-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to North Houston Pole Line, L.P., with a low bid of \$1,491,246.94.

PROJECT COST: The total cost of this project is \$1,585,809.00 to be appropriated as follows:

- Bid Amount \$1,491,246.94
- Contingencies \$74,562.06
- Engineering Testing Services \$20,000.00

Engineering Testing Services will be provided by A&R Engineering and Testing, Inc. under a previously approved 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.

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

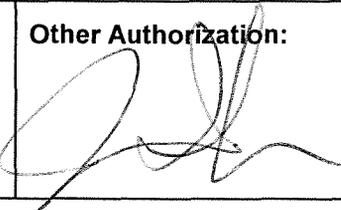
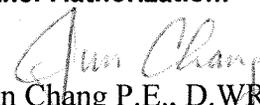
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
MMG Contractors	Concrete & Asphalt Paving	\$178,941.63	12.00%
	TOTAL	\$178,941.63	12.00%

<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Deanie Hayes, Inc.	Supplies	\$29,824.93	2.00%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	\$44,737.40	3.00%
Anderson Dump Trucking, Inc.	Trucking Services	\$29,824.93	2.00%
Gama Contracting Services	Supplies	\$29,824.93	2.00%
	TOTAL	\$134,212.19	9.00%

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

MB
DWK:JC:JE:DR:mf

cc: Robert Gallegos
File No. WW 4235-49

SUBJECT: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0149-4		Page 1 of 2	Agenda Item # 52								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011								
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All									
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: N/A									
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.											
Amount and Source of Funding: \$972,309.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.		<i>M.P. 5/6/2011</i>									
<p>SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.</p> <p>DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 540 calendar days.</p> <p>LOCATION: The project area is generally bounded by the City Limits.</p> <p>BIDS: Three (3) bids were received on December 09, 2010 for this project as follows:</p> <table border="0"> <thead> <tr> <th style="text-align: left;"><u>Bidder</u></th> <th style="text-align: left;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Texas ReExcavation, L.C.</td> <td>\$906,960.65</td> </tr> <tr> <td>2. Reliance Construction Services, L.P.</td> <td>\$1,118,488.70</td> </tr> <tr> <td>3. PM Construction & Rehab, L.P.</td> <td>\$1,129,569.33</td> </tr> </tbody> </table>				<u>Bidder</u>	<u>Bid Amount</u>	1. Texas ReExcavation, L.C.	\$906,960.65	2. Reliance Construction Services, L.P.	\$1,118,488.70	3. PM Construction & Rehab, L.P.	\$1,129,569.33
<u>Bidder</u>	<u>Bid Amount</u>										
1. Texas ReExcavation, L.C.	\$906,960.65										
2. Reliance Construction Services, L.P.	\$1,118,488.70										
3. PM Construction & Rehab, L.P.	\$1,129,569.33										
File/Project No. WW 4235-50		REQUIRED AUTHORIZATION									
Finance Department		CUIC# 20JAI349 <i>NDT</i>									
Other Authorization: 		Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division									

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0149-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Texas ReExcavation, L.C., with a low bid of \$906,960.65.

PROJECT COST: The total cost of this project is \$972,309.00 to be appropriated as follows:

- Bid Amount \$906,960.65
- Contingencies \$45,348.35
- Engineering Testing Services \$20,000.00

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

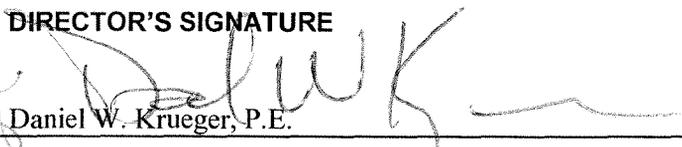
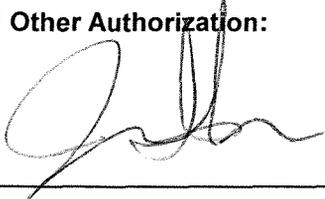
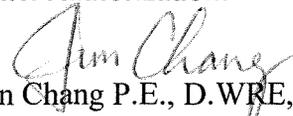
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WSBE PARTICIPATION: No City M/WSBE participation goal has been established for this project.

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

DWK:JC:JI:DR:mb

cc: Robert Gallegos
File No. WW 4235-50

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0027-4		Page 1 of 2	Agenda Item # 53								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date JUN 01 2011								
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All									
For additional information contact: Jason Iken, P.E. Interim Senior Assistant Director Phone: (832) 395-4989		Date and identification of prior authorizing Council action: N/A									
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.											
Amount and Source of Funding: \$2,340,935.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.		<i>M.P. 5/6/2011</i>									
SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems throughout the City.											
DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by cured-in-place pipe method. The contract duration for this project is 540 calendar days.											
LOCATION: The project area is generally bounded by the City Limits.											
BIDS: Three (3) bids were received on November 18, 2010 for this project as follows:											
<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Bidder</u></th> <th style="text-align: left;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. RePipe Construction, LTD.</td> <td>\$2,200,890.44</td> </tr> <tr> <td>2. Insituform Technologies, Inc.</td> <td>\$2,396,766.38</td> </tr> <tr> <td>3. Reynolds Inliner, LLC</td> <td>\$2,783,363.63</td> </tr> </tbody> </table>				<u>Bidder</u>	<u>Bid Amount</u>	1. RePipe Construction, LTD.	\$2,200,890.44	2. Insituform Technologies, Inc.	\$2,396,766.38	3. Reynolds Inliner, LLC	\$2,783,363.63
<u>Bidder</u>	<u>Bid Amount</u>										
1. RePipe Construction, LTD.	\$2,200,890.44										
2. Insituform Technologies, Inc.	\$2,396,766.38										
3. Reynolds Inliner, LLC	\$2,783,363.63										
File/Project No. WW 4258-47		REQUIRED AUTHORIZATION									
Finance Department	Other Authorization: 		Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division								

Date	Subject: Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0027-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to RePipe Construction, LTD., with a low bid of \$2,200,890.44.

PROJECT COST: The total cost of this project is \$2,340,935.00 to be appropriated as follows:

- Bid Amount \$2,200,890.44
- Contingencies \$110,044.56
- Engineering Testing Services \$30,000.00

Engineering Testing Services will be provided by HTS, Inc. Consultants under a previously approved 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.

