

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 11, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Berry

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 12, 2007 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 61

MISCELLANEOUS - NUMBERS 1 through 9

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CONVENTION CENTER HOTEL CORPORATION BOARD OF DIRECTORS**:
 - Position One - **MR. JOE TING**, reappointment, for a term to expire 12/31/09
 - Position Two - **DR. JUDITH CRAVEN**, reappointment, for a term to expire 12/31/09
 - Position Three- **MS. NICOLE C. WEST**, reappointment, for a term to expire 12/31/09
 - Position Four - **MR. RICHARD J. CAMPO**, reappointment, for a term to expire 12/31/09, and to serve as Chair for a term to expire 12/31/07 as well as for a term to commence on 1/1/08 and expire on 12/31/09
 - Position Five - **MR. DAVID L. SOLOMON**, reappointment, for a term to expire 12/31/09
 - Position Six - **MR. CHARLES L. DRAYDEN**, reappointment, for a term to expire 12/31/09
 - Position Eight - **MR. MOEZ S. MANGALJI**, appointment, for a term to expire 12/31/09
 - Position Nine - **MR. GREGORY J. ARMSTRONG**, reappointment, for a term to expire 12/31/09

MISCELLANEOUS - continued

2. REQUEST from Mayor for confirmation of the appointment of **MS. BRENDA STARDIG PATRICK** to Position Four of the **REINVESTMENT ZONE NUMBER SEVENTEEN (MEMORIAL CITY), CITY OF HOUSTON, TEXAS, BOARD OF DIRECTORS**, for a term to expire July 20, 2008
3. RECOMMENDATION from Director Finance & Administration Department for the transfer of \$25 million from the General Fund balance as follows:
 - \$5 million to the Police budget for additional overtime cost
 - \$500,000 to the Fire Department for "Ask A Nurse Program"
 - \$6 million to the Internal Service Fund for Public Safety Equipment
 - \$13.5 million to Debt Service Fund
4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreements between **HARRIS COUNTY** and fifty-eight (58) different Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 7 as well as the Sheriff of Harris County - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and H - GARCIA**
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **CYPRESS CREEK HOSPITAL** for law enforcement services of two (2) deputies from Harris County Constable Precinct 1
6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **EAST END IMPROVEMENT CORPORATION** for law enforcement services of one (1) lieutenant, (1) sergeant and (18) deputies from Harris County Constable Precinct 6 - **DISTRICT I - ALVARADO**
7. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **HOUSTON HOUSING RESOURCE, INC** for law enforcement services of one (1) lieutenant and (6) deputies from Harris County Constable Precinct 6 **DISTRICTS B - JOHNSON; H - GARCIA and I - ALVARADO**
8. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **OAKS OF INWOOD CIVIC ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 - **DISTRICTS A - LAWRENCE and B - JOHNSON**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2008 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITY PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$2,581,293.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 10 through 13

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,620,548.50 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Street and Traffic Enhancements for Near Northside, Phase I (North of Quitman), WBS N-000774-0001-4 - 5.75% under the original contract amount **DISTRICT H - GARCIA**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,387,224.45 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Awty School Lane from North Post Oak Road to HCFCD Unit W137-00-00, WBS N-000755-0001-4 - 8.16% over the original contract amount - **DISTRICT A - LAWRENCE**

ACCEPT WORK - continued

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$734,092.34 and acceptance of work on contract with **CHIEF SOLUTIONS, INC formerly known as CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B5-4 3.36% over the original contract amount
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$441,551.10 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Synott No. 2 Lift Station Rehabilitation, WBS R-000267-0085-4 - 7.04% under the original contract amount - **DISTRICT G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 22

14. **FRAZER, LTD.**, for spending authority for Ambulance Module Refurbishing and Repair Services through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Fire Department - \$100,000.00 - General Fund
15. ORDINANCE appropriating \$132,690.09 out of General Improvements Consolidated Construction Fund for Purchase of Office Furniture for Department of Health and Human Services, WBS D-000079-0001-5 - **DISTRICT B - JOHNSON**
 - a. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture from the State of Texas Building and Procurement Commission's Contract for Department of Health and Human Services - \$78,628.07
16. **SOUNDS & CREATIONS, INC** for Promotional Items for the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Health and Human Services Department - \$81,140.00 - Grant Fund
17. ORDINANCE appropriating \$160,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Hardware and Software Licenses for Upgrade and Replacement of the Voice Recording System for Houston Emergency Center
 - a. **NICE SYSTEMS, INC** for Hardware and Software Licenses through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Emergency Center \$586,065.00 - Houston Emergency Center and Greater Harris County 911 Funds
18. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Equipment Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Parks & Recreation and Public Works & Engineering Departments - \$272,252.94 - Park Special Revenue and Enterprise Funds
19. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Backhoe Loaders through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$734,395.00 - Enterprise Fund
20. **DX TERMINALS, LTD.** for Chemical, Caustic Soda for Department of Public Works & Engineering \$17,046,724.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$17,026,724.00 and approve payment of \$715,839.95 to **ALTIVIA CORPORATION** for Emergency Purchase of Caustic Soda for on-going requirements prior to award - Enterprise Fund

PURCHASING AND TABULATION OF BIDS - continued

21. ORDINANCE appropriating \$412,636.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Heavy Duty Refuse Trucks for Solid Waste Management Department
 - a. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$230,520.64 and **MCNEILUS TRUCK AND MANUFACTURING** - \$182,115.36 for Automatic Side-Loader Refuse Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department
22. **INTERNATIONAL TRUCKS OF HOUSTON** for Automotive, International Truck Gas/Diesel Replacement Parts and Repair Services for Various Departments - \$625,511.00 - General and Fleet Management Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 61

23. RESOLUTION authorizing City of Houston Industrial Development Corporation Senior Air Cargo Special Facility Revenue Refunding Bonds, Series 2008 and Senior Air Cargo Special Facility Revenue Bonds, Series 2008 (Cargo Acquisition Companies Obligated Group II); a financing agreement; a trust indenture; and other matters in connection therewith
24. RESOLUTION designating a certain property within the City of Houston as a landmark and a protected landmark - **DISTRICT I - ALVARADO**
First Evangelical Lutheran Church at 1311 Holman Rd
25. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Buhmann-Fleming House	1928 Larchmont Road	<u>DISTRICT G - HOLM</u>
William and Edna Bowles House	2 West 11th Place	<u>DISTRICT C - CLUTTERBUCK</u>
Brown-Melcher House	13 Tiel Way	<u>DISTRICT G - HOLM</u>
Knopp-Crickmer House	12923 Memorial Drive	<u>DISTRICT G - HOLM</u>
Claud B. Barrett House	1527 Kirby Drive	<u>DISTRICT G - HOLM</u>
Colonel W. B. Bates House	2128 Brentwood Drive	<u>DISTRICT G - HOLM</u>
Kendall - Levine House	2132 Troon Road	<u>DISTRICT G - HOLM</u>
26. ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicles for hire; declaring certain conduct to be unlawful and providing penalties therefor; addressing the grouping, allocation, and subsequent distribution of 211 taxicab permits originally calculated to be distributed in 2007 pursuant to the taxicab permit issuance process; amending various provisions of Article II, Chapter 46, relating to the issuance of taxicab permits; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
27. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-48 by adding five (5) Master Identification Officer Positions, One (1) Senior Identification Officer Position and by deleting one (1) Deputy Administrator, ID Division Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance
28. ORDINANCE authorizing the sale of 0.9860 acre of land (803 Ennis Street; Parcel SY7-017) out of the James Wells Survey, A-832, Houston, Harris County, Texas, and improvements, thereon, to the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**; approving purchase and sale agreement with the Metropolitan Transit Authority of Harris County, Texas \$730,000.00 - Revenue - **DISTRICT I - ALVARADO**

RESOLUTIONS AND ORDINANCES - continued

29. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 1912 Bellmeade Road in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
30. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 2121 Brentwood Drive in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
31. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 2117 Chilton Road in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
32. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 24 Courtlandt Place in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - EDWARDS**
33. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 3325 Inwood Drive in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
34. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 3376 Inwood Drive in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
35. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 3379 Inwood Drive in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM**
36. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 1400 South Boulevard in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK**
37. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 518** - **DISTRICT E - WISEMAN**
38. ORDINANCE consenting to the addition of 6.7733 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district
39. ORDINANCE establishing the south side of the 600 block of West Main Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**

RESOLUTIONS AND ORDINANCES - continued

40. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS, (MAIN STREET/MARKET SQUARE ZONE) - DISTRICT I - ALVARADO**
- a. ORDINANCE approving a Fourth Amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)**; authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the zone
41. ORDINANCE amending Ordinance No. 2007-0736 relating to the fiscal affairs of the Main Street/Market Square Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)**; approving a second amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT I - ALVARADO**
42. ORDINANCE amending Ordinance No. 2007-770 relating to the Fiscal Affairs of the Greater Greenspoint Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT ZONE)**; approving an amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT B - JOHNSON**
43. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, (FOURTH WARD ZONE) - DISTRICTS D - EDWARDS and I - ALVARADO**
- a. ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the zone
44. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS, (EAST DOWNTOWN ZONE - DISTRICTS H - GARCIA and I - ALVARADO**
45. ORDINANCE amending City of Houston Ordinance No. 2007-648, passed on June 12, 2007 which approved and authorized the submission of the 2007 Consolidated Plan and the grant application for the 33rd Program Year Community Development Block Grant ("CDBG") Program and the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development
46. ORDINANCE approving and authorizing a Compromise and Settlement Agreement between the City of Houston and **CLEAR CHANNEL OUTDOOR, INC.** to settle outstanding disputes and controversies; making various findings and provisions relating to the subject
- a. ORDINANCE amending the City of Houston Sign Code (Chapter 46 of the Building Code, Houston, Texas) relating to reduction of the number of Off-Premise Signs; containing other provisions relating to the foregoing subject; providing for severability; providing a penalty; providing for enforcement; providing an effective date
47. ORDINANCE appropriating \$2,540,000.00 out of Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for Renovation/Reconstruction of various City Facilities for the Houston Fire Department, WBS C-000122-0006-4
48. ORDINANCE approving and authorizing Interlocal Agreement between the City and **HARRIS COUNTY** under the FY2007 Technology Program Grant from the US Department of Justice's Community Oriented Policing Services (COPS) Technology Program; authorizing and approving the award of \$1,126,893.75 to Harris County by the City from the City's allocation through this grant program

RESOLUTIONS AND ORDINANCES - continued

49. ORDINANCE approving and authorizing Interlocal Agreement between the City and **HARRIS COUNTY** under the 2007 Byrne Memorial Justice Assistance Grant (JAG) Program for the support of a broad range of activities to prevent and control crime
50. ORDINANCE approving and authorizing the third amendment to contract #C52180 between the City of Houston and **ELECTRONIC DATA SYSTEMS CORPORATION** for Alarm Tracking, Billing and Collection Services for the Houston Police Department
51. ORDINANCE approving and authorizing contract between the City of Houston and **THE LAW FIRM OF EPSTEIN BECKER GREEN WICKLIFF & HALL P.C.** for Legal Services relating to the City's Worker's Compensation Benefits Program; providing a maximum contract amount - 3 years with two one year options - \$1,200,000.00 - Workers Compensation Revolving Fund
52. ORDINANCE amending Ordinance No. 2004-0526 which approved contract between the City of Houston and **ePLUS DOCUMENT SYSTEMS, INC** for Computer Software Maintenance and Support Services Agreement for the Public Works & Engineering Department to increase the maximum contract amount - \$96,398.13 - Building Inspection Fund
53. ORDINANCE amending Ordinance No. 2006-954 to increase the maximum contract amount and approving and authorizing the first amendment to contract #4600006081 between the City of Houston and **IDEA INTEGRATION CORPORATION** for Field Access to Storm Water Quality Management Information System for the Public Works & Engineering Department; providing a maximum contract amount - \$171,954.00 - Storm Water Fund
54. ORDINANCE amending Ordinance Number 79-747 to correct Items No. 8 and No. 51 to reflect no assessment, as the Restricted Single-Family Residences that rear-abut Wirt Road and Single-Family Residences side-abutting Hammerly Boulevard received no benefit from this project
DISTRICT A - LAWRENCE
55. ORDINANCE approving and authorizing amendment to Developer Participation Contract between the City of Houston and **VILLAS DEL PARQUE, L.P.** for the construction of water, sanitary sewer and storm sewer lines to serve the Villas Del Parque Rittenhouse Subdivision - **DISTRICT H - GARCIA**
56. ORDINANCE appropriating \$150,000.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Work Orders for Study of Storm Drainage Systems (approved by Ordinance No. 05-0391), WBS M-000126-00S4-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030
57. ORDINANCE appropriating \$1,275,720.00 out of Metro Project Commercial Paper Series E Fund No. 4027 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CLR, INC** for Design of the paving extension of Buffalo Speedway from West Airport Blvd. to Holmes Rd., WBS N-000784-0001-3; providing funding for contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund No. 4027 - **DISTRICT D - EDWARDS**
58. ORDINANCE appropriating \$180,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Design of Westway, Homestead and Chocolate Bayou Wastewater Treatment Plant Improvements (approved by Ordinance No. 04-0708), WBS R-000265-0031-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Funds
DISTRICTS A - LAWRENCE; B - JOHNSON and D - EDWARDS

RESOLUTIONS AND ORDINANCES - continued

59. ORDINANCE appropriating \$3,025,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing second amendment to Professional Engineering Services Contract (approved by Ord. No. 06-0277) between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM INC** for services associated with the Surface Water Transmission Program, WBS S-000900-0002-3
60. ORDINANCE appropriating \$2,047,000.00 out of Drainage Improvement Commercial Paper Series F Fund; awarding contract to **CONRAD CONSTRUCTION CO., LTD** for Kirkwyn/Sagemont Drainage Improvements, WBS M-000266-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by Drainage Improvement Commercial Paper Series F Fund - **DISTRICT E - WISEMAN**
61. ORDINANCE appropriating \$2,758,500.00 out of Water and Sewer System Consolidated Construction Fund; awarding contract to **GEORGE & EZZELL, INC** for Berkley Lift Station Rehabilitation and Force Main Extension, WBS R-000267-00F6-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 62

MISCELLANEOUS

62. MOTION to set a date not less than seven (7) days from December 12, 2007, to receive nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2008

MATTERS HELD - NUMBERS 63 and 64

63. ORDINANCE establishing the west side of the 800 block of Waverly Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**

TAGGED BY COUNCIL MEMBER GARCIA

This was Item 28 on Agenda of December 5, 2007

64. ORDINANCE approving and authorizing first amendment to Lease Agreement between, **HOUSTON AQUARIUM, INC.**, as tenant ("Tenant"), and the City of Houston, Texas, as landlord (the "City"), consisting of 0.4383 (19,092 square feet) of land, formerly known as the Fire Alarm Building, Houston, Harris County, Texas, for redevelopment as an entertainment, retail, education, exhibit and/or restaurant use facility - Revenue - **DISTRICT I - ALVARADO**

TAGGED BY COUNCIL MEMBER HOLM

This was Item 38 on Agenda of December 5, 2007

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

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

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

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

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

NOTICE is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, DECEMBER 11, 2007 at 1:30 p.m. and WEDNESDAY, DECEMBER 12, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 7th day of DECEMBER, 2007.

City Secretary

CERTIFICATE

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall
of the City of Houston, Texas, on DECEMBER 7, 2007 at : p.m.

by _____

for Anna Russell
City Secretary

***CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
DECEMBER 11, 2007 -2:00 P.M.***

AGENDA

3MIN.	3MIN.	3MIN.
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NON-AGENDA

3MIN.	3MIN.	3MIN.
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MS. VICTORIA CHEN – 2207 Heathgreen – 77062 – 713-935-3792 – 70th Anniversary Nanking Massacre

MS. MICHELLE HARRIS – 12731 Braewood Glen – 77072 – 832-876-0339 – Day Labor and Alief Park

MR. JASON LOOK – 15335 Park Row, No. 2713 – 77084 – 281-216-3053 – HPD

MR. JERRY RAINES – 523 W. 16th -77008 – 281-224-9766 – Alleys

MS. DENISE UNKEFER – 5419 Carew – 77096 – 713-667-1881 – Sound Ordinance

MR. STEPHEN CASILLAS – 226 Tallant – 77076 – 281-826-4666 – Proposal for a place to dispose of Copper

MS. JOANN HERRINGTON – 1275 Blalock – 77055 – 713-984-8546 - New Sanitation Ordinance

MR. HOWARD MIDDLETON – 1011 Creekmont – 77091- 713-682-1011 – MUD Districts

MR. WILLIE DREW – Post Office Box 680946 – 77268 – 713-232-0354 – Multi-family housing project

MR. STEVEN WILLIAMS – No address – No phone – Cardinal DiNardo, help me testify before Congress

Dr. ABDEL FUSTOK – 4126 Southwest Freeway #1030 – 77027 – 713-621-2950 – GALA – Community of Health and Hope

MS. WANDA McCLELLAND – 1221 McKinney #3240 – 77010 – 713-471-0157 - GALA – Community of Health and Hope

PREVIOUS

1MIN.	1MIN.	1 MIN.
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BILL WHITE
MAYOR

December 6, 2007

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

DEC 12 2007

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to the Articles of Incorporation and Bylaws of the Houston Convention Center Hotel Corporation, I am appointing or reappointing the following individuals to the Corporation's Board of Directors, subject to Council confirmation:

Mr. Joe Ting, reappointment to Position One, for a term to expire December 31, 2009;
Dr. Judith Craven, reappointment to Position Two, for a term to expire December 31, 2009;
Ms. Nicole C. West, reappointment to Position Three, for a term to expire December 31, 2009;
Mr. Richard J. Campo, reappointment to Position Four, for a term to expire December 31, 2009;
and to serve as Chair for a term to expire December 31, 2007, as well as for a term to commence on January 1, 2008 and expire on December 31, 2009,
Mr. David L. Solomon, reappointment to Position Five, for a term to expire December 31, 2009;
Mr. Charles L. Drayden, reappointment to Position Six, for a term to expire December 31, 2009;
Mr. Moez S. Mangalji, appointment to Position Eight, for a term to expire December 31, 2009;
and
Mr. Gregory J. Armstrong, reappointment to Position Nine, for a term to expire December 31, 2009.

The résumés of the nominees are attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Dawn Ullrich, director, Convention and Entertainment Facilities
Ric Campo, chair, Houston Convention Center Hotel Corporation



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
DEC 18 2007

December 5, 2007

COPY TO EACH MEMBER OF COUNCIL:
CITY CLERK: 12-5-07
DATE

The Honorable City Council
City of Houston

COUNCIL: _____

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance 1999-759, I am nominating the following individual for appointment to the Reinvestment Zone Number Seventeen (Memorial City), City of Houston, Texas Board of Directors, subject to Council confirmation:

Ms. Brenda Stardig Patrick, appointment to Position Four, for a term to expire July 20, 2008.

Pursuant to the bylaws of the Memorial City Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position of the Board of Directors of the Authority for the same term.

The résumé of the nominee is attached for your review. Additional appointments will be submitted at a later date.

Sincerely,

Bill White
Mayor

BW/CC/jsk

Attachment

cc: Mr. Robert Fiederlein, special assistant to the mayor for TIRZs



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Transfer of \$25 million from the General Fund balance

Category #

Page 1 of 2

Agenda Item#

3

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Origination Date

December 6, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE:

Judy Gray Johnson

Council Districts affected:

All

For additional information contact:

Michelle Mitchell, Assistant Director Phone: 713-221-0935
Phone:

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) City Council approve a motion authorizing the transfer of \$25 million from the General Fund balance.

Amount of Funding: \$25 million

F & A Budget:

SOURCE OF FUNDING: ☒ General Fund ☐ Grant Fund ☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

A budget transfer from the General Fund ending fund balance in the amount of \$25 million allocated as follows:

- \$ 5 million to the Police budget for additional overtime cost
- \$500,000 to the Fire Department for "Ask a Nurse Program
- \$6 million to the Internal Service Fund for Public Safety Equipment, and
- \$13.5 million to the Debt Service Fund.

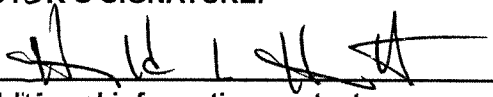
cc: Legal Department
Marty Stein, Agenda Director

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

SUBJECT: Law Enforcement Agreements between Harris County and Constable Precincts 1, 4, 5, 7 and the Sheriff	Category #	Page 1 of _____	Agenda Item # 4
FROM: (Department or other point of origin): H. L. Hurtt, Chief of Police Houston Police Department	Origination Date December 5, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 	Council Districts affected: A, B, C, D, E, F, G, H		
For additional information contact: T. N. Oettmeier (713) 308-1540 Executive Assistant Chief	Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) Approval of Law Enforcement Agreements between Harris County and Constable Precincts 1, 4, 5, 7 and the Sheriff of Harris County, and 58 different civic organizations.			
Amount and Source of Funding: * N/A		F & A Budget:	
SPECIFIC EXPLANATION: The Houston Police Department has no objections to the Law Enforcement Agreements between Harris County as well as the Sheriff of Harris County and 58 civic organizations. All agreements are for law enforcement services for a period of 12 months beginning January 1, 2008. Each agreement is specific as to the number of Harris County Constables from Precincts 1, 4, 5, 7 and Sheriff Deputies providing law enforcement services and the cost of the services. Attached is the list of the 58 civic organizations. HLH/mm Attachments cc: Marty Stein			
REQUIRED AUTHORIZATION			
F&A Director:	Other Authorization:	Other Authorization:	

YEAR 2008 LAW ENFORCEMENT CONTRACTS IN THE CITY OF HOUSTON

CONSTABLE PCT. 1:

Braeswood Place Homeowners Association
Campus Park Patrol Club
Garden Oaks Civic Club, Inc.
Garden Oaks Maintenance Organization, Inc.
Lynn Park Civic Association
Oaks of Inwood Civic Association
Rice Area Constables Service, Inc.
Royden Oaks Association of Property Owners
Shepherd Park Place Civic Club
University of St. Thomas

OFFICERS

5 Deputies
1 Deputy
1 Deputy
1 Deputy
1 Deputy
2 Deputies
2 Deputies
2 Deputies
1 Deputy
2 Deputies

CONSTABLE PCT. 4:

Bear Branch Village Community Association
Elm Grove Village Community Association
Greentree Village Community Association
Hunter's Ridge Village Community Association
Sand Creek Village Community Association

1 Deputy
1 Deputy
1 Deputy
1 Deputy
1 Deputy

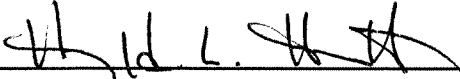
CONSTABLE PCT. 5:

April Village Community Association, Inc.	1 Deputy
Ashford Community Association	2 Deputies
Ashford West Community Association, Inc.	1 Deputy
Brays Village East Homeowners Association, Inc.	1 Deputy
Briargrove Park Property Owners, Inc.	4 Deputies
Briarhills Property Owners Association, Inc.	3 Deputies
Briarpark Community Improvement Association	1 Deputies
Colony Crossing Homeowners Assn. & Gessport HOA	1 Deputy
Fonn Villas Civic Association, Inc.	3 Deputies
Georgetown Homeowner's Association, Inc.	1 Deputy
Heathlake Community Association, Inc.	1 Deputy
Houston Whispering Oaks Civic Club	1 Deputy
Keegans Glen Homeowners Association	1 Deputy
Lakeside Improvement Association	2 Deputies
Maplewood Civic Club	2 Deputies
Maplewood South\North Community Improvement Assn.	4 Deputies
Memorial Bend Civic Association	1 Deputy
Memorial Glen Property Association, Inc.	1 Deputy
Northbriar Community Association	1 Deputy
Nottingham West Civic Club, Inc.	1 Deputy
Parkglen West Community Improvement Association	1 Deputy
Shadowbriar Community Association, Inc.	1 Sergeant
Sharpstown Civic Association, Inc.	5 Deputies
Southbriar Community Association	2 Deputies
Southwest Security Association, Inc.	1 Sergeant & 7 Deputies
Spring Shadows Civic Association	1 Sergeant & 4 Deputies
Thornwood Fund, Inc.	1 Deputy
Two Worlds Cook Road Residents Association, Inc.	1 Sergeant
Village Place Community Association	2 Deputies
Village West Community Association	1 Deputy

Walnut Bend Home Association, Inc.	2 Deputies
West Branch Community Association	1 Deputy
Westbury Civic Club, Inc.	3 Deputies
Westchester Owners Committee, Inc.	1 Deputy
Wilchester Owners Committee	1 Sergeant & 1 Deputy
Wilchester West Fund, Inc.	2 Deputies
Wildflower Green Homeowners Association	1 Deputy
<u>CONSTABLE PCT. 7:</u>	
Braeburn Valley West Civic Association	1 Deputy
Corinthian Pointe Homeowners Association	1 Deputy
Meadow Chase Condominium Association	1 Deputy
West Airport Homeowners' Association	1 Deputy
West Belfort Property Owners Association	1 Sergeant & 2 Deputies
<u>SHERIFF</u>	
Woodland Trails North Community Improvement Assn.	2 Deputies


REQUEST FOR COUNCIL ACTION

John

SUBJECT: Law Enforcement Agreement between Harris County Constable Precinct 6 and East End Improvement Corporation		Category #	Page 1 of _____	Agenda Item # <div style="text-align: right; font-size: 2em;">6</div>
FROM: (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department		Origination Date December 5, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council Districts affected:		
For additional information contact: T. N. Oettmeier (713) 308-1540 Executive Assistant Chief		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) Approval of Law Enforcement Agreement between Harris County Constable Precinct 6 and East End Improvement Corporation				
Amount and Source of Funding: N/A			F & A Budget:	
SPECIFIC EXPLANATION: The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County Constable Precinct 6 and East End Improvement Corporation. Both parties agree to have 1 lieutenant, 1 sergeant and 18 deputies devote eighty percent (80%) of their working time to provide law enforcement services within the Association's geographical area within Harris County, Texas, beginning January 1, 2008, through December 31, 2008.				
hlh:mm Attachments cc: Marty Stein				
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization:		Other Authorization:	

REQUEST FOR COUNCIL ACTION

F&A 011.A Rev.12/95
7530-0100403-00

SUBJECT: Law Enforcement Agreement between Harris County Constable Precinct 1 and Oaks of Inwood Civic Association	Category #	Page 1 of _____	Agenda Item # 8
FROM: (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department	Origination Date December 3, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 	Council Districts affected: A & B		
For additional information contact: T. N. Oettmeier (713) 308-1540 Executive Assistant Chief	Date and identification of prior authorizing Council Action:		

RECOMMENDATION: (Summary)

Approval of Law Enforcement Agreement between Harris County Constable Precinct 1 and Oaks of Inwood Civic Association

Amount and Source of Funding:

N/A

F & A Budget:

SPECIFIC EXPLANATION:

The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County Constable Precinct 1 and Oaks of Inwood Civic Association. Both parties agree to have one deputy devote eighty percent (80%) of their working time to provide law enforcement services within the Association's geographical area within Harris County, Texas, beginning January 1, 2008, through December 31, 2008.

hlh:mm
Attachment

cc: Marty Stein

REQUIRED AUTHORIZATION



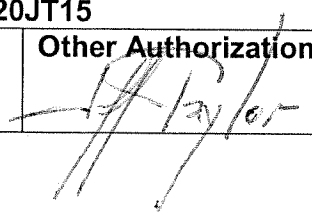
F&A Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of the 2008 Operations and Maintenance Budget for the Lake Houston Facility project operated by the Coastal Water Authority.		Category #	Page 1 of 2	Agenda Item # 9
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 11/26/07	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director		Council District affected: All		
For additional information contact: Dannelle Belhateche Sr. Assistant Director Phone: 713/837-0847		Date and identification of prior authorizing Council action: 12/13/06 C.M. #2006-1131 11/25/03 Ord. #2003-1137		
RECOMMENDATION: (Summary) Approve by Council Motion the 2008 Lake Houston Facilities Operations and Maintenance Budget.				
Amount of Funding: \$2,581,293 (City of Houston FY2008 \$1,290,647 FY2009 amount \$1,290,646 (CWA 2008: January 1, 2008 – December 31, 2008) 			F & A Budget:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Water & Sewer System Operating Fund #8300				
SPECIFIC EXPLANATION: The Coastal Water Authority (CWA) operates the raw water transportation system for the City and provides conveyance for certain governmental and industrial users. CWA plays an essential role in the City's program of increased surface water use. CWA owns, operates and maintains 36 miles of canals as part of the CWA raw water conveyance system. CWA also owns, operates and maintains the Trinity River intake pumping facility, the Lynchburg pumping facility and the Bayport booster pumping facility. City Council approved Ordinance #95-1141 on October 25, 1995 contracting with CWA to operate and maintain the Lake Houston canal and pump station and to perform grounds maintenance along and below the dam. A first amendment to this contract was approved by City Ordinance #2003-1137 on November 25, 2003 which allowed the Director to add Lake Houston, Lake Houston Dam and the assignment of certain activities associated with these facilities which include increased security of the dam and area below the dam, aquatic weed control on Lake Houston, and operation and maintenance of the Lake Houston Dam and appurtenances. This five year contract is automatically renewed for an additional five years unless terminated by either party. The current renewal extends through November 2010. The City of Houston shall continue to own these facilities and will have control over all facility decisions except those of a routine operation and maintenance nature.				
REQUIRED AUTHORIZATION 20JT15				
F & A Director		Other Authorization: 		

Date: 11/26/07	Subject:: Approval of the 2008 Operations and Maintenance Budget for the Lake Houston Facilities operated by Coastal Water Authority	Originator's Initials	Page 2 of 2
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2007
Budget

\$2,688,354

2008
Budget

\$2,581,293

The 2008 Budget reflects a funding decrease of \$107,061 (4%) compared with 2007 Budget. The 2008 budget decrease results from the completion of major repairs in 2007. Payments made to the Coastal Water Authority for the Lake Houston Facility are based on actual monthly O&M expenditures.

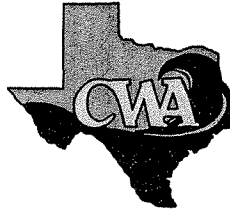
It is recommended that City Council approve the 2008 Operations & Maintenance Budget for the Lake Houston Facility operated by the Coastal Water Authority in the amount of \$2,581,293.

cc: Marty Stein
Legal
Waynette Chan
Gary Norman
Dannelle Belhatche
Susan Bandy

20 JT15

Board of Directors

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Coastal Water Authority

Gary N. Oradat, P.E.
Executive Director

John J. Baldwin
Chief Financial Officer

Jerry L. Berry
Operations Manager

November 21, 2007

The Honorable Bill White, Mayor
Members of the City Council
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

Re: **2008 ANNUAL BUDGET**
LAKE HOUSTON FACILITIES PROJECT

Mayor White and Members of the City Council:

In compliance with provisions of the current contract relating to the Coastal Water Authority (CWA), the Board of Directors respectfully submits the 2008 calendar year budget for the Lake Houston Facilities Project for your consideration and approval.

The CWA 2008 proposed budget is \$2,581,293. This is a decrease of about 4% from the 2007 budget. This budget incorporates the activities and assignments requested by the City's Public Works & Engineering Department and authorized in the Authority's contract with the city as amended by the Mayor and City Council on November 25, 2003. At the direction of the City, CWA will provide maintenance and operational activities to include Lake Houston, the Lake Houston Dam and certain structures and property downstream of the Dam. CWA will also continue to provide the maintenance and operation of the Lake Houston Pump Station and the West Canal Facilities as it has since the original contract was executed in 1995. CWA expects to deliver 18.42 billion gallons of surface water as requested by the City in an operationally cost-effective environment.

The overall budget for 2008 reflects a decrease of about \$107,000. The decrease results from completing major bulkhead repairs in 2007 and also allows for continuing the erosion control measures at the dam and downstream sites. The 2008 budget will also continue the security related improvements requested by Public Works Department officials.

CWA's staffing for electrical and equipment maintenance will be on a job order basis and will be charged to the Lake Houston Facilities Project as they are incurred. Personnel for the mowing season will be provided by CWA from our existing work force and with available mowing equipment. Costs for the mowing operations will also be charged to the Lake Houston Facilities Project as they are incurred.

The proposed budget is reflective of the City of Houston's desire to maintain acceptable normal service levels while remaining in a position to respond favorably to requests for increases in water volume demands during peak periods. CWA will strive to continue to provide optimum service to our customers and keep maintenance and operating costs within the budget amounts.

It must be pointed out that there are minimal contingencies provided within the budget. In the event of unanticipated occurrences such as water deliveries in excess of 18.42 billion gallons, the failure of high-cost equipment or severe weather conditions that damage the system, a supplemental funding request may be necessary during the 2008 budget year. In the event of an additional funding request, it will be documented as to need and coordinated with the Department of Public Works and Engineering.

The members of the Board of Directors wish to express their appreciation to everyone involved in this Project, especially those City employees of the Department of Public Works & Engineering and the Legal Department for their cooperation and assistance in furthering the Lake Houston Facilities Project as a major contributory resource for the Greater Houston Metropolitan Water System. We look forward to continued efforts in planning and providing for the further growth of the City of Houston's water requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Dionel E. Avilés", written in a cursive style.