M/W/SBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 10.00% and SBE participation of 8.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & Televiser Sewer Lines	\$68,230.00	3.10%
Standard Cement Materials, Inc.	Manhole Rehabilitation	\$44,020.00	2.00%
5M Rope & Supply, LLC	Supplies	\$66,027.00	3.00%
Austin Ray Construction, LLC	Supplies	\$41,817.00	1.90%
	TOTAL	\$220,094.00	10.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Asphalt/Paving	\$44,900.00	2.04%
Deanie Hayes, Inc.	Supplies	\$86,275.00	3.92%
D and J Construction, Inc.	Concrete Restoration	\$44,900.00	2.04%
	TOTAL	\$176,075.00	8.00%

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

345
DWK:JC:JI:DR:mb

cc: Robert Gallegos
File No. WW 4258-47

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# 54
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs		Origination Date 05/03/11	Agenda Date JUN 01 2011
DIRECTOR'S 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. A-Vac Septic Service, 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.

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# 55
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs	Origination Date 05/04/11	Agenda Date JUN 01 2011	
DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL		
For additional information contact: Juan Olguin <i>JFO</i> 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:

- Bay Area Vacuum Services, 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.

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#

56

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

04/29/11

Agenda Date

MAY 01 2011

DIRECTOR'S SIGNATURE:

[Handwritten 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. Elton Childs DBA A-Affordable Vacuum Service

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#

57

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

04/29/11

Agenda Date

JUN 01 2011

DIRECTOR'S 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. Milstead Environmental, 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.

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# 58
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs	Origination Date 04/29/11		Agenda Date JUN 01 2011
DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL		
For additional information contact: Juan Olguin <i>JFO</i> 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:

- Pedro Cisneros DBA Metro Grease Trap

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#

59

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

05/04/11

Agenda Date

JUN 01 2011

DIRECTOR'S 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. Wastewater Transport Services, 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.

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#
	<i>2nd Reading</i>		160 60 40
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs		Origination Date 04/29/11	Agenda Date MAY 11 2011
DIRECTOR'S SIGNATURE: 		Council Districts affected: ALL	MAY 18 2011 JUN 01 2011
For additional information contact: Juan Olguin <i>JPO</i> 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:

- USAgain Environmental, 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.

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#

3rd Reading

61

61

42 ~~57~~

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

4/29/JUN 01 2011

Agenda Date

~~MAY 04 2011~~

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

~~MAY 11 2011~~

~~MAY 13 2011~~

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:

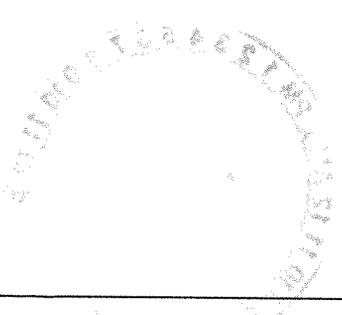
1. Phoenix Pollution Control & Environmental Services, Inc.

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:



62
JUN 01 2011

MOTION NO. 2011 0400

MOTION by Council Member Gonzalez that an item be placed on the Agenda of June 1, 2011, to receive nominations for Positions 11 and 13 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term.

Seconded by Council Member Noriega and carried.

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

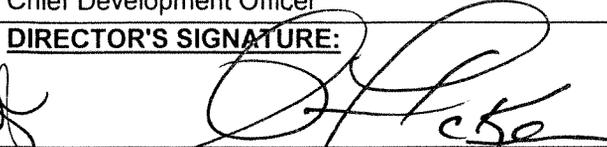
Council Member Adams absent on personal business

PASSED AND ADOPTED this 18th day of May 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is May 24, 2011.

City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		RCA #
SUBJECT: Motion establishing a public hearing date for a fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).	Category #	Page 1 of 1
FROM: (Department or other point of origin): Andrew F. Icken Chief Development Officer	Origination Date	Agenda Item# <i>63</i>
DIRECTOR'S SIGNATURE: 	Council Districts affected: C, D, & I	Agenda Date JUN 01 2011
For additional information contact: Ralph De Leon Phone: (713) 837-9573 Tim Douglass (713) 837-9857	Date and identification of prior authorizing Council Action: Ord. No.1994-1345, 12/14/94; Res. No.1995-0096, 06/28/95; Ord. No. 1997-0600, 05/28/97; Ord. No.1997-1338, 10/22/97; Ord. No.1999-0850, 08/11/99; Ord. No. 2009-1395, 12/29/09	

RECOMMENDATION: (Summary)
To establish a public hearing date regarding amendments to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two (Midtown Zone).

Hearing 9am June 15, 2011

Amount of Funding: No Funding Required	Finance Budget:
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> N/A	

SPECIFIC EXPLANATION:

On April 28, 2011, the Board of Directors of the Midtown Redevelopment Authority and the Board of Directors of Reinvestment Zone Number Two ("Zone") approved amendments to the Project Plan and Reinvestment Zone Financing Plan for the Zone and transmitted a proposed Fourth Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Plan") to the City for consideration by City Council. When the Zone was created by City Council on December 14, 1994, the term of the Zone was established at 30 years. Due to the magnitude of development within the boundaries of and in the vicinity of the Zone, a greater demand continues to be placed on already distressed infrastructure than was originally projected. The proposed improvements included in the Amended Plan, in tandem with an eight-year extension of the life of the Zone to December 31, 2033, will provide the assistance needed to adequately address future infrastructure, mobility and quality of life issues resulting from existing and projected densities.

In accordance with Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to City Council's consideration of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for June 15, 2011.

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

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization: 
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Lancaster Area Drainage Improvements; WBS No. M-000228-0001-4. **Page 1 of 1** **Agenda Item # 64/5**

FROM (Department or other point of origin): Department of Public Works and Engineering **Origination Date** **Agenda Date** MAY 20 2011

DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E. (Director) **Council Districts affected:** JUN 01 2011 I 4A

For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director **Date and Identification of prior authorizing Council Action:** Ord. # 2006-603 dated 06/14/2006 Ord. # 2008-156 dated 02/27/2008 **Phone:** (832) 395-2355

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$8,992,039.18 or 7.47% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$11,057,000.00 with 6,299,661.00 from the Drainage Improvement Commercial Paper Series F, Fund No. 49R, \$2,757,339.00 from the Water and Sewer System Consolidated Construction Fund No. 755 (\$449,851.00 from R-0500-41-3 and \$2,307,488.00 from S-0035-B9-3), and \$2,000,000.00 is allocated from CDBG funding conditioned on the receipt of funds from the U.S. DHUD.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Capital Improvement Plan Program and was required to provide drainage improvement to alleviate flooding due to insufficient pipe capacity in this subdivision.

The cost participation by Housing and Community Development of \$2,000,000.00 (CDBG) funds were included in the total funding for this project.

DESCRIPTION/SCOPE: This project consisted of approximately 13,101 linear feet of 18-inch through 78-inch of storm sewers, asphalt roadway reconstruction with curb and gutter, 30,560 linear feet of 8-inch through 16-inch of waterline replacement and 5,193 linear feet of sanitary sewer rehabilitation. Jaymark Engineering designed the project with 521 calendar days allowed for construction. The project was awarded to Pace Services, L.P. with an original Contract Amount of \$9,717,726.10.