Dionel E. Avilés
President, Board of Directors

DEA:plk

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
2008 ANNUAL BUDGET

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
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2008 ANNUAL BUDGET

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COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
BUDGET SUMMARY
2008 ANNUAL BUDGET

APPLICATION OF FUNDS	2007 BUDGET	2007 PROJECTED	2008 BUDGET
Expenditures (1)	\$2,688,354	\$2,677,000	\$2,581,293
Capital Outlay	0	0	0
Debt Service	0	0	0
Comparative Subtotal	2,688,354	2,677,000	2,581,293
Non-Comparative Increases	0	0	0
Total Expenditures	2,688,354	2,677,000	2,581,293
Ending Fund Balances (2)	672,089	672,089	645,323
Total Applications	<u>3,360,443</u>	<u>3,349,089</u>	<u>3,226,616</u>

SOURCE OF FUNDS

Beginning Fund Balances (2)	680,156	680,156	672,089
Investment Income	120,000	125,000	96,000
Other Income	0	0	0
Subtotal Sources	800,156	805,156	768,089
Capital Funding - Construction	0	0	0
Subtotal	800,156	805,156	768,089
System Revenue - Project	\$2,560,287	\$2,543,933	\$2,458,527
Total Sources	<u>3,360,443</u>	<u>3,349,089</u>	<u>3,226,616</u>

(1) Includes assets purchased

(2) Operating Fund only.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES
FACTS AND ASSUMPTIONS
2008 ANNUAL BUDGET

FACTS

1. The 2008 budget is prepared on a cash basis.
2. Lake Houston Facilities books and records consist of two funds, which are Operating Fund and the Contingency Fund.
3. The required fund balances have been reflected at the minimum balances per the operating contract.
4. Lake Houston Facilities is charged with direct salary and costs as well as an allocation of certain general items based upon an overall payroll allocation of 13%.

ASSUMPTIONS

1. Salaries anticipates funding the employee benefits of one field retiree and includes a provision for compensation contingencies equal to 2% to be administered consistent with the Coastal Water Authority Salary Administration Plan.
2. The 2008 budget staffing level supports ongoing activity levels as requested in the operating and maintenance contract.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
RECONCILIATION OF 2006
BUDGET TO 2007 BUDGET
2008 ANNUAL BUDGET

2007 Budget
to
2008 Budget

2007 Budget \$2,688,354

Field Salaries Allocation	57,063
Materials and Supplies - (Road Base, Sand, Rock, Rip Rap, etc)	212,800
Contract Labor and Equipment- (Rip Rap-Erosion Control & Bulkhead With Boat Ramp)	(391,650)
Electricity Contract (Decrease in Electricity Rates)	(10,403)
Administrative Expense (Pension, Social Security Costs)	9,244
General Operating Expenses (Insurance)	(15,460)
Engineering, Legal and Professional	<u>31,345</u>
Subtotal	<u>(107,061)</u>

2008 Budget \$2,581,293

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
STATEMENT OF REVENUES AND EXPENDITURES
2008 ANNUAL BUDGET

	2007 BUDGET	2007 PROJECTED	2008 BUDGET
REVENUES			
Funds provided by City of Houston	\$2,560,287	\$2,543,933	\$2,458,527
Interest on Investments	120,000	125,000	96,000
Service Revenues	0	0	0
Other	0	0	0
Total Revenue	<u>2,680,287</u>	<u>2,668,933</u>	<u>2,554,527</u>
EXPENDITURES			
Field Salaries	630,349	630,000	687,412
Materials & Supplies	104,500	115,000	317,300
Contract Labor & Equipment (1)	1,143,700	1,105,000	752,050
Utilities	170,794	195,000	160,391
Administrative Expenses	276,613	275,000	285,857
General Operating Expenses	238,098	235,000	222,638
Engineering, Legal & Professional	124,300	122,000	155,645
Subtotal	<u>2,688,354</u>	<u>2,677,000</u>	<u>2,581,293</u>
Bond Interest Expense	0	0	0
Bond Principal Retirement	0	0	0
Paying Agent Fees	0	0	0
Debt Service	<u>0</u>	<u>0</u>	<u>0</u>
Capitalized Costs	0	0	0
Construction Program	0	0	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>
Total Expenditures	<u>2,688,354</u>	<u>2,677,000</u>	<u>2,581,293</u>
	(2)		(3)
Net Increase (Decrease) in	<u>(\$8,067)</u>	<u>(\$8,067)</u>	<u>(\$26,766)</u>
Operating Fund Balances			

(1) Includes assets purchased.

(2) Net of \$8,067 decrease in required operating reserve.

(3) Net of \$26,766 decrease in required operating reserve.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
RECONCILIATION OF FUND ACTIVITY
2008 ANNUAL BUDGET

	OPERATING FUND	CONTINGENCY FUND	TOTAL LAKE HOUSTON FACILITIES PROJECT FUND
Beginning Balance	\$672,089	\$2,000,000	\$2,672,089
Service Revenue	2,458,527	0	2,458,527
Interest Earnings	16,000	80,000	96,000
Transfer - Service	0	0	0
Transfer - Interest	80,000	(80,000)	0
Expenses	(2,581,293)	0	(2,581,293)
Debt Service	0	0	0
Capital Outlay	0	0	0
Net Activity	(26,766)	0	(26,766)
Ending Balance	\$645,323	\$2,000,000	\$2,645,323

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
2008 ANNUAL BUDGET

	<u>2007 BUDGET</u>	<u>2007 PROJECTED</u>	<u>2008 BUDGET</u>
Gallons (in thousands)	<u>18,622,000</u>	<u>19,568,300</u>	<u>18,415,900</u>

Rate/1000 gallons

Project Revenue	\$0.137	\$0.130	\$0.134
Construction Funding	0.000	0.000	0.000
Total City Funds	<u>\$0.137</u>	<u>\$0.130</u>	<u>\$0.134</u>

Revenue

Project Revenue	\$2,560,287	\$2,543,933	\$2,458,527
Construction Funding	0	0	0
Total City Funds	<u>\$2,560,287</u>	<u>\$2,543,933</u>	<u>\$2,458,527</u>

NOTE: This Schedule presented for information purposes only.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
INVESTMENT AND OTHER INCOME
2008 ANNUAL BUDGET

<u>INVESTMENT INCOME</u>	<u>INCOME</u>
Average Cash and Investments	\$2,400,000
Average Effective Interest Rate	4.00%
Total	<u>\$ 96,000</u>

OTHER INCOME

Lake Houston Facilities does not anticipate any miscellaneous income.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
SUMMARY OF GENERAL AND ADMINISTRATIVE EXPENDITURES
2008 ANNUAL BUDGET

<u>GENERAL AND ADMINISTRATIVE EXPENDITURES</u>	<u>2007 BUDGET</u>	<u>2007 PROJECTED</u>	<u>2008 BUDGET</u>
ADMINISTRATIVE	\$276,613	\$275,000	\$285,857
GENERAL OPERATING (Insurance)	238,098	235,000	222,638
ENGINEERING, LEGAL & PROFESSIONAL	<u>124,300</u>	<u>122,000</u>	<u>155,645</u>
Total	<u>\$639,011</u>	<u>\$632,000</u>	<u>\$664,140</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ADMINISTRATIVE EXPENSES
2008 ANNUAL BUDGET

	<u>AMOUNT</u>
Administrative Salaries	\$95,480 (1)
Pension Plan Contribution (11.8% of total compensation)	92,381
Payroll Taxes (7.65% of total compensation)	59,891
Furniture and Equipment: Maintenance	260 (2)
Office Lease and Utilities	27,965 (2)
Office Supplies	1,820 (2)
Travel, Meetings and Parking	1,040 (2)
Directors Compensation	1,950 (2)
Printing and Reproduction	390 (2)
Telephone	2,600 (2)
Vehicle: Gas & Maintenance	780 (2)
Miscellaneous	1,300 (2) (3)
	<u><u>\$285,857</u></u>

- (1) Allocated based upon office payroll estimate of 13%.
 (2) Allocation based upon total payroll estimate of 13%.
 (3) Includes payroll and courier services.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
OFFICE SALARY ALLOCATION
2008 ANNUAL BUDGET

	<u>AMOUNT</u>
Executive Director	
Chief Financial Officer	
Accountant	
Accountant	
Accountant	
Accountant	
Accountant	
Secretary	
Base Office Salaries	<u>720,060</u>
2% Compensation Contingency (1)	14,400
Total Office Salaries	<u>734,460</u>
Office Allocation Factor (2)	<u>13%</u>
Lake Houston Office Salaries	<u><u>\$95,480</u></u>

(1) Provides for minimum compensation contingency.

(2) Based upon 2007 cost records.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
GENERAL OPERATING EXPENSES
2008 ANNUAL BUDGET

<u>INSURANCE PREMIUM DESCRIPTION</u>	<u>AMOUNT</u>			
Property Insurance	\$0	(1)	(5)	
Property - Primary Flood	-	(2)	(5)	
Texas Commercial Policy (General Liability)	30,290	(3)	(5)	(7)
Watercraft Policy	-	(2)	(4)	
Public Official & Employees Liability	11,791	(3)	(4)	(7)
Notary Public Omissions	-	(2)	(4)	
Public Employee Fidelity Bond	-	(2)	(4)	
Pension - Fidelity Bond	26	(3)	(4)	
Pension - Fiduciary Responsibility	494	(3)	(4)	
Medical Insurance	128,570	(3)	(6)	(7)
Contract Equipment/Difference in Conditions	3,315	(3)	(5)	
Public Official Position (Director Fidelity)	156	(3)	(4)	
Automobile Insurance	9,854	(3)	(5)	
Workers Compensation	18,590	(3)	(5)	(7)
Dental Insurance	6,825	(3)	(5)	(7)
Short Term Disability	2,847	(3)	(5)	(7)
Long Term Disability	7,410	(3)	(5)	(7)
Group Life Insurance	2,470	(3)	(5)	(7)
	<u>\$222,638</u>			

- (1) Allocated based upon total insurable value of 0%.
- (2) Coverage 100% specific for Trinity River.
- (3) Allocated based upon total payroll estimate of 13%.
- (4) Assumes no rate increase.
- (5) Assumes 3% annualized rate increase.
- (6) Assumes 10% annualized rate increase.
- (7) Assumes full employment.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ENGINEERING, LEGAL AND PROFESSIONAL EXPENSES
2008 ANNUAL BUDGET

	<u>AMOUNT</u>
Engineering Services	\$30,000 (1)
Consultant (Security implementation Analysis in compliance with City of Houston Vulnerability Assessment)	70,000 (1)
Legal Services	41,270 (1)
Accounting & Auditing	8,125 (2)
U.S. Geological Survey	0 (1)
Computer Maintenance	5,950 (2)
Miscellaneous Bank Fees	300 (1)
	<u>\$155,645</u>

(1) Based upon specific services.

(2) Allocated based upon total payroll estimate of 13%.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
SUMMARY OF FIELD EXPENDITURES
2008 ANNUAL BUDGET

<u>FIELD EXPENDITURES</u>	<u>2007 BUDGET</u>	<u>2007 PROJECTED</u>	<u>2008 BUDGET</u>
SALARIES	\$630,349	\$630,000	\$687,412
MATERIALS & SUPPLIES	104,500	115,000	317,300
CONTRACT LABOR AND EQUIPMENT			
Contracted	\$1,063,700	1,025,000	735,050
Purchased	\$80,000	80,000	17,000
Subtotal	<u>1,143,700</u>	<u>1,105,000</u>	<u>752,050</u>
UTILITIES	170,794	195,000	160,391
Total	<u>\$2,049,343</u>	<u>\$2,045,000</u>	<u>\$1,917,153</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
FIELD EXPENDITURES BY LOCATION
2008 ANNUAL BUDGET

LOCATIONS	FIELD SALARIES	MATERIALS AND SUPPLIES	CONTRACT LABOR AND EQUIPMENT	UTILITIES	LOCATION TOTAL
Lake Houston & Pump Station	\$318,236	\$23,600	\$191,050	\$160,391	\$693,277
West Canal	185,617	65,500	60,000	0	311,117
Dam & Downstream	183,559	228,200	501,000	0	912,759
	<u>\$687,412</u>	<u>\$317,300</u>	<u>\$752,050</u>	<u>\$160,391</u>	<u>\$1,917,153</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
SUMMARY OF FIELD SALARIES BY LOCATION
2008 ANNUAL BUDGET

LOCATION	BASE COMPENSATION	RETIREE PAY (1)	2% COMPENSATION CONTINGENCY (2)	2% OVERTIME (3)	TOTAL
Lake Houston & Pump Station	\$300,226	\$6,000	\$6,005	\$6,005	\$318,236
West Canal	178,477	0	3,570	3,570	185,617
Dam & Downstream	176,499	0	3,530	3,530	183,559
	<u>\$655,202</u>	<u>\$6,000</u>	<u>\$13,105</u>	<u>\$13,105</u>	<u>\$687,412</u>

(1) Allows for employee benefit payments to retirees.

(2) Provides increases for employees with outstanding performance.

(3) Provides for minimum overtime.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ANALYSIS OF BASE FIELD SALARIES BY FUNCTION AND LOCATION
2008 ANNUAL BUDGET

<u>LOCATION AND FUNCTION</u>	<u># OF EMPLOYEES</u>	<u>MAN HOURS (4)</u>	<u>AVG. RATE PER HOUR</u>	<u>BASE SALARIES</u>
<u>MANAGEMENT (1)</u>				
Lake Houston Pump Station	0.05	104	\$58.12	\$6,044
West Canal	0.05	104	58.12	6,044
Dam & Downstream	0.15	312	58.12	18,133
Subtotal	0.25	520	58.12	30,221
<u>SUPERVISORY PERSONNEL (2)</u>				
Lake Houston Pump Station	0.45	936	39.12	36,616
West Canal	0.40	832	39.12	32,548
Dam & Downstream	0.50	1,040	39.12	40,685
Subtotal	1.35	2,808	39.12	109,849
<u>ALL OTHER PERSONNEL (3)</u>				
Lake Houston Pump Station	5.80	12,064	21.35	257,566
West Canal	3.15	6,552	21.35	139,885
Dam & Downstream	2.65	5,512	21.35	117,681
Subtotal	11.60	24,128	21.35	515,132
Total Base Salaries	13.20	27,456	\$23.86	\$655,202

(1) Includes Manager of Operations and Production, as well as Manager of Security.

(2) Includes Superintendents, Master Electrician, Administrator OPM, and Purchasing Agent.

(3) Includes Foremen and Operators for construction, electrical, maintenance, and all routine operating functions.

(4) Estimated number of employees at 2,080 hours per year.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ANALYSIS OF MATERIALS AND SUPPLIES BY LOCATION
2008 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LAKE HOUSTON AND PUMP STATION

Air Conditioning Repair Parts	\$1,000
Building / Grounds Maintenance	4,000
Electrical / Instrument	5,000
Herbicides / Insecticides	2,000
Miscellaneous Supplies	6,000
Office / Administrative	1,000
Oils and Lubricants	3,600
Power Tools, Hand Tools & Equip.	1,000
	<u>23,600</u>

WEST CANAL

Air Conditioning Repair Parts	1,000
Automotive / Equipment Repair Parts	9,500
Diesel Fuel	20,800
Electrical / Instrument	3,000
Gasoline	11,000
Herbicides / Insecticides	10,000
Power Tools, Hand Tools & Equip.	2,000
Road Base, Sand, Rock, Rip Rap, etc.	2,000
Security, Fencing, Signs, etc.	5,000
Tires & Batteries	1,200
	<u>65,500</u>

DAM & DOWNSTREAM

Building / Grounds Maintenance	2,000
Electrical / Instrument	5,700
Herbicides / Insecticides	8,000
Miscellaneous Supplies	1,000
Office / Administrative	1,500
Oils and Lubricants	1,000
Power Tools, Hand Tools & Equip.	3,000
Road Base, Sand, Rock, Rip Rap, etc.	200,000
Security, Fencing, Signs, etc.	5,000
Welding Equipment & Supplies	1,000
	<u>228,200</u>

Total	<u><u>\$317,300</u></u>
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COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ANALYSIS OF CONTRACT LABOR AND EQUIPMENT BY LOCATION
2008 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LAKE HOUSTON AND PUMP STATION

Contract Labor (Welders, Divers, Tech Spt, etc)	\$300
SCADA Server/Workstation Upgrade	17,000
Security: Contract Guards	130,000
Hurricane / Storm Windows	35,000
Annual Service Contracts:	
-- Crane Test/Certification	500
-- Pest Control Service	500
-- Substation, Relay Testing	3,000
-- Uniform Service	2,750
Purchase Equipment (allocated):	
-- Tractor 4x4, 1ea. Dist Sys	2,000
	<u>191,050</u>

WEST CANAL

Equipment Rental Services	5,000
Security: Fencing Repairs/Replacement	50,000
Purchase Equipment (allocated):	
-- Tractor 4x4, 1ea. Dist Sys	5,000
	<u>60,000</u>

DAM & DOWNSTREAM

Aquatic Vegetation Control	170,000
Buoy Maintenance/Replacement	10,000
Contract Labor (Welders, Divers, Tech Spt, etc)	4,000
Dam: Debris Removal	50,000
Equipment Rental Services	10,000
Security: Constable	240,000
Security: Camera & Hardware Installation	2,000
Training: Safety, RMP, Hazwop, Dam, AirPk, etc	5,000
Purchase Equipment (allocated):	
-- 12-14 CY Dump Truck	5,000
-- Tractor 4x4, 1ea. Dist Sys	5,000
	<u>501,000</u>

Total \$752,050

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ANALYSIS OF UTILITIES BY LOCATION
2008 ANNUAL BUDGET

ELECTRICITY					
LOCATION	KW HOURS	AVG. RATE PER HOUR (1)	AMOUNT	ALL OTHER (2)	TOTAL
Lake Houston & Pump Station	1,584,000	\$0.0993	\$157,291	\$3,100	\$160,391
West Canal	0	0.000	0	0	0
Downstream	0	0.000	0	0	0
	<u>1,584,000</u>	<u>\$0.0993</u>	<u>\$157,291</u>	<u>\$3,100</u>	<u>\$160,391</u>

(1) Reflects rate accomplished through contract for Energy through December 2010.

(2) Includes telephone, water and waste disposal services.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
DEBT SERVICE
2008 ANNUAL BUDGET

	<u>AMOUNT (1)</u>
Bond Interest Expense	\$0
Bond Principal Retirement	0
Paying Agent Fees	0
Total Debt Service	<u><u>\$0</u></u>

- (1) The Lake Houston Facilities Project does not have any debt service requirements for 2008.



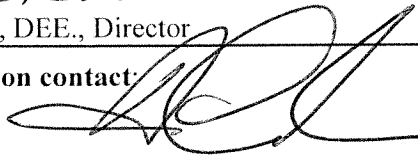


COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
CAPITAL OUTLAYS
2008 ANNUAL BUDGET

	<u>AMOUNT</u>
Capitalized Costs	\$0 (1)
Construction Program	0 (2)
Total Capital Outlays	<u><u>\$0</u></u>

- (1) Any administrative or field expenditures expensed out of operations which are considered both material and having future period benefits will be reclassified as capitalized costs at the time of disbursement.
- (2) The Lake Houston Facilities Project was a construction program to rehabilitate the Lake Houston Pump Station Facility and a discharge facility on the West Canal. This project was completed in 1999.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Street and Traffic Enhancements for Near Northside, Phase I (North of Quitman), WBS No. N-000774-0001-4.		Category #1, 7	Page 1 of 2	Agenda Item # 10
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 12-6-07		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE., Director		Council District affected:  H		
For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074		Date and identification of prior authorizing Council action:  Ord. # 2006-486 dated: 05/17/2006		
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,620,548.50 or 5.75% under the original Contract Amount, accept the Work and authorize final payment.				
Amount and Source of Funding: No additional funding required, Original appropriation of \$1,998,100.00 from Street and Bridge Consolidated Construction Fund No. 437.				F&A Budget:
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Control, Capital Improvement Program (CIP) and was required to meet economic development and revitalization in the Near Northside. DESCRIPTION/SCOPE: This project consisted of installation of new concrete sidewalks, removal and replacement of existing concrete sidewalks, ditch grading and concrete slope paving, reinforced concrete pipe culverts, tree protection and tree planting and improvements to driveways along the designated streets within the Near Northside area. Infrastructure Associates, Inc. designed the project with 365 days allowed for construction. The project was awarded to ACM Contractors, Inc. with the original Contract Amount of \$1,719,490.00 LOCATION: The project area was generally bounded by Loop 610 on the north, I-10 on the south, Elysian on the east and I-45 on the west. The project was located in Key Map Grids 493C & D and 453U, V, Y & Z. CONTRACT COMPLETION AND COST: The Contractor, ACM Contractors, 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 quantities is \$ 1,620,548.50, a decrease of \$98,941.50 or 5.75% under the original Contract Amount. The decreased cost is primarily a result of difference between planned and measured quantities. This decrease is primarily a result of an underrun in Bid Item No. 5 – Urban Forestry Monitoring, Bid Item No. 6 – Remove Tree, All diameter, Bid Item No. 7 – Reinforced Filter Fabric Barrier, Bid Item No. 10 – Sodding, Complete in Place, including Fertilization and Watering, Bid Item No. 12 – Remove and Relocate Fence, Bid Item No. 14 – Plant 30 Gallon Tree, Bid Item No. 17 – 24-inch Reinforced Concrete Pipe, Bid Item No. 28 – Cement Stabilized Sand, Bid Item No. 35 - 3/8-inch Checker Plate, Bid Item No. 37 – Wheelchair Ramp, Bid Item No. 38 – Concrete Slope Paving, and Extra Unit Items, which were not necessary to complete the work.				
REQUIRED AUTHORIZATION				20HA12
F&A Director:	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		

Date	SUBJECT: Accept Work for Street and Traffic Enhancement fro Near Northside, Phase I (North of Quitman), WBS No. N-000774-0001-4.	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 17.01%. Contractor's M/WBE performance evaluation was rated satisfactory.



MSM:JTL:AR:DO:ha

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c: Michael Ho, P.E Velma Laws Craig Foster Waynette Chan Marty Stein File No.: SM5039 – CLOSEOUT

PROJECT LOCATION

PROJECT LOCATION

PROJECT LOCATION

GFS No. N-0774-01-2 FILE No. SB9112
For Transportation/Economic
Development in Near Northside

KEY MAP: 493C,D,G,H,
L, & M AND 453Q,R,
U,V,Y, & Z

Drawn By: Ester Jordan

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Awty School Lane from North Post Oak Road to HCFCD Unit W137-00-00, WBS No. N-000755-0001-4.		Category #1, 7	Page 1 of 2	Agenda Item # 11
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 12/6/07		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE., Director		Council District affected: A		
For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074		Date and identification of prior authorizing Council action: Ord. # 2006-649 dated: 06/21/2006 Ord. # 2007-622 dated: 05/30/2007 Mot. # 2007-510 dated: 05/30/2007		
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,387,224.45 or 8.16% over the original Contract Amount, accept the Work and authorize final payment.				
Amount and Source of Funding: No additional funding required. Total original appropriation of \$1,474,000.00 with \$1,184,361.00 from the Street and Bridge Consolidated Construction Fund No. 437, \$86,817.00 from Water and Sewer System Consolidated Construction Fund no. 755 and \$202,822.00 from Water and Sewer Contributed Capital Fund No. 733. Additional appropriation of \$50,410.00 from Street and Bridge Consolidated Construction Fund No. 4506.				F&A Budget:
SPECIFIC EXPLANATION:				
PROJECT NOTICE/JUSTIFICATION: This project was part of the Street & Traffic Control Improvement Program and is required to improve public safety, traffic flow / circulation and reduce traffic congestion in that area.				
DESCRIPTION/SCOPE: This project consisted of construction of approximately 1,500 linear feet of 24-inch and 30 inch storm sewer, approximately 1,500 linear feet of 8-inch water line, approximately 1,500 linear feet of 18-inch sanitary sewer, roadway reconstruction, street lighting and traffic signalizing. Sander Engineering Corp. designed the project with 150 calendar days allowed for construction. The project was awarded to ACM Contractors, Inc. with an original Contract Amount of 1,282,531.70.				
LOCATION: The project area is generally bounded by Clarkson on the north, Interstate I-10 on the south, North Post Oak Road on the east and HCFCD No. W137-00-00 on the west. The project is located in Key Map Grids 491-C and D.				
CONTRACT COMPLETION AND COST: The Contractor, ACM Contractor, 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 1,387,224.45, an increase of \$104,692.75 or 8.16% over the original Contract Amount. The increased cost is a result of previously approved Change Order No. 1 and the difference between planned and measured quantities. This increase is primarily a result of an overrun in Bid Item No. 8 – Storm Manholes 42" and smaller (All Depths); Bid Item No. 18 – Lime; Bid Item No. 38 – Type B-B Inlet, which were necessary to complete the work.				
REQUIRED AUTHORIZATION 20HA07				
F&A Director:	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		

Date	SUBJECT: Accept Work for Awty School Lane from North post oak Road to HCFCU Unit W137-00-00, WBS No. N-000755-0001-4.	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 17.35%. Contractor's M/WBE performance evaluation was rated satisfactory.



MSM:JTL:AR:DO:ha

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c: Michael Ho, P.E Velma Laws Craig Foster Waynette Chan Marty Stein File No.: N-0755-01 – CLOSEOUT

MOTION NO. 2007 0510

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, for approval of Change Order No. 1, on contract with ACM Contractors, Inc., for the Construction of Awty School Lane Paving, Post Oak to Drainage Ditch, WBS No. N-000755-0001-4, be adopted, and Change Order No. 1, in the amount of \$88,885.74 is hereby approved by the City Council.

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 30th day of May, 2007.





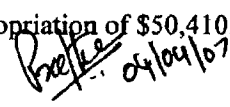

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is June 5, 2007.

A handwritten signature in black ink, appearing to read "C. Russell", is written over the printed title "City Secretary".

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment and additional appropriation to increase the amount of contingencies and approval of Change Order No. 1 for the construction of Awty School Lane Paving: Post Oak to Drainage Ditch. WBS No. N-000755-0001-4.		Category # 1, 7	Page 1 of 2	Agenda Item #
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE., Director		Council District affected: A 		
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074		Date and identification of prior authorizing Council action: Ord. # 2006-649 dated: 06/21/06 		
RECOMMENDATION: (Summary) Approve an ordinance authorizing contract amendment to increase maximum contingency from 5% to 8.93% and appropriate requested funds. Pass a motion to approve Change Order No. 1 in the amount of \$88,885.74.				
Amount and Source of Funding: Total additional appropriation of \$50,410.00 from the Street and Bridge Consolidated Construction Fund No. 4506.  Original appropriation of \$1,474,000.00 with \$1,184,361.00 from the Street and Bridge Consolidated Construction Fund No. 437, \$86,817.00 from Water and Sewer System Consolidated Construction Fund No. 755 (\$16,508.00 from S-0802-39-3 and \$70,309.00 from R-0802-41-3) and \$202,822.00 from Water and Sewer Contributed Capital Fund No. 733			F&A Budget:	
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: This project is part of the Street & Traffic Control Improvement program and is required to improve public safety, traffic flow /circulation and reduce traffic congestion in that area e Area. DESCRIPTION/SCOPE: This project consists of Construction of approximately 1,500 linear feet of 24-inch and 30-inch storm sewer, approximately 1,500 linear feet of 8-inch water line, approximately 1,500 linear feet of 18-inch sanitary sewer, roadway reconstruction, street lighting and traffic signalization. This project was designed by Sander Engineering Corp. The contract duration for this project is 150 calendar days. This project was awarded to ACM Contractors Inc. with an original Contract amount of \$1,282,531.70. LOCATION: The project area is generally bounded by Clarkson on the north, Interstate I-10 on the south, North Post Oak Road on the east and HCFCF No. W137-00-0 on the west. The project is located in Key Map Grids 491-C and D. CHANGE ORDER SCOPE: The project is approximately 60% complete. Change Order No. 1 to provide temporary drainage for the area during construction, outlets for drainage ditches and overrun of quantity for 4-1/2 inch Reinforced Concrete Sidewalk that were inadvertently unaccounted for in the design process.				
REQUIRED AUTHORIZATION 20DQ 85				
F&A Director:	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		

Date	SUBJECT: Amendment and additional appropriation to increase the amount of contingencies and approval of Change Order No. 1 for the construction of Awty School Lane Paving: Post Oak to Drainage Ditch. WBS No. N-000755-0001-4.	Originator's Initials	Page 2 of 2
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The total cost of the Change Order No. 1 is \$88,885.74 out of which \$64,126.00 will be covered using the original 5% contingency.

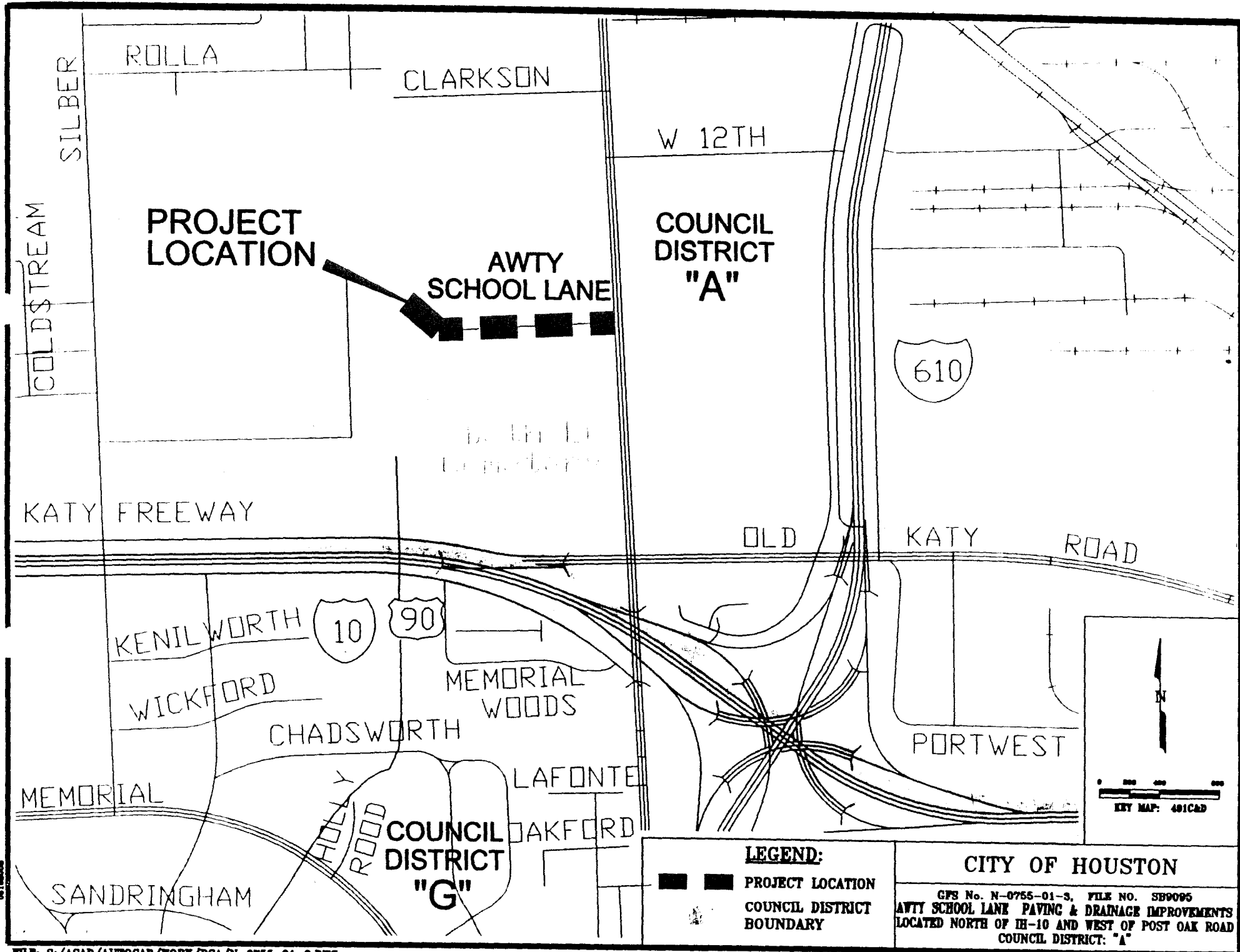
The requested appropriation of \$50,410.00 will cover the remaining amount needed for Change Order No.1 and will leave a contingency balance of \$25,650.26, or two percent (2%) for further change orders, should they become necessary.

Approval of this amendment will increase the revised Contract amount to \$ 1,397,067.70 or 8.93% over the original Contract Amount, including original 5% contingency.