LOCATION: The project area is generally bounded by Long Drive on the North, Kingsway Street on the South, Tucker Street on the West and Telephone Road on the East. The project is located in Key Map Grids 535N, 535S, 534R, 534V.

CONTRACT COMPLETION AND COST: The Contractor, Pace Services, L.P., has completed the work under the subject Contract. The project was completed with an extension of 46 days approved by Change Orders No. 4, 5 & 6. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Orders No. 1,2,3,5,6, and 7 is \$8,992,039.18. This is a decrease of \$725,686.92 or 7.47% under the original Contract Amount.

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily a result of underrun in various bid items, including General Items, Paving Items, Storm Sewer Items, and Water Items, which were not necessary to complete the Project.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Housing and Community Development Department, the actual participation was 4.155%. Contractor's M/WBE performance evaluation was rated Unsatisfactory. PWE presented information regarding Contractor's efforts to the M/WBE Committee meeting, April 25, 2011.

DWK:DRM:JTL:JLS:SA:ha **Closeout File/21.0**

REQUIRED AUTHORIZATION **CUIC ID # 20HA111**

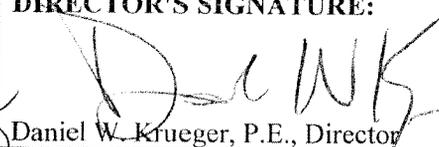
Finance Department:	Other Authorization:	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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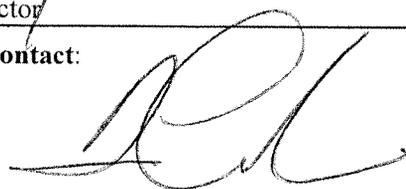
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Kirby Drive Relief Storm Sewer – Phase 2; WBS No. M-000230-00024-4; WBS No. R-000500-0082-4; WBS No.S-000500-0082-4.	Category #1, 7	Page 1 of 2	Agenda Item #65 6
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date MAY 18 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: JUN 01 2011 G4
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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. # 2009-548 dated 06/17/2009
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$10,334,081.49 or 5.40% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$10,896,000.00 from the Drainage Improvements Commercial Paper Series F Fund No. 4030 and \$1,519,600.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Storm Drainage Capital Improvement Plan (CIP) and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in the Kirby Drive subdivision.

DESCRIPTION/SCOPE: This project consisted of approximately 12,970 linear feet of 96-inch, 84-inch, 72-inch, 60-inch, 48-inch, 42-inch, 36-inch, 24-inch storm sewer; 6,570 linear feet of 21-inch, 18-inch, 15-inch, 10-inch, and 8-inch sanitary sewers, 1,970 linear feet of 8-inch waterline, and concrete roadway reconstruction with curb and gutter. AECOM designed the project with 390 calendar days allowed for construction. The contract was awarded to Pace Services, L.P., with an original Contract Amount of \$10,923,847.44.

LOCATION: The project area is generally bounded by Westheimer Road to the south, Inwood Drive to the north, River Oaks Boulevard to the west and Kirby Drive to the east. The project is located in Key Map Grid 492-P Q, T, U.

CONTRACT COMPLETION AND COST: The Contractor, Pace Services, L.P., has completed the work under the subject Contract. The project was completed with an additional 2 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1, is \$10,334,081.49, a decrease of \$589,765.95 or 5.40% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of an underrun in General Items, Paving Items, Storm Sewer Items, Wastewater Items and Waterlines Items, which were not necessary to complete the project.

REQUIRED AUTHORIZATION 20HA119 *not*

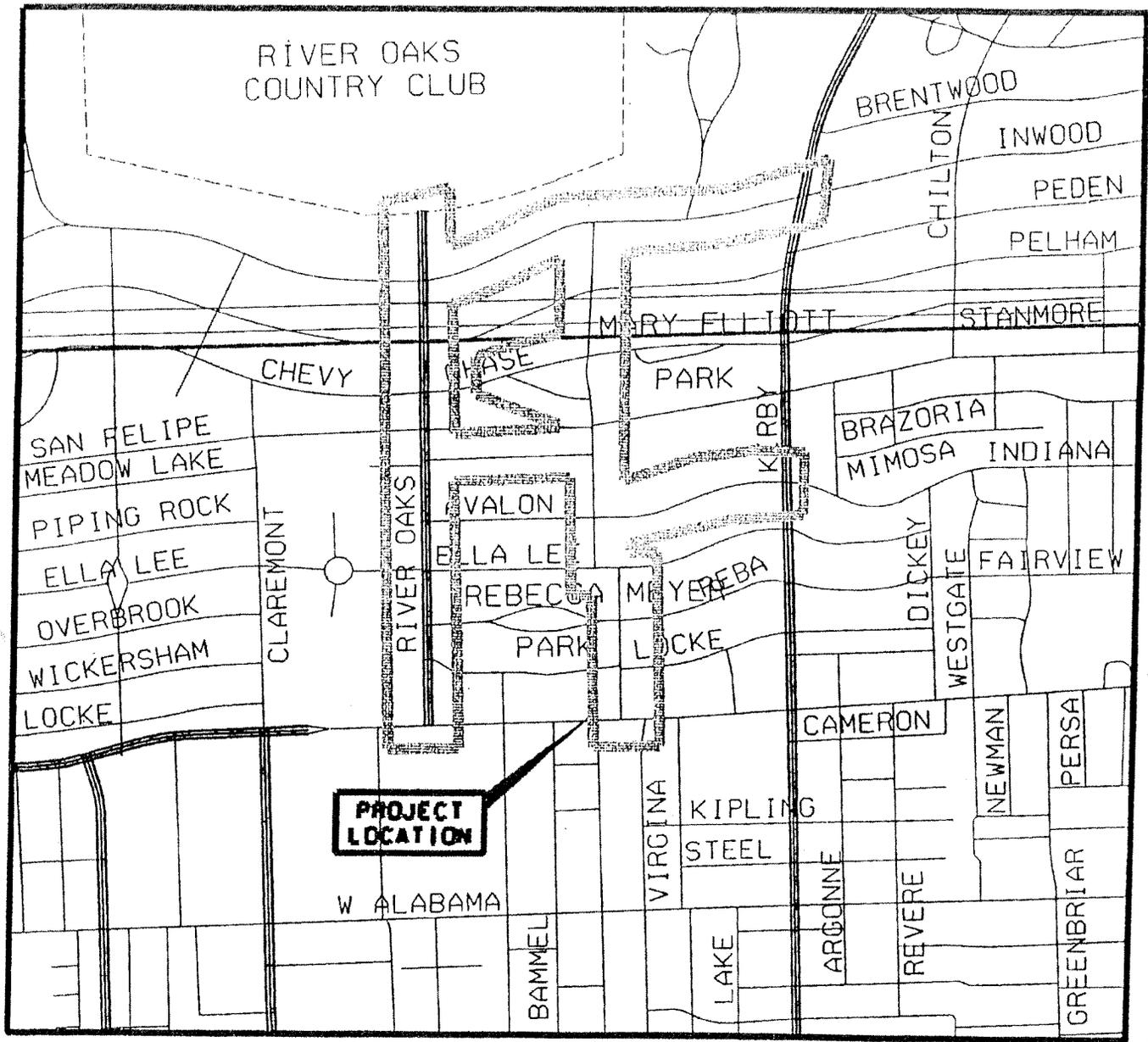
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Accept Work for Kirby Drive Relief Storm Sewer – Phase 2; WBS No. M-000230-00024-4; WBS No. R-000500-0082-4; WBS No.S-000500-0082-4.	Originator's Initials	Page 2 of 2
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M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the participation was 21.20%. Contractor's M/W/SBE performance evaluation was rated Satisfactory.