MSM:JTL:AR:DO:do

c: Daniel W. Krueger, P.E.
Velma Laws
Michael K. Ho, P.E.
Craig Foster
File No.: N-000755-0001-4.21.0

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PROJECT
LOCATION

AWTY
SCHOOL LANE

COUNCIL
DISTRICT
"A"

610

KATY FREEWAY

OLD

KATY

ROAD

KENILWORTH

10

90

WICKFORD

MEMORIAL
WOODS

CHADSWORTH

LAFONTE

OAKFORD

PORTWEST

MEMORIAL

HOLLY
ROAD

COUNCIL
DISTRICT
"G"

SANDRINGHAM

LEGEND:

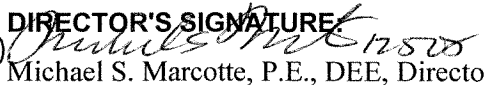

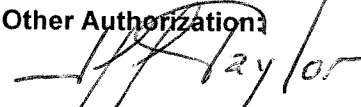
- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY

CITY OF HOUSTON


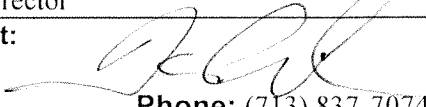
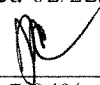
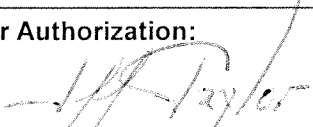
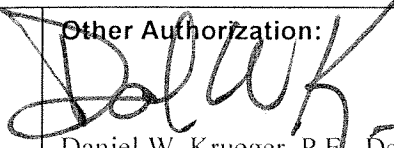
GPS No. N-0755-01-3, FILE NO. SB0095
AWTY SCHOOL LANE PAVING & DRAINAGE IMPROVEMENTS
LOCATED NORTH OF IH-10 AND WEST OF POST OAK ROAD
COUNCIL DISTRICT: "A"

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

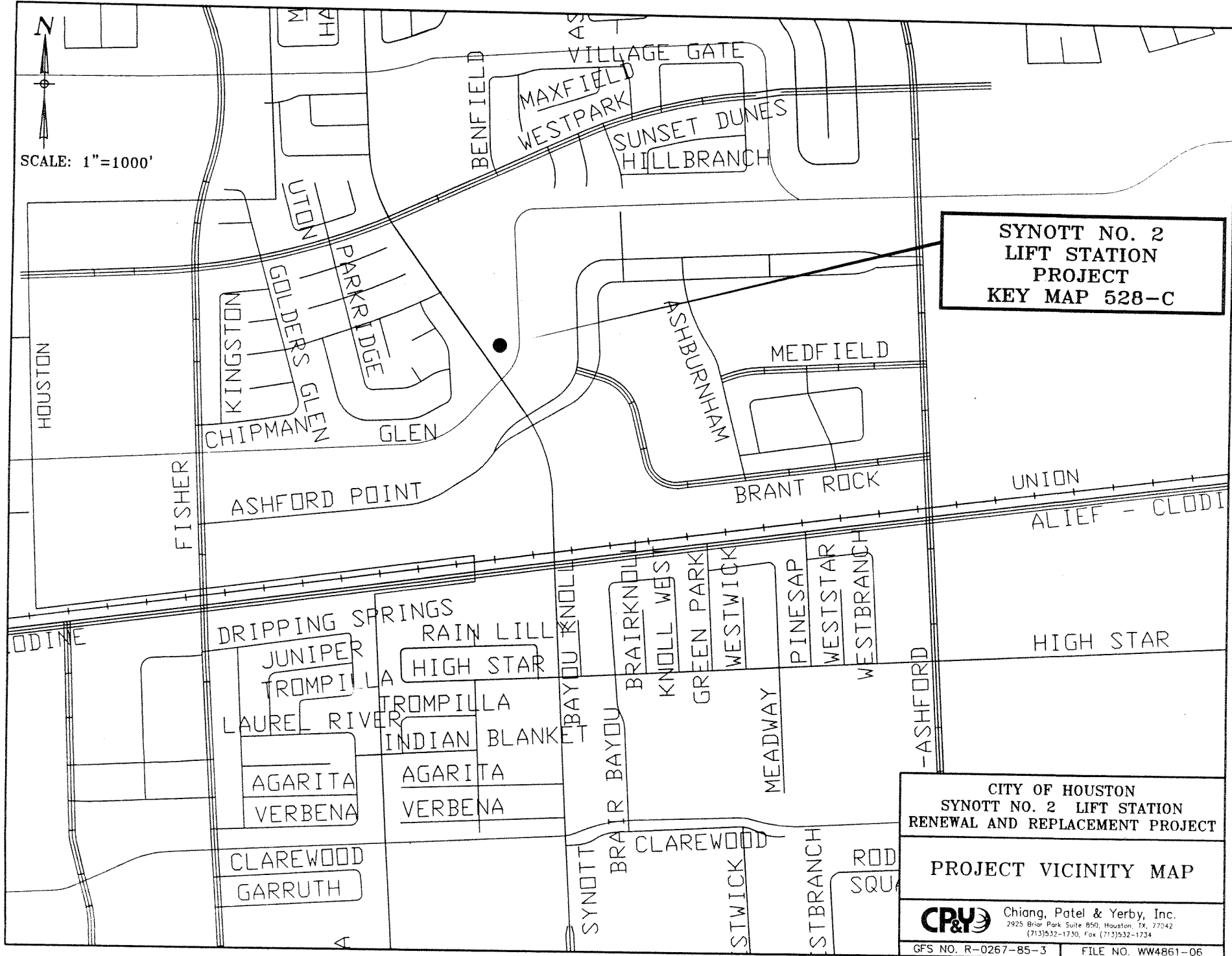
SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00B5-4		Page 1 of 1	Agenda Item # 12
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/6/07	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: A, B, C, D, E, F, G, H and I		
For additional information contact: Joseph G. Majdalani, P.E. Sr. Assistant Director Phone: (713) 641-9182	Date and identification of prior authorizing Council action: Ordinance No. 2004-1154 dated, 11/09/2004		
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$734,092.34, which is 3.36% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$764,948.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.		F&A Budget:	
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Environmental Surveys, Inc., who subsequently changed their name to Chief Solutions, Inc., with an original contract amount of \$710,231.65. The Notice to Proceed date was January 31, 2005 and the project had 455 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 has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$734,092.34, an increase of \$23,860.69 or 3.36% over the original contract amount. More cleaning and televising was performed than anticipated. M/WDBE PARTICIPATION: No M/WDBE participation goal was established for this project.  MSM:JT:JGM:RK:FOS:mf Attachments c: Velma Laws Michael Ho, P.E. Craig Foster Project File 4277-19 REQUIRED AUTHORIZATION F&A Director: Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division NOT			
F&A Director:		Other Authorization:	

4277-19		Sanitary Sewer Cleaning and Television Inspection		
		in Support of Rehabilitation		
WBS No. R-000266-00B5-4		Chief Environmental Surveys, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
14	451N	RIDGECREST	NE011	A
11	455E,F,J	PARKHURST ESTATES	NE011	B
13	414T,W	LANGLEY ROAD PLACE	IB083	B
15	454K	BENNINGTON PLACE	NE011	B
22	455R	HOMESTEAD	HS002	B
3	570B	FONDREN SW SOUTHMEADOW	NE011	C
4	531S	MAPLEWOODNORTH	NE011	C
6	492Y	MADISON PLACE	NE011	C
8	570F	FRONTENAC	SW075	C
24	532L,M	BRAESWOOD	SB164	C
10	534T,X,Y	BELFORT PARK	NE011	D
19	492V	WINLOW PLACE	AS077	D
20	493S	HYDE PARK HEIGHTS	NE011	D
21	492V	LANCASTER PLACE	NE011	D
23	533B	SOUTHMORE	SB164	D
27	533B	HERMANN PARK	SB164	D
12	534X	BELFORT PARK	NE011	E
25	497A	WOODFOREST	NE019	E
2	529P	KIRKWOOD VILLAGE	NE011	F
1	489M	LAKESIDE VENTURE	NE011	G
18	488E,F,J,K	BRIARHILLS	NE011	G
7	452D,412Z	LITTLE YORK ANNEX	NE011	H
16	452H	GRACELAND TERRACE	NE011	H
5	535U	MEADOWBROOK	NE011	I
9	575A	GARDEN VILLAS	NE011	I
17	535U	MEADOWBROOK	NE011	I
26	455Z	ELDORADO	NE015	I

SUBJECT: Accept Work for Synott No. 2 Lift Station Rehabilitation. WBS. No. R-000267-0085-4.		Page 1 of 1	Agenda Item # 13
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 12/6/07	Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council Districts affected: G	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074		Date and Identification of prior authorizing Council Action: Ord. #2006-177 dated 02/22/2006 	
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$441,551.10 or 7.04% under the original Contract Amount, accept the Work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$518,300.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.			F&A Budget:
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Lift Station Rehabilitation/Replacement Program. DESCRIPTION/SCOPE: The project consisted of rehabilitating existing Synott No. 2 Lift Station. Chiang, Patel & Yerby, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to R. J. Construction Company, Inc. with an original Contract Amount of \$475,000.00. LOCATION: The Project is located at 3800 Synott Rd. The project is located in Key Map Grid 528-C. CONTRACT COMPLETION AND COST: The Contractor, R. J. Construction Company, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$441,551.10, a decrease of \$33,448.90 or 7.04% under the original Contract Amount. The decreased cost is primarily due to the Work not requiring use of Extra Unit Price Items. M/WBE PARTICIPATION: There was no M/WBE goal for this project.			
MSM:JTL:CWS:RC:mq S:\E&C Construction\Facilities\Projects\R-0267-85-3 Synott #2\Closeout\RCA\RCA_CL-2.DOC			
C: Daniel W. Krueger, P.E. Velma Laws Michael Ho, P.E. File No. R-000267-0085-4 - Closeout			
REQUIRED AUTHORIZATION CUIC ID# 20MZQ015			
F&A Director:	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division		
	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		



SCALE: 1"=1000'



**SYNOTT NO. 2
LIFT STATION
PROJECT
KEY MAP 528-C**

**CITY OF HOUSTON
SYNOTT NO. 2 LIFT STATION
RENEWAL AND REPLACEMENT PROJECT**

PROJECT VICINITY MAP

CP&Y Chiang, Patel & Yerby, Inc.
2925 Briar Park Suite 850, Houston, TX, 77042
(713) 532-1730, Fax (713) 532-1734

GFS NO. R-0267-85-3 FILE NO. WW4861-06

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7619

Subject: Spending Authority for Ambulance Module Refurbishing and Repair Services through the Houston-Galveston Area Council (H-GAC) for the Houston Fire Department L22623

Category #
4

Page 1 of 1

Agenda Item

14

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 25, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE**For additional information contact:**

Karen Dupont Phone: (713) 859-4934
Ray DuRousseau Phone: (713) 247-1735

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:**RECOMMENDATION: (Summary)**

Approve spending authority to purchase ambulance module refurbishing and repair services through the Houston-Galveston Area Council (H-GAC) in an amount not to exceed \$100,000.00 for the Houston Fire Department.

Award Amount: \$100,000.00

F & A Budget

\$100,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve spending authority to purchase ambulance module refurbishing and repair services through the Interlocal Agreement for Cooperative Purchasing with H-GAC in an amount not to exceed \$100,000.00 for the Houston Fire Department, and that authorization be given to issue purchase orders to the H-GAC contractor, Frazer, Ltd., for a 6-month period.

The initial term of the H-GAC contract is April 1, 2006 through March 31, 2008, thus the request for spending authority is for 6-months. The Department is in the process of developing a multi-year contract for these services and it is anticipated that the contract will be presented to City Council for approval in early March 2008.

The scope of work requires the contractor to provide all labor, equipment, tools, materials, supervision, and transportation necessary to refurbish and repair ambulance modules. Currently, the Department's fleet consists of 79 frontline Frazer ambulance modules and 21 reserve modules. The life expectancy of an ambulance module is 8 to 15 years and the life expectancy of the ambulance cab & chassis is 2.5 years. Refurbishing is required to extend the life expectancy of the cab & chassis. Refurbishing includes furnishing and installing doors, chairs, flooring, floor mats, air conditioning units, oxygen systems, shelving, and new interior walls. The average cost of refurbishing an existing ambulance module is approximately \$17,500.00 and the cost of purchasing a new ambulance module is approximately \$56,475.00.

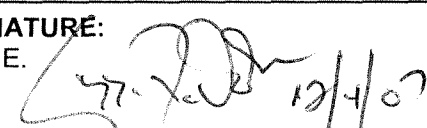
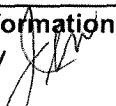


Buyer: Latrice Williams

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

SUBJECT: Purchase of office furniture from the State of Texas Building and Procurement Commission's Contract for the Department of Health and Human Services WBS No: D-000079-0001-5		Page 1 of 1	Agenda Item 15-15A
FROM (Department or other point of origin): General Services Department		Origination Date 12/06/07	Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  12/4/07		Council District(s) affected: B	
For additional information contact: Jacquelyn L. Nisby  Phone: 713-247-1814		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Approve purchase of office furniture for the Department of Health and Human Services, appropriate funds and authorize issuance of purchase orders to vendors below.			
Amount and Source of Funding: \$132,690.09 General Improvements Consolidated Construction Fund (4509)		F & A Budget: 	
SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$132,690.09 to purchase office furniture for the Northeast Multi Service Center for the Department of Health and Human Services (DHHS), from the following vendors of the State of Texas Building and Procurement Commission's Contract:			
<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>PRICE</u>	
Contract Resource Group, LLC	Work Stations, Seating, Files Heavy Duty Shelving	78,628.07	
Fixtures Furniture	Seating	24,212.87	
Mity-Lite, Inc.	Stackable/Versatile Furniture	<u>29,849.15</u>	
TOTAL		\$132,690.09	
PROJECT LOCATION: Northeast Multi Service Center 9720 Spaulding Street (454D)			
PROJECT DESCRIPTION: The office furniture will be used to furnish administrative offices, conference rooms and training rooms at the Northeast Multi-Service Center. The furniture will be covered under manufacturer's warranties.			
Sections 271.081 - 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.			
IZD:WTH:RAV:JLN:LL:II			
REQUIRED AUTHORIZATION CUIC# 25MSCL03			
General Services Department:  Wendy Teas Heger, AIA Chief of Design and Construction Division		Health and Human Services Department: (3) NOT  Stephen L. Williams, M.ED, MPA Director	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7723

Subject: Purchase of Promotional Items from the Texas Procurement and Support Services Contract for the Health & Human Services Department
S25-N22718

Category #
4

Page 1 of 1

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

December 04, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Daphne Sands Phone: (713) 794-9197
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of promotional items in the total amount of \$81,140.00 from the State of Texas Procurement and Support Services Contract for the Health & Human Services Department.

Award Amount: \$81,140.00

F & A Budget

\$81,140.00 Federal Government - Grants Fund (5000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of promotional items in the total amount of \$81,140.00 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department and that authorization be given to issue a purchase order to the State Contract supplier, Sounds & Creations, Inc. These promotional items will be used by the Department to encourage children and other health services clients to participate in the Department's immunization program.

This purchase consists of 2,000 cube note pads, 5,000 take home bags, 3,000 drawstring backpacks, 2,000 coin & key zip pouches, 3,000 anti-bacterial ½-oz. carbiner bottles, 3,000 CleanZ pen sprayers, 3,000 primary care bandage dispensers, 3,000 silicone awareness bracelets, 3,000 Advantage pens, 3,000 write on/wipe off memo boards, 5,000 first aid kits, 2,000 SPF-23 lip balms, 5,000 12" wood rulers, 5,000 plug guards, 5,000 night lights, 5,000 liquid med dispensers, and 5,000 water temp check cards. These promotional items will be distributed at Department health centers, WIC centers and through the Department's Healthy Families/Healthy Futures and Case Management Programs.

Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Tom Smyer
PR 10040808

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

msj

15 ok

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7635

Subject: Approve an Appropriation Ordinance and Approve the Purchase of Hardware and Software Licenses through the Houston-Galveston Area Council for the Houston Emergency Center S17-H22664

Category #
1, 4, & 5

Page 1 of 1

Agenda Item

17-MA

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

December 05, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Matt Hyde Phone: (832) 393-0055
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$160,000.00 from the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of hardware and software licenses in the amount of \$586,065.00 through the Houston-Galveston Area Council (H-GAC) for the Houston Emergency Center.

Award Amount: \$586,065.00

F & A Budget

\$269,704.32 - Houston Emergency Center (2205)
\$160,000.00 - Equipment Acquisition Consolidated Fund (1800) WBS # X-150017
\$156,360.68 - Reimbursement from the Greater Harris County 911 Fund
\$586,065.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$160,000.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of hardware and software licenses through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) in the total amount of \$586,065.00 for the Houston Emergency Center (HEC), and that authorization be given to issue a purchase order to the H-GAC contractor, NICE Systems, Inc.

This purchase consists of a parallel recorder system comprised of four NICElogs; two configured with 144 Nortel digital channels and two configured with 120 analog channels. The recorder system includes a call logging system server and a supervisor server to maintain a 100% redundancy. The purchase also includes software licenses for 52 users and a storage center that provides up to three trillion bytes of online storage.

This new equipment will be used to replace and upgrade a five-year-old voice recording system that is at the end of its useful life. This equipment will come with a one-year warranty and the life expectancy is five years. This new equipment will allow HEC to increase its voice recording capabilities, which is a significant component of the public safety service process. The outdated equipment will be sent to the Property Disposal Management Office for disposition.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MS

163

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7666

Subject: Purchase of Equipment Trailers Through the Houston-Galveston Area Council for the Parks & Recreation and Public Works & Engineering Departments
S33-N22651-H

Category #
4

Page 1 of 2

Agenda Item

18

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 26, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

For additional information contact:

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

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of equipment trailers through the Houston-Galveston Area Council (H-GAC) in the amount of \$272,252.94 for the Parks & Recreation and Public Works & Engineering Departments.

Award Amount: \$272,252.94

F & A Budget

\$ 56,550.00 - Park Special Revenue Fund (2100)

\$215,702.94 - PWE - Combined Utility System General Purpose Fund (8305)

\$272,252.94 - Total

PLR 11/29/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of thirteen equipment trailers through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$272,252.94 for the Parks & Recreation and Public Works & Engineering Departments, and that authorization be given to issue purchase orders to the H-GAC contractor, Rush Equipment Centers of Texas, Inc. These trailers will be used citywide by the Departments to transport equipment to and from various work locations.