DWK:DRM:JTL:JAK:JMC:ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\M-000230-0002-4 KIRBY PHASE II\RCA\RCA - Closeout - Kirby Drive M-000230-0002-4.doc
c: File No.:SM5012/21.0



VICINITY MAP

KEY MAP NO 492 P.O.T.U

GIMS MAP NO 5257 D

5256 B

HCD11-66

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a City of Houston Resolution supporting and approving the proposed construction of Light Rail Lofts at Midtown Terrace.		Category #	Page 1 of 1	Agenda Item # 66 #9
FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department		Origination Date 4/5/11	Agenda Date MAY 16 2011	
DIRECTOR'S SIGNATURE: <i>for James D. Noteware</i>		Council District affected: JUN 01 2011 District D		
For additional information contact: Eta Paranksy Phone: 713-868-8449		Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)
The Department recommends approval of a Resolution supporting and approving the proposed construction of Light Rail Lofts at Midtown Terrace.

Amount of Funding:	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

4600 Main Street Housing, LP, the developer of Light Rail Lofts at Midtown Terrace, a proposed 105-unit multifamily development located at 4600 Main Street to house homeless United States Veterans, is currently applying for Low-Income Housing Tax Credits (LIHTC) from the Texas Department of Housing and Community Affairs (TDHCA). Because the development is located one linear mile or less from a development that serves the same type of household, Travis Street Plaza (which is on the same site as the new project and developed by the same developer), and that has received Housing Tax Credits (including Tax Exempt Bond Developments) for new construction since December 20, 2007, TDHCA requires that the developer obtain approval and written statement of support from the Governing Body of the municipality by April 1, 2011.

A letter of support from CM Wanda Adams is attached.

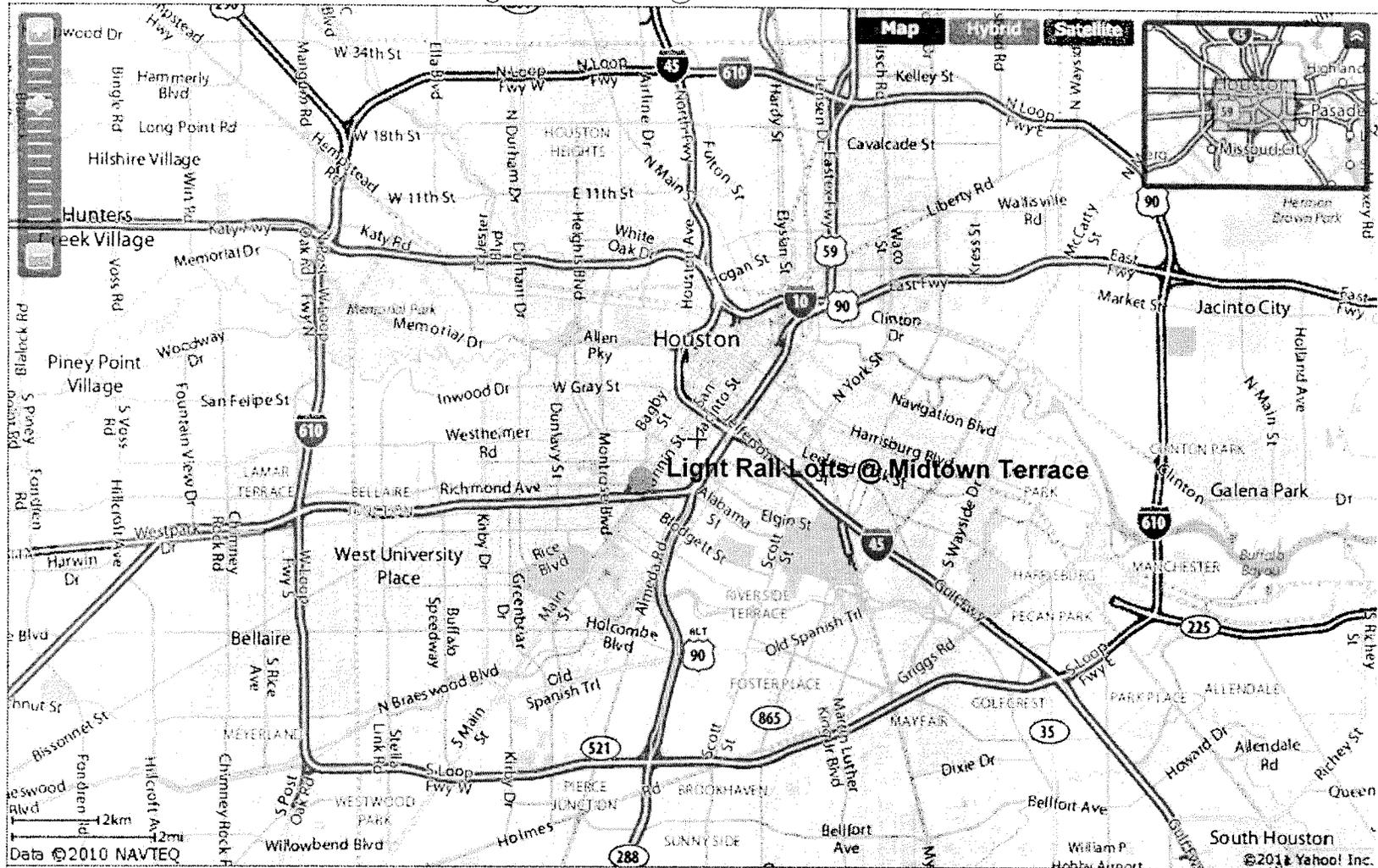
This item was presented to the Housing and Community Development Committee on April 21, 2011, and no action was taken due to lack of quorum.

The Department recommends the City of Houston approve a Resolution supporting and approving construction of Light Rail Lofts at Midtown Terrace.

REQUIRED AUTHORIZATION

Finance Dept.	Other Authorization:	Other Authorization:
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Vol 2 Tab 1 Part C: Development in Relation to City
Light Rail Lofts @ Midtown Terrace



Source: Yahoo Maps



Wanda Adams

Houston City Council Member, District D

Committees

Chair, Neighborhood Protection and Quality of Life
Budget and Fiscal Affairs
Flooding and Drainage
M/WBE and Small Contractor Development
Transportation, Infrastructure & Aviation

Vice-Chair Technology Initiatives and Human Services
Development and Regulatory Affairs
Housing & Community Development
Public Safety and Homeland Security

April 18, 2011

Jim Noteware, Director
City of Houston
Housing and Community Development Department
P.O. Box 1562
Houston, TX 77251

Dear Mr. Noteware:

Cloudbreak Houston, LLC has my full support as it seeks to develop Light Rail Lofts at 4600 Main Street, Houston, TX. This new construction project will offer 105 units of affordable multi-family supportive housing for homeless and low income veterans throughout Greater Houston and Texas.

Cloudbreak has a long history of providing a high quality product and has received a great deal of support from the City of Houston.

Light Rail Lofts will be an asset to the community. I urge you to accept my strong recommendations to endorse Cloudbreak's proposal. If you have any questions, please contact my office at 832.393.3001.

Sincerely,

Wanda Adams
City Council Member
Houston Council District D

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9022

Subject: Ordinance adding Article XIX to Chapter 10 of the Code of Ordinances relating to fire inspection of child-care homes by the Houston Fire Department

Category #
6

Page 1 of 1

Agenda Item

67 ~~22~~

FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

Origination Date

April 01, 2011

Agenda Date

JUN 01 2011
~~MAY 10 2011~~

DIRECTOR'S SIGNATURE



Council District(s) affected
All

For additional information contact:

Beda Kent
Phone: (832) 394-6748
Phone:

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

The Fire Chief recommends that City Council adopt an ordinance adding Article XIX to Chapter 10 of the Code of Ordinances relating to fire inspections of child-care homes to be conducted on an annual basis by the Houston Fire Department.

No funding required

Finance Budget

SPECIFIC EXPLANATION:

The Fire Chief recommends that City Council approve and adopt an Ordinance adding Article XIX to Chapter 10 of the Code of Ordinances authorizing the Fire Department to inspect each licensed child-care home and each registered child-care home at least once every 12 months. This inspection aims to ensure the health and safety of children and workers at child care homes.

The scope of responsibilities requires the caregiver to return a completed a fire inspection form, a \$100 inspection fee, and any required administrative fees to the fire department within 30 days of the notice sent from the fire department. Upon receipt of the form and fees, the fire department shall notify the caregiver of the inspection date and time. The inspector shall provide the caregiver a written summary of the results of the inspection. This will be an annual occurrence.

Inspectors will not only enforce fire safety codes, but will report any possible child-care home violation to the State. HFD will track the inspection status of all child-care homes in the City.

This was presented and reviewed by the joint committee meeting of TIA and Public Safety & Homeland Security Committees held on March 24, 2011. No action was taken due to lack of quorum.

This recommendation is pursuant to Title 40, Texas Administrative Code, Rule 747.4901.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE ADDING ARTICLE XIX TO CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FIRE INSPECTIONS FOR CHILD CARE HOMES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY: AND DECLARING AN EMERGENCY.

WHEREAS, the City seeks to ensure the health and safety of children and workers at child care homes; and

WHEREAS, Rule 747.4907 of the Texas Administrative Code authorizes local governments to pass regulations relating to fire inspections of child care homes; **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 Chapter 10 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XIX titled "Child Care Homes" that reads as follows:

"ARTICLE XIX. CHILD CARE HOMES

Sec. 10-1001. In general.

The fire department ~~shall~~ may inspect each licensed child-care home and each registered child-care home at least once every 12 months.

Sec. 10-1002. Definitions.

Care giver is the individual listed as the operator or care giver of a child-care home by the Texas Department of Family and Protective Services.

Licensed child-care home has the same meaning as defined in 40 TEX. ADMIN. CODE §747.111.

Registered child-care home has the same meaning as defined in 40 TEX. ADMIN. CODE §747.109.

Sec. 10-1003. Notice.

~~Each year~~ Prior to an inspection, the fire department shall send written notice of the required fire inspection to the care giver of each licensed and registered child-care home at the address published by the Texas Department of Family and Protective Services. The notice shall include a fire inspection *form* and *information regarding* payment.

Sec. 10-1004. Scheduling an inspection.

Each care giver shall return a completed fire inspection form, a \$100 inspection fee, and any required administrative fees to the fire department within 30 days of the date of the notice. Upon receipt of the form and fees, the fire department shall notify the licensed and registered child-care home's care giver of the inspection date and time.

Sec. 10-1005. Inspections.

a. Only the city's fire department may conduct a fire inspection of licensed and registered child-care homes in the city under this article. *The inspector shall provide to the care giver a written summary of the results of the inspection. Unless the child-care home is found to constitute a fire hazard under Article VIII of this chapter, care givers shall remedy any problems identified by the inspection within 30 days of the initial inspection. The fire department shall conduct a follow-up inspection on the 30th day of the initial inspection or earlier if it receives notice that the problem has been resolved before the deadline. There shall be no charge for the first follow-up inspection. If any problem remains after the follow-up inspection and a third inspection is required, a re-inspection fee of \$75 will be assessed.*

b. If a child-care home is found to constitute a fire hazard, the provisions in Article VIII of this chapter shall apply.

Sec. 10-1006. Reporting Violations.

The city shall report violations of this article, city ordinance and codes, and state laws and regulations to the Texas Department of Family and Protective Services.

Sec. 10-1007. Penalties.

Failure to comply with this article will result in a civil penalty of not more than \$2,000 for each day of the violation. Additional fines or penalties may be imposed as authorized by state law.”

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2011.