These equipment trailers will come with a full one-year warranty on all main beam components and a six-month warranty on other installed items such as air lines, springs, bearings, brake valves, paint, brake drums, shock absorbers and hydraulic hoses. The life expectancy of these trailers is ten years. As detailed in the Equipment Usage Summary on Page 2, six trailers will be additions to the fleet and seven trailers will replace existing units that have exceeded their life expectancy and will be sent to auction for disposition.

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

65CDW2813

NOT

12507

Date: 10/26/2007	Subject: Purchase of Equipment Trailers Through the Houston-Galveston Area Council for the Parks & Recreation and Public Works & Engineering Departments S33-N22651-H	Originator's Initials CJ	Page 2 of 2
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EQUIPMENT USAGE SUMMARY

ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT	
Item No. 1/ Gooseneck Trailer, 70,000- lb. Capacity	10031417	1	Parks & Recreation Department This trailer will be used citywide by the Department to transport heavy equipment used to maintain, and/or improve City parks.	<u>Shop No.</u> 03399	<u>Age-Yrs.</u> 35
Item No. 2/ Trailer, 40,000- lb. Capacity	10030863	6	Public Works & Engineering Department These trailers will be used citywide by the Department to transport heavy equipment used to repair water and wastewater utility lines.	<u>Shop No.</u> 10471 16852 18071 18413 27503 29988	<u>Age-Yrs</u> 29 18 16 16 10 9
Item No. 3/ Trailer 10,000- lb. Capacity	10030881	6	Public Works & Engineering Department *These additional trailers will be used citywide by the Department to transport small generators that will be used during emergencies to provide electrical power to wastewater plants and lift stations during power outages.	*Additions to the Department's Fleet	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7649

Subject: Purchase of Backhoe Loaders Through the Houston-Galveston Area Council for the Public Works & Engineering Department
S33-N22650-H

Category #
4

Page 1 of 2

Agenda Item

19

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 05, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

For additional information contact:

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

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of backhoe loaders through the Houston-Galveston Area Council (H-GAC) in the amount of \$734,395.00 for the Public Works & Engineering Department.

Award Amount: \$734,395.00

F & A Budget

\$734,395.00 - PWE - Combined Utility System General Purpose Fund (8305)

Plr 11/29/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of seven 14,000-lb. operating weight backhoe loaders through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$734,395.00 for the Public Works & Engineering Department, and that authorization be given to issue purchase orders to the H-GAC contractor, Rush Equipment Centers of Texas, Inc. These backhoe loaders will be used citywide by the Department to replace and/or repair water distribution and wastewater collection utility lines.

The backhoe loaders will come with a full five-year warranty and will meet the EPA's current emission standards for equipment with diesel engines. The life expectancy of the new equipment is 12 years. As detailed in the Equipment Usage Summary on Page 2, these new backhoe loaders will replace existing units that have exceeded their life expectancy and will be sent to auction for disposition.

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization

Other Authorization

65CDW2815

NOT

12/20/07

Date: 11/5/2007	Subject: Purchase of Backhoe Loaders Through the Houston-Galveston Area Council for the Public Works & Engineering Department S33-N22650-H	Originator's Initials CJ	Page 2 of 2
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EQUIPMENT USAGE SUMMARY

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
Item No. 1 14,000-lb. Operating Weight Backhoe Loader w/Pavement Breaker Attachments	10030882	3	Public Works & Engineering Department This equipment will be used citywide by the Department's Utility Maintenance Branch to replace and/or repair water distribution and wastewater collection utility lines.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Hours</u>
				18809	15	4478
				22951	13	3724
				22951	13	3189
Item No. 2 14,000-lb. Operating Weight Backhoe Loader	10030884	4	Public Works & Engineering Department This equipment will be used citywide by the Department's Utility Maintenance Branch to replace and/or repair water distribution and wastewater collection utility lines.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Hours</u>
				14590	21	4372
				16830	18	2295
				18800	15	3758
				22950	12	5000

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7703

Subject: Reverse Auction Bids Received for Chemical, Caustic Soda for the Public Works & Engineering Department
S12-S22510RA

Category #
4

Page 1 of 2

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

December 03, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Ed Kevin McElman

Council District(s) affected
All

For additional information contact:

Dannelle Belhatche Phone: (713) 837-0847
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to DX Terminals, LTD. on its low bid in an amount not to exceed \$17,046,724.00, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$17,026,724.00 for caustic soda and approve payment to Altivia Corporation in the amount of \$715,839.95, for the emergency purchase of caustic soda for the Public Works & Engineering Department.

Estimated Spending Authority: \$17,762,563.95

F & A Budget

\$17,762,563.95 Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to DX Terminals, LTD. on its low bid in an amount not to exceed \$17,046,724.00, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00 maximum) to the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$17,026,724.00 for caustic soda for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. This award, consisting of approximately 45,645 tons of caustic soda, in 25% and 50% concentrations, will be utilized on a daily basis by the Department's Drinking Water Operations and Wastewater Branches to stabilize and purify potable drinking water, and to adjust the pH levels of wastewater. Caustic soda inhibits the deterioration of the City's sewer mains and prevents customer red water complaints. In addition, caustic soda is used in chlorine scrubber systems to prevent the catastrophic effects of an accidental chlorine release. Caustic soda is a primary chemical essential to comply with the Texas Commission of Environmental Quality and Environmental Protection Agency's water quality mandates necessary to preserve and protect the public's health and safety.

The City Purchasing Agent also recommends that City Council approve payment to Altivia Corporation in the amount of \$715,839.95 for the emergency purchase of 1,598 tons of caustic soda required for on-going Departmental requirements prior to City Council's approval of this award. The aforementioned recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempt procurements.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Bids were selected using the "reverse auction" methodology, and 146 bids were received as detailed on the attached support document.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Taylor

Shirley Stoltz

65COW2822 NOT

1270

Date: 12/3/2007	Subject: Reverse Auction Bids Received for Chemical, Caustic Soda for the Public Works & Engineering Department S12-S22510RA	Originator's Initials MK	Page 2 of 2
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M/WBE Subcontracting:

DX Terminals, LTD. has agreed to a 7.5% goal for M/WBE participation and has designated the below-named company as its certified M/WBE subcontractor.

<u>NAME</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
AmPac Chemical Company, Inc.	Raw Material Supply	\$1,278,246.00

This award will be monitored by the Affirmative Action Division.

Buyer: Martin L. King

Attachment: Support Documentation

Estimated Spending Authority:

DEPARTMENT	FY 2008	OUT YEARS	TOTAL
PW&E	\$3,409,344.08	\$13,617,379.92	\$17,026,724.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7677

Subject: Purchase of Automatic Side-Loader Refuse Trucks through the Houston-Galveston Area Council for the Solid Waste Management Department
S34-N22673-H

Category #
1 & 4

Page 1 of 1

Agenda Item

21-21A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

November 05, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

For additional information contact:

Dan Gutierrez Phone: (713) 837-9214
Ray DuRousseau Phone: (713) 247-1735

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$412,636.00 out of the Reimbursement of Equipment/Projects Fund (Fund 1850) for the Solid Waste Management Department and approve the purchase of automatic side-loader refuse trucks through the Houston-Galveston Area Council (H-GAC) in the amount of \$412,636.00 for the Solid Waste Management Department.

Award Amount: \$412,636.00

F & A Budget

\$412,636.00 - Reimbursement of Equipment/Projects Fund (Fund 1850)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$412,636.00 out of the Reimbursement of Equipment/Projects Fund (Fund 1850) for the Solid Waste Management Department. It is further recommended that City Council approve the purchase of two automatic side-loader refuse trucks through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$412,636.00 for the Solid Waste Management Department, and that authorization be given to issue purchase orders to the H-GAC contractors, as shown below. These automatic side-loader refuse trucks will be used citywide by Department personnel to collect residential trash.

Rush Truck Centers of Texas, L.P.: Approve the purchase of two 66,000 Gross Vehicle Weight Rating (GVWR), diesel-powered cabs & chassis in the amount of \$230,520.64.

McNeilus Truck and Manufacturing: Approve the purchase of two 31-cubic yard automated side-loader bodies in the amount of \$182,115.36.

This purchase consists of two cabs & chassis that will be mounted with automatic side-loader refuse collection bodies. The cabs & chassis will come equipped with a newly-designed prototype hydraulic launch assist system configured to save fuel, reduce brake usage, and lower exhaust emissions. These automatic side-loader refuse trucks will be additions to the Department's fleet, and are being purchased with the new hybrid hydraulic technology to begin the testing of alternative technology for a more environmentally acceptable method of conducting solid waste management operations.

The cabs & chassis will meet the current EPA emission standards for vehicles with diesel engines. They will come with a full one-year/250,000-mile warranty and additional warranties of two years/500,000 miles on the engine and three years/unlimited miles on the transmission. The automatic side-loader bodies will come with a one-year warranty and additional warranties of five years on the hydraulic cylinders, and two years on the hydraulic pumps and valves. The life expectancy of these trucks is seven years or 100,000 miles.

Buyer: Larry Benka

Requisition 10037004

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MOA

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7636

Subject: Sole Bid Received for Automotive, International Truck Gas/Diesel Replacement Parts and Repair Services for Various Departments
S36-S22576

Category #
4

Page 1 of 2

Agenda Item

22

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

October 24, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

David Guernsey

Phone: (713) 238-5241

Desiree Heath

Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:**RECOMMENDATION: (Summary)**

Approve an award to International Trucks of Houston on its sole bid in an amount not to exceed \$625,511.00, for automotive, International truck gas/diesel replacement parts and repair services for various departments.

Estimated Spending Authority: \$625,511.00

F & A Budget

\$243,875.00 General Fund (1000)

\$381,636.00 Fleet Management Fund (1005)

\$625,511.00 Total

PKC 11/28/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to International Trucks of Houston on its sole bid in an amount not to exceed \$625,511.00 for automotive, International trucks gas/diesel replacement parts and repair services for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consists of a price list for International truck gas/diesel replacement parts; which includes, but are not limited to, rear leaf springs, reconditioned cylinder heads, sensors, elements, clamps, filters, belts, and switches to be used by the Public Works & Engineering, Parks & Recreation, Police, and Solid Waste Management Departments to maintain and repair International gas/diesel trucks used citywide. This award also includes a \$305,868.55 labor component for those services that cannot be performed by City maintenance personnel.

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

This project was advertised in accordance with the requirements of the State of Texas bid laws. Thirteen prospective bidders viewed the solicitation document on SPD's e-bidding website, and only one bid was received. International Trucks of Houston is the only authorized distributor of International truck parts and repair services in the greater Houston area and the surrounding counties.

M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation. International Trucks of Houston has designated the below-named company as its M/WBE subcontractor:

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Eric Daga

Other Authorization:

Michael Smith

MT

12508

Date: 10/24/2007	Subject: Sole Bid Received for Automotive, International Truck Gas/Diesel Replacement Parts and Repair Services for Various Departments S36-S22576	Originator's Initials VK	Page 2 of 2
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<u>NAME</u>	<u>TYPE OF WORK</u>	<u>AMOUNT</u>
Biz "Z" Bee Courier	Delivery Services	\$68,806.21

The Affirmative Action Division will monitor this award.


Buyer: Valerie Player-Kaufman

Estimated Spending Authority:

DEPARTMENT	FY08	OUT YEARS	TOTAL
Public Works & Eng	\$44,524.20	\$337,111.80	\$381,636.00
Police	\$1,968.76	\$14,906.24	\$16,875.00
Parks & Recreation	\$20,000.00	\$100,000.00	\$120,000.00
Solid Waste	\$10,699.92	\$96,300.08	\$107,000.00
TOTAL	\$77,192.88	\$548,318.12	\$625,511.00

HCD 07-206

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: A Resolution approving the action of the Houston Industrial Development Corporation regarding the issuance of tax-exempt industrial development revenue refunding and revenue bonds for Aero Houston East, LP and Aero Houston East II, LP (Cargo Acquisition Companies Obligated Group II).		Page 1 of 1	Agenda Item # 23
FROM (Department or other point of origin): Richard Celli, Director Housing and Community Development Department		Origination Date 10-17-07	Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: Renee Carrington Phone: 713-868-8338		Date and identification of prior authorizing Council action: None	

RECOMMENDATION: (Summary)

Adoption of a Resolution approving the action of the Houston Industrial Development Corporation issuance of tax-exempt industrial development revenue bonds for Aero Houston East, LP and Aero Houston East II, LP (Cargo Acquisition Companies Obligated Group II).

Amount of Funding:

No City Funding or Liability

F&A Budget:**SOURCE OF FUNDING**☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ Other (Specify) Education Revenue Bonds**SPECIFIC EXPLANATION:**

The City of Houston, Texas (the "City"), has, pursuant to the Development Corporation Act of 1979, Texas Revised Civil Statutes Annotated, Article 5190.6, as amended (the "Act"), approved and provided for the creation of the City of Houston Industrial Development Corporation (the "Issuer") as a non-stock, non-profit corporation.

The Issuer, on behalf of the City, is empowered to finance the costs of projects located within the boundaries of the City to promote the development and expansion of manufacturing, industrial and transportation facilities to promote and encourage employment and the public welfare by the issuance of obligations of the Issuer.

Under this project designated the "Senior Air Cargo Special Facility Revenue Refunding Bonds, Series 2007 (Aero Houston East, LP) Cargo Acquisition Companies Obligated Group II" and "Senior Air Cargo Special Facility Bonds, Series 2007 (Aero Houston East II, LP) Cargo Acquisition Companies Obligated Group II" in the aggregate principal amount of not more than \$39,000,000 (the "Bonds"), the proceeds will be loaned to the Borrowers and used to provide funds for, and to reimburse prior expenditures for the following: (i) refunding of all of the Borrower's outstanding City of Houston Industrial Development Corporation Adjustable Rate Air Cargo Revenue Bonds, Series 2003A and Series 2003B (Aero Houston East, LP Project); (ii) financing and reimbursing the Borrowers for the costs of acquisition, rehabilitation, equipment and improvement of leasehold improvements to air cargo facilities lease to Aero Houston East, LP and Aero Houston East II, LP or related companies, at George Bush Intercontinental Airport/Houston, 19115 and 19175 Lee Road, Humble, Texas 77338 (the "Project"); (iii) funding a debt service reserve fund for the Bonds; and (iv) paying costs of issuance of the Bonds.

In accordance with its guidelines, the Board of Directors of the City of Houston Industrial Development Corporation held a public meeting on Thursday, September 6, 2007 as required by federal tax law. *There were no public comments.* The Board of Directors at the October 3, 2007 meeting approved and adopted a resolution authorizing the issuance of the bonds. The Department recommends City Council approve the ordinance to authorize the issuance of the bonds. Federal tax law requires that City Council approve the action of the Industrial Development Corporation prior to the issuance of the revenue refunding bonds and revenue bonds for this project, even though the City has no obligation or liability in regard to the Bonds.

Cc: City Secretary
Legal Department
Mayor's Office

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating the First Evangelical Lutheran Church and Campus Buildings at 1311 Holman Rd. (aka 3410 Austin Street) as a Landmark and Protected Landmark		Category #	Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Planning and Development		Origination Date 10/23/2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: <i>Marene A. Gupick</i>		Council District affected: I		
For additional information contact: Thomas McWhorter Phone: 713/837-7963		Date and identification of prior authorizing Council action: August 16, 2005 Ord. 2005-0969		
RECOMMENDATION: (Summary) Approval of a resolution designating the First Evangelical Lutheran Church and Campus Buildings at 1311 Holman Rd (aka 3410 Austin St.) as a Landmark and Protected Landmark				
Amount and Source of Funding:			F & A Budget:	
SPECIFIC EXPLANATION: In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, a property owner may initiate the application for the designation of a Landmark and Protected Landmark for which a 90-day waiver certificate may not be issued by the planning official. Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on September 26, 2007 and October 11, 2007 respectively. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designation. There were no objections to the application. MG: rp tm Attachments: Application and Staff Report xc: Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

**Landmark, Protected Landmark or Archaeological Site
Designation Application
City of Houston, Texas**

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

To Be Completed by Planning Staff

Date accepted as complete: 9/9/2007 HPO File Number: 07-PL47

Accepted By: Thomas McWhorter

● **APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print) FIRST EVANGELICAL LUTHERAN CHURCH	
Address 1311 HOLMAN ST.	
City	Houston State TX
Zip Code	Day Phone 713-529-3589
77004	Fax Phone 713-529-8016
Signature	Date
<u>John D. Setum</u>	<u>9/31/07</u>

Agent's Name (if applicable)(Please print) MARTIN P. AMBROSE	
Address 1311 HOLMAN ST	
City	Houston TX
Zip Code	Daytime 713-529-3588
77004	Phone
Signature	Date
<u>Martin P. Ambrose</u>	<u>9/21</u>

PROPOSED DESIGNATION

- ☒ Landmark ☒ Protected Landmark (and Landmark) ☐

Archaeological Site

(subject to 90-day waiver*)

(NOT subject to 90-day waiver* and also
subject to Demolition by Neglect Provision)

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect
- see Code of Ord. -Chapter 33 VII - Historic Preservation -
(www.houstontx.gov/codes/chapters31to35.html)

● **SITE INFORMATION**

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

Site Address 1311 Holman aka 3410 Austin
General Description: Church campus containing four, two story brick and stone buildings.