APPROVED this ____ day of _____, 2011

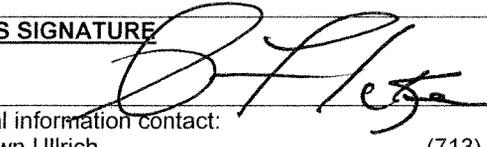
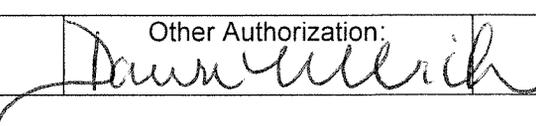
Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept. _____
YC: Assistant City Attorney
Requested by Houston Fire Department
L.D. File No. 0351100303001

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		
Approve an Ordinance relating to the consolidation of the City's Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation	Category #	Page 1 of 2
	Agenda Item	25
FROM (Department or other point of origin) Andrew Icken Office of the Mayor	Origination Date May 13, 2011	Agenda Date MAY 18 2011
DIRECTOR'S SIGNATURE 	Council District(s) affected All	JUN 01 2011
For additional information contact: Primary: Dawn Ullrich (713) 853-8083 Stephen W. Lewis Phone: (713) 853-8888	Date and Identification of prior authorizing Council Action	
RECOMMENDATION: Summary Approve and authorize an ordinance relating to the consolidation of the City's Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation.		
FUNDING: NA		
SPECIFICATION EXPLANATION: <p>This Ordinance approves the consolidation of the City's Convention and Entertainment Facilities Department (CEFD) and the Houston Convention Center Hotel Corporation (HCCHC). The consolidation of these 2 entities has been discussed in hospitality community circles for more than ten years.</p> <p>CEFD's primary goal has been to increase the quality and success of Houston's theater product as well as the competitiveness of its convention product. In furtherance of the latter, the City created HCCHC as a local government corporation in 2000 to build and operate the Hilton Americas Houston Hotel. It has done so successfully since the hotel opened in 2003.</p> <p>Leadership of both entities has determined that Houston can maximize the potential of its investment in its convention and theater districts by consolidating these two entities in part through the efforts of a focused, experienced board of directors and a more streamlined, nimble and creative financial structure. The goals of this consolidation concept also include:</p> <ul style="list-style-type: none"> • Potentially improving the credit rating for the combined enterprise, including the removal of the negative credit watch; • Ensuring the maintenance of all facilities at the highest levels over the long term; • Generating cost savings; and, • Creating a single entity focused on the sustainability of the operation as a whole for the long term. <p>This consolidation plan provides a revenue source for the General Fund that acknowledges the immediate financial needs of the General Fund with the payment of annual rent, plus the payment of a one-time fee in the first year of the agreement, resulting in a win-win for both the City and the HCCHC.</p> <p>To accomplish consolidation, City would enter into a 15-year agreement with HCCHC whereby HCCHC would agree to lease all existing CEFD assets in exchange for rental payments of \$1,380,000 million per year. The parties have also provided for HCCHC to pay City a one-time fee of \$8,620,000 million dollars during FY12. The agreement also outlines a potential 15 year extension upon mutual consent.</p>		
REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization: 	Other Authorization:

copy

DATE:
May 13, 2011

**ORIGINATOR'S
INITIALS:**

**PAGE
2 OF 2**

SUBJECT: Approve an Ordinance relating to the consolidation of the Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation

In addition, the City would agree to assign all of CEFD's obligations and responsibilities to HCCHC (including all CEFD's bonded indebtedness), which will operate and manage all of the CEFD assets (including the Hilton Americas Houston) to the same high standards. The City would assign all CEFD financial resources to HCCHC to support this work with the exception of following amounts that will be retained by the General Fund:

- a. 19.3% of HOT gross receipts would remain with the City to fund the City's contract with the Houston Arts Alliance, Theater District, Museum District and Miller Theatre Advisory Board, as the City deems appropriate;
- b. \$420,000 for protocol services;
- c. \$425,000 to fund the City's contract with the Greater Houston Partnership and the Bay Area Houston Economic Partnership; and,
- d. \$231,000 to fund HPD's traffic control duties relative to Minute Maid Park and Toyota Center as well as miscellaneous administrative expenses.

HCCHC would also assume continuing financial responsibility for the operating expenses for Miller Outdoor Theatre borne by the City's General Fund until earlier this fiscal year. And, finally, HCCHC would agree to provide up to \$330,000 per annum in City Dates in the leased facilities. (NOTE: This amount will replace a credit to indirect cost allocation for the use of CEFD buildings and services by General Fund departments.)

Mayor and City Council would approve the annual budget of HCCHC with regard to those assets transferred to HCCHC. In addition, the Mayor would continue to appoint and the City Council confirm all nine of the board members (including the chair). The HCCHC would be renamed the Houston First Corporation and the role of HCCHC would be expanded and broadened to form the primary governing entity. The Mayor appointed or re-appointed the present members of the HCCHC Board in August of 2010, and those members will remain in place.

Employees of CEFD would be transferred to HCCHC and negotiations are currently ongoing with HOPE in regards to specifics of this transfer.

The attached ordinance accomplishes the following:

- (1) Amends the HCCHC Articles to change the name of the HCCHC to Houston First Corporation and to reflect its broader role; and
- (2) Approves an Interlocal Agreement between HCCHC and the City detailing the financial, personnel and reporting requirements for the City and HCCHC after the consolidation; and
- (3) Approves a Lease Agreement between the City and the HCCHC; and

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8918

Subject: Ordinance Amending the Maximum Contract Amount for Contract No. 4600007173 for Cleaning and Janitorial Services for Special Events for the Convention and Entertainment Facilities Department S50-L20990

Category #
4

Page 1 of 1

Agenda Item

69 33

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

May 12, 2011

Agenda Date

JUN 01 2011

~~MAY 18 2011~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
D, I

For additional information contact:

Stephen Lewis Phone: (713) 853-8888
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

Ord. 2006-1094 Passed November 1, 2006

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Aramark Sports and Entertainment Services of Texas, LLC from \$14,069,293.75 to \$16,012,520.75 for cleaning and janitorial services for special events for the Convention and Entertainment Facilities Department.

Maximum Contract Amount Increased By: \$1,943,227.00

Finance Budget

\$1,943,227.00 Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Aramark Sports and Entertainment Services of Texas, LLC from \$14,069,293.75 to \$16,012,520.75 for cleaning and janitorial services for special events for the Convention and Entertainment Facilities Department. The City Purchasing Agent or the Director may terminate this contract at any time upon 30 days notice to the contractor.

This contract was awarded on November 1, 2006 by Ordinance No. 2006-1094 for a three-year term, with two one-year options, in the amount of \$14,069,293.75. The additional spending authority is needed to sustain the department through the end of the contract term, December 31, 2011.

M/WBE Subcontracting:

This contract was awarded with a 25% M/WBE participation goal and the contractor is achieving 32%.

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Handwritten mark]

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract The Gonzalez Group, LP Glenbrook Park WBS No. F-000765-0002-4	Page 1 of 2	Agenda Item 34
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FROM (Department or other point of origin): General Services Department	Origination Date 5/11/11	Agenda Date MAY 18 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 4/14/11	Council District(s) affected: 1
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For additional information contact: Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract and allocate funds for the project.

Amount and Source of Funding: \$ 1,434,580.00 Federal Government - Grant Funded (5000) CDBG	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to The Gonzalez Group, LP on the proposal amount of \$1,299,600.00 to provide construction services for Glenbrook Park for the Houston Parks and Recreation Department.

PROJECT LOCATION: 8205 North Bayou Drive (535Q)

PROJECT DESCRIPTION: The scope of work includes abatement and demolition of the existing pools and pool building, partial demolition of existing curbs and trails, construction of a new swimming pool and pool building with restroom, office, storage room, chemical room and mechanical room. Shade structures and ornamental fencing will also be part of the pool development. Park site work will include lighting, concrete walkways, parking lot overlay, grading and drainage, landscaping and irrigation.

The contract duration for this project is 120 days. Clark Condon Associates is the design consultant and construction manager for this project.

PROPOSALS: The Gonzalez Group, LP was selected through a two step process. The Glenbrook Park project 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 pool construction experience, references, contractor representatives, subcontractors and suppliers, safety, and claim history. Twelve firms responded. A selection committee comprised of GSD project management ranked the respondents. Eight of the twelve firms received sufficient points and were requested to submit proposals. Seven of the eight firms submitted proposals. The Gonzalez Group, LP submitted the lowest proposal.

REQUIRED AUTHORIZATION CUIC ID # 25PARK154

General Services Department:  Richard A. Vella Chief of Design & Construction Division	Housing and Community Development:  James Noteware Director	Parks and Recreation Department:  Joe Turner Director
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Date	SUBJECT: Award Construction Contract The Gonzalez Group, LP Glenbrook Park WBS No. F-000765-0002-4	Originator's Initials DE	Page 2 of 2
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PROPOSALS CONT: The seven firms are ranked as follows:

PROPOSER

1. The Gonzalez Group, LP
2. Times Construction, Inc.
3. Millis Development & Construction, Inc.
4. Resicom, Inc.
5. Miner-Dederick Construction, LLP
6. Carrera Construction, Inc.
7. Hassell Construction Co.

AWARD: It is recommended that City Council award the construction contract to The Gonzalez Group, LP and allocate funds for the project, including an additional \$23,000.00 for construction management services under the existing contract with Clark Condon Associates and \$15,000.00 for air monitoring services under existing contract with ERC Environmental Consultants Inc. and \$32,000.00 for engineering and materials testing services under the existing contract with HTS, Inc. Consultants.

FUNDING SUMMARY:

\$ 1,299,600.00	Construction Contract Services
\$ 64,980.00	5% Contingency
\$ 1,364,580.00	Total Contract Services
\$ 23,000.00	Construction Management
\$ 15,000.00	Air Monitoring Services
\$ 32,000.00	Engineering Testing
\$ 1,434,580.00	Total Funding

CONSTRUCTION GOALS: A 10% MBE goal and 5% SBE goal have been established for this contract. The contractor has submitted the following certified firms to achieve the goals:

<u>FIRM (MBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% OF CONTRACT</u>
T Bradshaw Plumbing Co.	Plumbing	\$ 85,458.00	6.6%
Hydrozone Landscaping & Irrigation	Landscaping	\$ 36,060.00	2.8%
Integris Roofing Services, LLC	Roofing	\$ 19,688.00	1.5%
TOTAL		\$ 141,206.00	10.9%

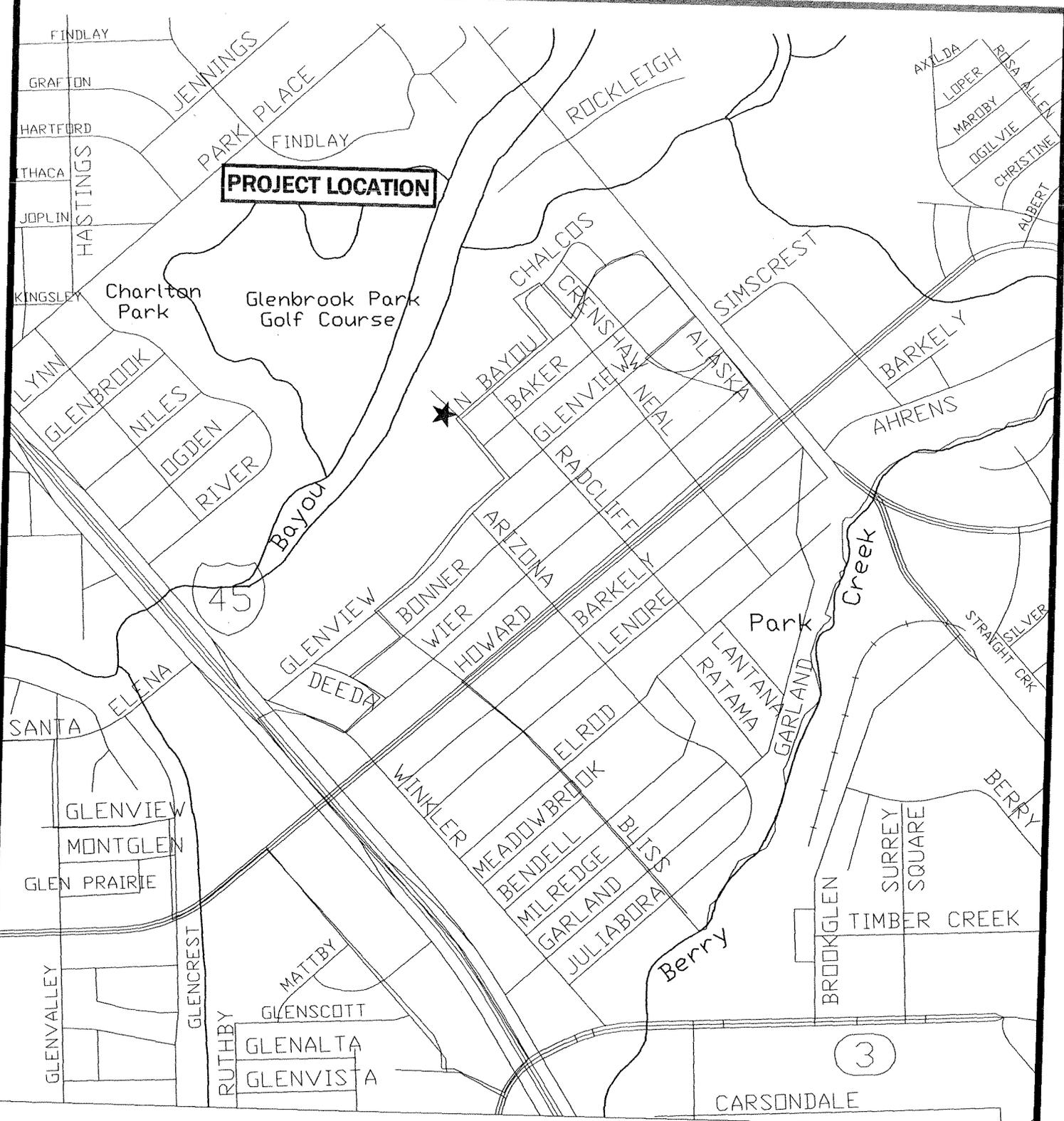
<u>FIRM (SBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% OF CONTRACT</u>
The Fierro Group, LTD, Co.	Fencing	\$ 34,786.00	2.7%
Environmental Allies, G.P. Inc.	Erosion Protection	\$ 6,000.00	.5%
Chavez Service Companies, Inc.	Site Furnishings	\$ 26,130.00	2.0%
TOTAL		\$ 66,916.00	5.2%