Tax account number	01918500
	00001
Subdivision	HOLMAN
	OUTLOT
	40
Lot	LTS 1 THRU 10
	Block 1

- **DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**
- **IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as**

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: First Evangelical Lutheran Church
and Campus Buildings

AGENDA ITEM: II

OWNER: First Evangelical Lutheran Church

HPO FILE NO: 07PL47

APPLICANT: Same as Owner

DATE ACCEPTED: Sept. 9, 2007

LOCATION: 1311 Holman Road (aka 3410 Austin St),
Houston, TX 77004

HAHC HEARING DATE: Sept. 26, 2007

30-DAY HEARING NOTICE: N/A

PC HEARING DATE: Oct. 11, 2007

SITE INFORMATION:

Lots 1-10, Block 1, Holman Outlot #40, City of Houston, Harris County, Texas. The site, an entire city block, bounded by Holman, Austin, Francis and Caroline Streets, includes four historic buildings: the church, a religious education building, a two-story parsonage, and a detached garage with custodian's quarters.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation for church sanctuary, the religious education building, the two-story parsonage, and the parsonage's detached garage with custodian's quarters

HISTORY AND SIGNIFICANCE SUMMARY:

The First Evangelical Lutheran Church, founded in 1851 as the First German Evangelical Lutheran Church, is one of the oldest congregations in Houston. Previously housed in two other sanctuaries, the congregation purchased the land for the current buildings in 1926. They retained architect Joseph W. Northrop, Jr., who had moved to Houston to oversee construction of the Rice Institute (now Rice University), to design the structures extant today. General contractor James West, along with subcontractors J. C. Nolan and the Star Electric and Engineering Company, constructed the campus. Northrop's North Italian Romanesque styling features terra cotta roof tiles on the sanctuary, education building, and parsonage, as well as a campanile (bell tower). The buildings were constructed of interlocking concrete tiles covered with buff-face brick and white sandstone trim. The campanile's bell was forged in 1880 and has rung at each of the congregation's places of worship. The tower connects the sanctuary to the seven-bay arched portals of the education building, which houses a stage, sports facilities, auditoriums, and classrooms. The sanctuary's details include pulpit and altar made by master woodcarvers from Oberammergau, Germany. Pews and chancel furnishings, designed by Northrop, are by the American Seating Company. The choir loft houses a 1903 Kilgen & Son pipe organ, and the stained glass windows are from the Browne Window Company.

The First Evangelical Lutheran Church was designated a Recorded Texas Historic Landmark in 2002, and the campus was listed in the National Register of Historic Places in 2006 under the criteria of Local Significance in Architecture. The building also meets Criteria 1, 3, 4, 5, 6, and 8 for Landmark and Protected Landmark designation.

HISTORY AND SIGNIFICANCE:

Harsh economic conditions in Germany, and the promise of free land in the newly-opened Texas frontier, fueled a wave of German immigration that began in the 1820s, became heavy by the 1840s, and continued throughout the second half of the 19th century. As a result, numerous German settlements were established in Texas. In response to reports of “the orphaned condition of German Protestants,” C. F. Spittler, the director of the Pilger Mission von St. Chrischona in Basel, Switzerland, sent a total of eight ordained Lutheran ministers from his missionary school to Texas in 1850 and 1851. These men, led by the Reverend Caspar Messon Braun, organized the First Evangelical Lutheran Synod of Texas in Houston in November 1851.¹

Braun was born in Wuerttemberg, Germany, on March 16, 1822. He received his missionary training at St. Chrischona in 1847 and immigrated to Pittsburgh, Pennsylvania the same year to serve that city’s German immigrant population. Braun became the first pastor of the Beaver mission, in Beaver County, Pennsylvania, and was ordained in 1850. He organized St. Paul’s Lutheran Church in New Castle, Pennsylvania, and did missionary work in that area before moving to Texas, where St. Chrischona had decided to concentrate its missionary efforts. Braun arrived by boat in Galveston in 1850 or 1851 and then came to Houston.²

On July 1, 1851, Braun founded the “Erste Deutsche Evangelische Lutherische Kirche” (First German Evangelical Lutheran Church) in Houston.³ The first communion service was held on July 13, 1851, with 34 people in attendance.⁴ The church was officially issued a charter by the State of Texas on September 1, 1851.⁵ The following day, the first trustees were elected: Rev. Braun (chairman), Carl Huebner (secretary), F. Burkhardt and J. Kruegel.⁶

The first services were conducted in a schoolhouse located near the Protestant Episcopal Church on Texas Avenue.⁷ In 1854, the congregation purchased a lot and raised their first church, a white wooden Gothic/Classical Revival structure, “located on the south side of Texas Avenue facing west on Milam Street later the site of the Inter-urban Train Terminal and now the location of the Chase Bank Building”.⁸ A schoolhouse behind the church (toward Travis Street) was used for a Christian Day School.⁹

According to a November 1979 *Houston Chronicle* article, which quoted First Evangelical pastor Rev. Richard Campbell, the church had been formed by German immigrants, “some ... of the Evangelical tradition and some ... from Lutheran backgrounds. That marriage was one of convenience, born of mutual ancestry ... Once the German population grew in size in Houston, there were enough people to form separate Evangelical and Lutheran churches.” Internal dissension led to 24 members of the First German Evangelical Lutheran Church leaving the original congregation to form their own church, now known as Trinity Lutheran Church, which is located at 800 Houston Avenue in the 6th Ward.

¹ *Handbook of Texas Online*, s.v. “LUTHERAN CHURCH,” <http://www.tsha.utexas.edu/handbook/online/articles/LL/ill1.html> (accessed August 16, 2007).

² Herbert W. H. Meyer, “Some Western Pennsylvania Lutheran Baptisms, 1847-1851,” *Western Pennsylvania Genealogical Society Quarterly*, Vol. 12, No. 3, Winter 1986, 35.

³ Norman Speck, Recorded Texas Historic Landmark

⁴ *Souvenir History of First Evangelical Lutheran Church*, also referred to as “Sesquicentennial History of the Church,” 1976 (reprint of 1927 Dedication Booklet), 22.

⁵ Speck.

⁶ *Souvenir*, 22.

⁷ *Souvenir*, 21.

⁸ Speck.

⁹ *Souvenir*, 22.

Rev. Braun passed away suddenly in October 1881, and was succeeded by Reverend Joseph A. Becker and then Reverend Richard Wasser, each of whom served only a short time. Reverend F. Werning, from Missouri, was installed as pastor on May 18, 1883, and served until 1887. He was succeeded by Rev. W. Hackmann, from 1887-1895, who established a parochial school. In April 1890, the church building and tower were struck by lightning and severely damaged, leading to talk of building a new church or remodeling the existing building. During the short tenure of Rev. W. Suessmuth in 1896, a building committee was appointed and funds began to be raised for a new building.¹⁰

In August 1896, Rev. William L. Blasberg became pastor. Property was purchased in the Merkel Addition (Second Ward) in May 1897 “for mission purposes,” and a building committee was appointed in January 1899: W. Reichardt, C. W. Doering, H. Herrmann, and J. Remmel. Under their guidance, property for a new building on the corner of Texas Avenue and Caroline Street was purchased for \$8,000. The building, “a fine impressive red brick structure with white sandstone trimming” in the Gothic style was constructed for approximately \$20,000.¹¹

On October 15, 1901, the cornerstone was laid for the new church. The old building and site were sold for \$8,000, and while the new church was under construction, the congregation met in the old Shearn Methodist Church, across the street from the old church building. The new church building was dedicated on July 6, 1902. A Kilgen & Son pipe organ was installed in 1903, at a cost of \$2000.¹²

A parish house was built in 1907 at a cost of \$6000; the building committee in charge of construction was comprised of J. Remmel, T. Werner, H. Puls Sr., and W. Warnecke. L. Wiedekind was the builder. The parish house contained apartments upstairs for the pastor and meeting rooms downstairs for the Sunday School and other activities. The debt for these buildings was settled in 1921, in part thanks to a gift from Mr. and Mrs. W. Warnecke. In 1922, the interior of the church was remodeled and the pipe organ was modernized at a cost of about \$10,000. Although the congregation had no intention of moving to a new site, particularly after having expended such a large amount of money on their existing building, “repeated efforts on the part of business interests to purchase the church site” resulted in the congregation finally accepting an offer.¹³

In January 1926, the property was sold to former Governor Ross Sterling for \$300,000 and the building was subsequently demolished. (The site is currently a surface parking lot.) The proceeds from this sale enabled the congregation to build their third and present house of worship.¹⁴

In April 1926, under the direction of the congregation’s seventh pastor, Rev. Detlev Baltzer, a full city block – bounded by Holman, Austin, Francis, and Caroline Streets – was purchased for \$80,000 from U. S. Congressman Joe Henry Eagle, who had owned the property since 1920. The land purchased by the church included a three-story wood frame house built in 1903 for Edward R. Richardson, a cotton and grain broker. The Richardson House was sold to Archer MacDonald and moved across the street to 3307 Austin. It is now part of Brennen Park and is used by Magnificat Houses, Inc., a Catholic non-profit organization, as a rehabilitation center; the charity refers to the building as “St. Joseph House.”¹⁵

In September 1926, a building committee (T. Werner, A. L. Scharck, A. J. Weiss, W. F. Puls, L. F. Schweikart, and G. H. Winkler) had approved building plans and issued contracts totaling approximately

¹⁰ Souvenir, 22-24.

¹¹ Souvenir, 24-25.

¹² Souvenir, 25-26.

¹³ Souvenir, 27.

¹⁴ Speck.

¹⁵ Speck.

\$170,000. However, before the old church was sold and demolished, the original stained glass windows were salvaged, and they were utilized in the plan for the new church building when constructed.

Ground-breaking ceremonies were held on October 13, 1926, and construction began, under the direction of general contractor James M. L. West. The heating and plumbing contract was awarded to J. C. Nolan, and Star Electric and Engineering Company (owned by Ed Dupree and Ed Greber) handled the electrical work. The cornerstone for the complex was set on January 30, 1927.¹⁶ “Immediately after Easter, the pastor’s family moved into the new residence and on the 17th of July services were conducted for the first time in the new Religious Education Building which was then ready for occupancy. A large congregation had gathered in the old building to observe proper farewell services on Texas Avenue on the Sunday of July 10th. From that time until the dedication of the new church building proper on October 16 [1927], regular services were held in the Religious Education Building.”¹⁷

The church faces south toward the entrance of Houston Community College’s central campus (originally South End Junior High School and then San Jacinto High School). The college’s Erwin R. Heinen Theater (originally Temple Beth Israel and then the High School for the Performing Arts) is located diagonally across the street from the church campus.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The campus of the First Evangelical church comprises the entire block on which it sits, bounded by Holman Avenue on its southwest side, Austin Street on the southeast, Francis Street on the northeast, and Caroline Street on the northwest. The campus is comprised of four structures arranged generally in an L shape on the site.

The buildings were designed by architect Joseph W. Northrop, Jr. Born in Bridgeport, Connecticut, in 1886, Northrop earned his B. S. in architecture from the Massachusetts Institute of Technology in 1910. He went to work for the Boston architectural firm of Cram, Goodhue and Ferguson, which in 1911 sent him to Houston to oversee the construction of the original buildings at Rice Institute (now Rice University). Northrop opened his own architecture office in 1914. He is best known for his residential work, particularly in the South End neighborhoods of Houston, and he was one of four architects commissioned by the Hogg family to design model homes for the exclusive River Oaks subdivision. From the 1920s through the 1950s, Northrop designed a number of public buildings in Houston, including a series of buildings for Jesse Jones, the First Congregational Church (1927, now St. Matthew Lutheran), Trinity Episcopal Church (1926-27), the San Jacinto Trust Company Building (1927-28), and the Houston Title Guaranty Building (1952). His designs for First Evangelical Church won an honorable mention in a 1930 nationwide competition sponsored by the *Christian Herald*.¹⁸ On completion of the building in October 1927, architect Northrop engaged Houston photographers J. D. and J. E. Litterst to take detailed photographs of the church. These photographs and a description of the project were eventually published in *The Architect*, September 1928.

The Church building measures 59' x 100'; its main entrance is located on the southwestern corner of the block, near the corner of Holman and Caroline. The front façade faces Holman and is set well back from that street. The building extends along Caroline with a shallow setback from the street. Behind the building, the corner of the lot at Caroline and Francis, is filled by a small asphalt parking lot.

¹⁶ Speck.

¹⁷ Souvenir, 27.

¹⁸ *Handbook of Texas Online*, s.v. “NORTHROP, JOSEPH WALTER, JR.,” <http://www.tsha.utexas.edu/handbook/online/articles/NN/fno17.html> (accessed August 16, 2007).

According to the Dedication Booklet published by the church in 1927 and reprinted in 1976, the church building is constructed of interlocking hollow concrete tile back-up, faced with rough buff-face brick laid in Flemish bond and trimmed with white sandstone. The structure is built upon massive concrete footings and topped with a red Italian tile roof. (The tiles were manufactured by the Ludowici Company of Chicago, Illinois.) Exterior side walls are three feet thick and are reinforced on each side with four rectangular pier buttresses capped with white sandstone.

The church's front façade contains the main entryway, which is recessed and approached on foot via a wide curving sidewalk leading to a set of five wide brick steps. Black wrought iron railings on either side and in the center of the steps are complemented by ornate octagonal light fixtures made of black cast iron, which are set on white stone blocks flanking the steps. Two large, rectangular, raised-panel oak doors are set into a semi-circular (Roman) archivolt. The doors are immediately framed by the *intrados* (inner curve) of the arch, which is constructed with stacked white stone blocks on either side and a white stone lintel above; the lintel bears an inscription from Psalm 100, verse 4. The space within the intrados directly above the lintel is filled with white stone, with a border carved around the perimeter of the arch so that a half-round shape projects slightly in bas relief. The archivolt is made up of three successive arches: two single courses of stretcher brick, with the inner course slightly more recessed than the outer, and finally, an outermost curve constructed of 11 fluted white sandstone blocks, decorated with a grape-leaf motif. This arch is supported by two un-fluted white marble Corinthian columns on either side of the entryway.

The front brick masonry façade is pierced on either side of the columns by a single narrow arched opening bordered by stretcher bricks set flush with the wall. This wall terminates just above the archivolt in a decorative frieze: a faux colonnade of white sandstone contains 26 short pilasters with Ionic capitals, which are joined at the top by a series of Roman arches and below the bases of the pilasters by a narrow strip of white sandstone. Immediately above the faux colonnade, a pitched, shallow, red-tile roof completes the frieze. The wall above this roof is set back several feet from the wall below. In this wall, directly above the frieze are three Roman-arched windows with brick surrounds and stained glass; the center window is several feet taller than the other two. Directly above and centered in the gable wall is a white sandstone Celtic cross carved in deep relief. The gable, which extends slightly above the tile roof, terminates in a short section of flat roof on either side, which corresponds to the wide buttresses flanking the front façade. These buttresses are rectangular and, rather than tapering gradually, are terraced at three points: at the base of the three stained-glass windows, and at approximately the center points and tops of the smaller two windows. Each horizontal section of masonry in the buttresses is capped with white sandstone. The decorative frieze mentioned above spans between the buttresses on the front façade. A Recorded Texas Historic Landmark marker is affixed to the buttress on the left of the main entrance. Below this is the cornerstone of the church, into which is carved "FIRST EVANGELICAL CHURCH ERECTED A.D. 1927" in a decorative script.

All windows in the church building are constructed of an opaque, nearly-monochrome stained glass, with no picture or pattern; the color of the glass varies slightly from pale amber to pale rose. All windows are arched, except where noted. Small rectangular panes make the greater part of the windows, with a half-round area at the top of each window made up of three curved rows of increasingly larger *voussoir* panes. The very center of these half-round sections is either a single half-round shape (in the smallest windows), two quarter-rounds (in mid-sized windows), or a tiny segmental curve of glass at the point of seven small truncated wedges (in the largest windows). A wide horizontal framing member separates the half-round section from the rectangular in each window; additional horizontal and/or vertical framing pieces are found, depending on the size, shape, and location of a particular window.

Nearly all windows contain one or more casements; these may be side-hung casements that make up the entire rectangular section, or top-hung casements found within a rectangular section of window in which sections of fixed panes are also present. The casements are secured by sash locks. The windows were purchased from the Browne Window Company and were manufactured by Richy Browne & Donald, Inc., of Maspeth, New York, which had patented the middle hinged opening on October 13, 1916.