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

SM:JLN:RAV:LJ:DE:de

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Luci Correa, Calvin Curtis, Chris Gonzales, Pirooz Farhoomand, Laura Serrano, Gayve Anklesaria, Gabriel Mussio, Martha Leyva, File 712

PROJECT LOCATION



Glenbrook Park

8205 North Bayou Dr.
Houston, Texas 77017

COUNCIL DISTRICT "I"

SITE MAP

KEYMAP No. 535Q

SUBJECT: Ordinance De-appropriating and Appropriating Funds in the Reimbursement of Equipment/Projects Fund (No. 1850) for the Reimbursement of Work Performed by the Public Works and Engineering Department.	Page 1 of 1	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 70 35 </div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date MAY 18 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council District affected: H	JUN 01 2011
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For additional information contact: Mark McAvoy	Date and identification of prior authorizing Council action: Ordinance # 2009-0811; Sep. 2, 2009
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RECOMMENDATION: (Summary)

Approve an ordinance de-appropriating funds from contingency under an existing Construction Manager At Risk contract with Manhattan Construction Company and appropriating funds for the reimbursement of work performed by the Public Works and Engineering Department at the Houston Permitting Center.

Amount and Source of Funding:

Deappropriate \$108,000 from Reimbursement of Equipment/Projects Fund No. 1850 (WBS D-000145-0001-4-01-01)

Appropriate \$108,000 from Reimbursement of Equipment/Projects Fund No. 1850 (WBS D-000145-0001-4-01-02)

PR 5/3/11 5/3/11

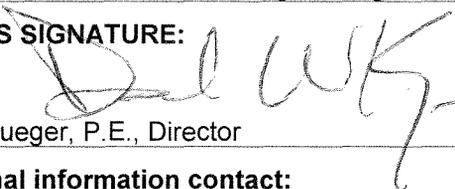
PROJECT NOTICE: The Houston Permitting Center (HPC) is scheduled to open in the summer of 2011 and will combine a majority of the city's permitting operations into a single physical location at 1002 Washington Avenue (Key Map 493 L). Approximately 400 city employees will park personal vehicles at the HPC daily. In addition, approximately 100 city vehicles will be stored at the HPC daily. In order to maximize the space available for parking in the defined lot, improvements are required to fill holes and level uneven areas.

Improvements to the HPC's employee parking area were budgeted in the CMAR contract with Manhattan Construction Company as a contingency item. After reviewing cost estimates it has been determined that the Public Works and Engineering Department can make the required improvements at a significantly lower cost.

PREVIOUS ACTION AND UPDATE: Ordinance 2009-0811 appropriated a total of \$162,500 for a Construction Manager At Risk contract with Manhattan Construction Company. This recommendation will de-appropriate \$108,000 from contingency under that contract and appropriate \$108,000 from Reimbursement of Equipment/Projects Fund No. 1850 for the improvements described above.

REQUIRED AUTHORIZATION 20MLL64

Finance Department: Kelly Dowe, Director	Other Authorization: 	Other Authorization: Mark L. Loethen P.E., CFM, PTOE, Deputy Director
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SUBJECT: Professional General Environmental, Asbestos and Lead related Consulting Services Contract between the City and HVJ Associates, Inc. WBS No. R-000019-0061-3, S-000019-0061-3, M-000220-0010-3 & N-000396-0020-3		Category #	Page 1	Agenda Item # 71 48
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date MAY 18 2011	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director		Council District affected: All M.T.		
For additional information contact: Mike Pezeshki, P.E. <i>MP</i> Interim Managing Engineer Phone: 832-395-2262		Date and identification of prior authorizing Council action: N/A		

RECOMMENDATION: (Summary)

Approve and authorize General Environmental, Asbestos and Lead related Consulting Services Contract with HVJ Associates, Inc. and appropriate funds.

Amount and Source of Funding: \$200,000 Total Appropriation
 \$100,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500,
 \$50,000.00 from Drainage Improvement C Paper Series F Fund No. 4030, and \$50,000.00 from
 Street & Bridge Consolidated Construction Fund No. 4506 *U.P. 4/25/2011*

PROJECT NOTICE/JUSTIFICATION: This project will provide general environmental, asbestos and lead related consulting services for environmental problems encountered on City property or in City rights-of-ways. Also, Federal and State regulations require the survey of multi-family, commercial and public buildings for asbestos-containing materials and lead material in paint prior to implementing renovation or demolition work. The City uses a consultant to conduct asbestos-containing materials and lead surveys to protect the health and welfare of its citizens. The agreement will cover four year of the contract amount and may be renewed for two successive one-year term.

DESCRIPTION/SCOPE: This project consists of comprehensive professional environmental consulting services, including: project planning, site studies, pre-acquisition environmental site assessments, emergency responses to any environmental problems encountered during the construction phase of City projects, preparation of reports, environmental testing and review of analytical results, asbestos and/or lead surveys of buildings, and administration of any required remediation work.

LOCATION: This contract will encompass City projects within public rights-of-ways, and Department of Public Works and Engineering facilities, including Public Utilities Division's water and wastewater treatment plant facilities, at sites located throughout the City.

PROJECT COST: The total cost of this project is **\$200,000.00**, to be appropriated for contract services.

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.

M/WBE PARTICIPATION: The M/WBE goal for the project is set at twenty-four percent (24%). The consultant has proposed the following firms below to achieve this goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Anacon, Inc.	Laboratory Analytical Services	\$28,000.00	14%
Quadrant Consultants Inc.	Hazardous Materials Assessment Services	\$20,000.00	10%
TOTAL		\$48,000.00	24%

DWK:DRM:MP:MT:kd *MT kd*

REQUIRED AUTHORIZATION

CUIC ID# 20MT22 *MT*

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
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