On either side of the front façade is a small, one-room wing: the room to the right of the main entrance contains a chapel; to the left, the space contains a stairway to the choir loft. Each wing has a tall, narrow, rectangular window opening facing Holman Avenue and is roofed with red tile. The gable for each wing is perpendicular to the front façade of the building and terminates in a wall that mimics the front façade, in that the wall follows the shape of the roof about halfway down and then extends horizontally to either side. These wing facades, like the main façade, extend slightly above their tile roofs; the extensions are both capped and backed up with white sandstone.

The northwest and southeast elevations of the church building are nearly identical. A second story window above each of the one-story wings provides illumination into the rear choir loft. The top of this window on each side of the building aligns with the tops of longer second story windows – four on the southeast side, five on the northwest side – each of which contains two top-hung casements. Centered below each of these windows on the first floor is a shorter, wider window with double side-hung casements. A single row of slightly protruding bricks forms a hood above each arched window. The exterior window sills are made of white sandstone, slanted toward the ground. Also aligned with the tops of the second-story windows are the tops of two-story brick buttresses, with white sandstone caps, spaced equidistantly between each pair of upper and lower windows. Buttresses in the same size and design are located above each of the one-story wings near the front of the building, providing symmetry across each long elevation.

Across the very top of the northwest and southeast facades, just below the eaves, a corbel consists of a single row of bricks above a single row of dentils (evenly spaced solids and voids). Below the dentils, the vertical plane of brick masonry terminates in a series of Roman arches with corbelled “columns”, all in brick, which reach nearly to the tops of the second-story windows and buttresses.

Inside the church building, the main entrance leads into the narthex, which features a multicolored cobblestone floor and is paneled with Zenitherm, a simulated masonry product molded and colored to resemble stone. Zenitherm was manufactured between 1922 and 1935, first by the Zenitherm Company of Trenton, New Jersey, and then by the Structural Gypsum Company of New York.¹⁹ Advertised as having the look of stone but as easy to work as wood, Zenitherm was manufactured in the form of floor tiles, wall panels, and architectural ornaments. It seems to have been used in a wide variety of applications and building types, including many churches.²⁰

The narthex is separated from the nave by a richly carved, paneled oak wall with a ribbon of inset frosted leaded-glass panels at eye level. The aforementioned chapel (a simple, unadorned room) is located to the right of the narthex. A balcony, seating 75, is located above the narthex and is accessed from the left by the aforementioned staircase. The narthex also contains a framed copy of the Church’s 1851 state charter and two bronze plaques. One plaque lists church members who gave their lives during World War II; it features a rope border and two crossed stalks of wheat, and reads “IN REVERENT MEMORY OF

¹⁹ Jester, T. C. “Documenting, Evaluating, and Preserving Twentieth-Century Building Materials,” in *Standards for Preservation and Rehabilitation*: STP 1258, Stephen J. Kelley, ed., (West Conshohocken, PA: ASTM International), 1996, 359.

²⁰ Advertisements and literature published by The Zenitherm Company, Inc., 1926-1930.

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THOSE FROM FIRST EVANGELICAL CHURCH WHO GAVE THEIR LIVES DURING WORLD WAR II". Seven congregants are listed: Lee Joseph Shudde, Lawrence Werner Bruderer, Malcolm Dewees, Ralph Owen Huebner, Elwood Henry Herrmann, Richard Maurice Ringer, and Roy William Matlage. The text concludes with "PRESENTED BY THE ELLWOOD FAMILY 1946".

The other plaque commemorates the life accomplishments of Reverend Detlev Baltzer. It reads:

IN REVERENT MEMORY OF REV. DETLEY BALTZER, D.D.
JULY 29, 1889 – AUGUST 2, 1962

PASTOR OF FIRST EVANGELICAL CHURCH
HOUSTON, TEXAS
MAY 9, 1919 – JUNE 15, 1959

PASTOR EMERITUS
JUNE 16, 1959 – AUGUST 2, 1962

PRESIDENT, TEXAS SYNOD 1925-1931
MEMBER, BOARD OF NATIONAL MISSIONS
GENERAL SYNOD, 1933 – 1953
MEMBER, BOARD OF DIRECTORS – EDEN
HOME FOR THE AGED 1958-1961

FOR FORTY YEARS HE SERVED
FAITHFULLY THE MANY NEEDS OF
THE CONGREGATION AS A PASTOR,
TEACHER, AND COUNSELOR. "I AM
THE WAY, THE TRUTH, AND THE LIFE:
NO MAN COMETH UNTO THE FATHER
BUT BY ME." JOHN 14:6

PRESENTED BY
FIRST EVANGELICAL CHURCH MAY 10, 1964

Beyond the narthex, the nave rises 48 feet to an open timber-truss roof. The roof trusses support ten large strap iron and cast brass light fixtures finished in rust-colored iron and gold leaf; fabricated by Jacobe Brothers of Houston. The nave contains 22 rows of oak pews, separated by a central aisle, which comfortably seat 700 people. The pine floor beneath the pews is bare, with the exception of the aisles, where it is covered by red carpet. A 10-foot-high Zenitherm dado surrounds the nave walls, which are finished above with plaster.

The walls of the sanctuary are clad on three sides by Zenitherm with plaster above. Above and behind the chancel, the choir loft houses the two-manual George Kilgen & Son pipe organ (Opus No. 3751), originally purchased in 1903 for the congregation's second sanctuary. (A "two-manual" organ is one with two manual keyboards played with the hands, in addition to a pedal keyboard played with the feet.) The George Kilgen & Son Organ Company of St. Louis, Missouri, manufactured pipe organs between 1851 and 1939. The firm also provided the organ for the Majestic Theater in Houston and the Gallery and Chancel Organs (1930) in St. Patrick's Cathedral in New York City. The organ was relocated to the current building, during its construction, by the Hinners Organ Company. A decorative metal grille opposite the organ, on the southeast side of the choir loft, screens the organ pipes.

The floor of the choir loft is terraced to provide visibility for the choir, for whom seating is provided via wooden bowback Windsor side chairs, finished to match the rest of the chancel furniture and the wood flooring. The rear choir loft is identically constructed, with matching Windsor chairs and a terraced floor.

The oak pews and chancel furniture in this building were designed by Northrop and crafted by The American Seating Company of Grand Rapids, Michigan, which maintained a production facility in Houston. Their master woodcarvers, Alois and Anton Lang, are credited with crafting, respectively, the pulpit and the carving of Da Vinci's "The Last Supper" decorating the front of the altar.

The space below the choir loft contains restrooms, storage, mechanicals, and a space for preparation of the communion. Single-entry doors on the northeast side of each transept open to staircases that lead down to the abovementioned spaces and then up to the choir loft. About halfway up the more easterly set of stairs, a small door in the wall conceals a ladder of sorts, which can be climbed to reach an otherwise inaccessible full-sized door, ostensibly providing access to the workings of the pipe organ for cleaning and maintenance.

Massive masonry Roman arches, covered in plaster, separate the nave from the sanctuary and the transepts. The central (and largest) arch measures 22 feet wide and 35 feet high. Set on either side of this arch is a 35-inch-diameter circular polychrome boss tile seal. The right boss depicts the Evangelical Synod Seal and the left boss contains the Evangelical Union Seal. Transept arches on either side of the nave measure 18 feet wide and 30 feet high. Beyond the arches, the ceilings of the sanctuary and transepts are of the same design as the ceiling above the nave.

The roof above the nave terminates at a wall located at the junction of transept and sanctuary; this wall, like the front façade, extends above the red tile roof and is capped and backed up by white sandstone. The roof of the sanctuary is slightly lower than that of the nave but is otherwise identical to it. The rear wall of the sanctuary, above the choir loft, contains three stained glass windows similar in size and shape to those opposite them in the front façade, but of a different design. Each window above the sanctuary contains a blue field bordered in red and gold; circular designs are set in the upper halves of each window and in the lower halves of the two outer windows. The lower half of the center window contains a portrait of Christ, clad in a white robe and red cloak, holding a staff and surrounded by greenery. These windows were commissioned from Texas Art Glass, gifted by Mr. and Mrs. Robert Stansbury, and dedicated on Jan 1, 1981.

Toward the rear of the church building, the transepts extend perpendicular to the nave to create a cruciform plan. The northwest transept contains ten arched windows: the gable wall includes three upper windows similar in design, size, and shape to those in the front façade, and three windows below similar to those on the first floor of the nave, but with a narrower shape. The other transept walls each contain a single set of upper and lower windows. The exterior facade of this transept is similar in form to the front façade in shape and extends above the red tile roof. On the short sides of the transept, at the eaves are three continuous rows of corbelling. Behind the northwest transept, a small one-story room off the sanctuary, accessed both through the nave and the door leading below the choir loft, contains a single-entry exterior door and three descending brick steps, all covered by a metal awning with scalloped edges. This space is covered by a pitched red tile roof, and its rear façade includes a narrow arched window; this wall is shaped like the other facades, with the exception that it connects to the main building at the

peak of the gable and therefore is only “half” of the other facades. Above this space’s tile roof is corbelling like that previously described on the transept, but farther below the eaves.

In the southeast transept, most of the windows are absent because the transept is at that wall connected to the bell tower. Directly behind the southeast transept is a two-story space topped by a flat roof. Inside are the rooms previously mentioned and an entrance from the rear parking lot. A small space is formed between the church building, bell tower, and Religious Education Building; this space is covered with a pent roof, above which a small arched window with brick hood pierces the northeast wall of the bell tower. This space also provides access to the front of the Religious Education Building.

The rear façade of the church building includes the three decorative stained glass windows previously described, as well as three narrow rectangular windows directly below them; to the left of these windows, in the stairwell, an identical rectangular window is placed at the mid-story level; continuing to the left of that are two one-over-one wood sash windows with security bars. Utility meters are also located on this façade.

The 100-foot-tall, 19-foot-square brick masonry bell tower contains the original church bell purchased in commemoration of the church’s 30th anniversary. The bell was forged in 1880 at the Buckeye Bell Foundry (a subsidiary of the Vanduzen and Tift Company, later Vanduzen Bell Co.) of Cincinnati, Ohio. This bell has rung over all three of the church buildings that the congregation has occupied throughout its history. Inside the bell tower, at the base of its southern wall, is laid the gray granite cornerstone from the second church building, which is inscribed in German.

The bell tower is not free-standing; it joins the rear of the church building to the Religious Education Building. The bell tower repeats several architectural details found on the church building, including the arched corbelling and decorative faux-colonnade, and is made with the same buff brick masonry walls, white sandstone accents, and red tile roof. At the base of the tower, as on the church building, a cementitious water table extends upward for several feet. On the southwest side of the tower, at the first-floor level, a single arched window opening is deeply recessed, with an angled stone sill and brick hood matching the windows on the church building. Above the first floor on all sides, the wall is slightly recessed, creating a panel effect. The lower edge of this frame is trimmed with an angled white sandstone sill; the sides are framed with two levels of bricks; and the upper edge is bounded by the aforementioned arched corbelling. Within this panel are two openings: at the bottom of the panel, a double-arched window with double hood; the center column supporting the junction of the two arches is comprised of a white stone column with Corinthian capital. Near the top of the panel, a long, narrow rectangular slot pierces the brick masonry. Above the panel, a white stone sill supports a base constructed of large blocks of white stone. Atop this base are corner blocks of brick, mimicking the shape of the front façade, with a long, narrow, blind arch centered below each stone-trimmed gable. These are connected by a faux colonnade with 10 unfluted columns with plain capitals, otherwise identical in design to the frieze on the front façade of the church building. The corner blocks and colonnades on all four sides give the illusion of a balustrade; set within this is a final story of brick. Each elevation of this upper block contains a triple-arched opening with unfluted columns and plain capitals of white stone. These openings are screened behind the columns by horizontal strips of material, painted dark red. The brick in this upper block is laid in a basket weave design, punctuated by six light blue header bricks spaced evenly above the arches and seven light blue header bricks in a descending zig-zag pattern on either side of the opening. Instead of hoods above the arches, protruding bricks form a border completely around the opening, recalling the archivolt of the main façade. The pyramidal red tile roof is topped with a copper finial.

Connected to the bell tower on the northeast and southeast sides is the Religious Education Building. The education building's floor plan was innovative for its time as it provided for a departmental church school, with four large assembly auditoriums – two on each floor at opposite ends of the building, each surrounded by adjacent smaller classrooms. The facility is equipped with an indoor basketball court, dressing rooms, a stage, and two kitchens (one on each floor). It also has an attic and a basement.

The two-story, 115' x 70 building is organized in a U shape; two gabled wings parallel to the church building are connected by a hipped main section of the building. One of the wings is directly behind the bell tower and therefore is not visible from the front. The front façade of the Religious Education Building's main section consists of a buff brick Roman arcade and red tile roof covering a red brick walkway. The seven columns of the arcade are massive and square, with a single course of protruding brick forming a belt just below each semi-circular arch. The arches spring from this belt and are constructed of a wide band of bricks (alternating single-soldier and stacked rowlock/headers) and a narrow single course of headers. In the space between each pair of arches, a circle of rowlock bricks is filled with white stone. The exterior wall behind the arcade contains a pair of one-over-one windows (12 lights per sash) behind each column. A wooden double-entry door is located at one end of the arcade. Red brick steps with black wrought-iron railings lead down to the ground on either end of the arcade. Above the arcade, similar pairs of windows are located above those on the first floor. A single belt course of brick adorns this wall just below the eave.

The façade of the southeastern gabled wing projects slightly beyond the arcade, toward Holman Avenue. It is of the same shape as the gable-end facades of the church building and contains three large arched windows on the second floor (the center window being taller than those on either side of it), with three pairs of smaller windows below. A rosette of white stone at the peak of the gable is set into a brick border; the stone is decorated with six holes, set equally around a center hole of the same size, all within a plain circular border. The southeast elevation of the building resembles the long elevations of the church building, with alternating buttresses and windows, although both are smaller than those in the church building to reflect the smaller scale of the Religious Education Building. Upper windows are set into an arched opening, with a single course of projecting brick forming a hood over each window. The window openings are filled with a rectangular wood-sash window with sixteen lights in each sash, topped by a fixed half-round light. A pair of rectangular first-floor windows is located beneath each second story window. At the northeasterly end of this elevation, exterior entry doors are located one above the other, the upper being set into an arched opening with a fixed half-round light at the top; a single flight of metal stairs leads to the ground. The first-floor doorway is accessed via a set of four concrete steps and a stoop. Between the doors and the end of the building are a final buttress and a set of matching, single, rectangular upper and lower windows over which rowlock bricks form a lintel.

The rear façade of this wing also has a rosette centered in the gable. Below this on the second floor are five one-over-one decorative stained glass windows; the center three are set slightly higher in the wall than the two flanking them. On the first floor, six wood-sash windows are set in a row, with single windows toward the sides and two pairs of windows in the center. The space between the pairs of windows is considerably smaller than the space between each pair and the single window to its side. These windows have sixteen lights in each sash, and each is framed by a rowlock-brick lintel and an angled white stone sill.

The northern gable wing connects on the Holman side to the bell tower. Its northeastern façade is similar to that of the southern wing, containing stained glass windows on the second floor. In this case, four rectangular leaded glass picture windows are arranged with a pair at the center of the wall and a single window to either side; these were moved from the congregation's second location. A donation from the

Warnecke family, they date from 1901 and depict Jacob's Well as described in John 4:6-19. Below these are four similarly arranged rectangular windows. Extending over the rosette at the gable peak of this façade is a rounded metal hood; below the rosette is a contemporary spotlight to illuminate the ground below. The northwestern façade of this wing contains four second-story and three first-story windows with a first-story door; this door is sheltered by a pent roof, clad in red tile and supported by solid, shaped wooden brackets.

The space between these wings is completely filled. As viewed from Francis Street, to the left a large flat-roofed attic dormer projects from just below the roof ridge of the center section of the building. This dormer has a window on either side of a tall exterior chimneystack. Forward of the dormer (that is, toward Francis Street) and equal in width to it, flat-roofed volume extends to approximately 2/3 of the height of the southeastern wing to which it is attached. The northeastern façade of this volume contains two pairs of eight-over-eight wood sash windows above two pairs of 12-over-12 wood sash windows. The façade continues at the one-story level to meet the northwestern gable; a rooftop terrace above this section is accessed through two doors: one at the center of the two-story volume, and one directly behind that on the second-story rear façade of the center building section. Both doorways are shaded by copper awnings. Additional views to the terrace are provided by rectangular windows in all walls facing the terrace: one to the right of the first door; two directly opposite this on the northwestern wing; and seven on the rear wall of the center building section. The first-story façade below the terrace contains three pairs of rectangular wood-sash windows, and on the far left side of this part of the façade, a single-entry door accessed via two brick steps. The doorway and sidewalk to the street are covered by a low-pitched, hipped, red tile roof supported by eight square posts.

Throughout the campus, water is diverted by copper gutters on gabled roofs, interior gutters on flat roofs, and copper downspouts with plain rectangular heads. The lower sections of many of these gutters have been stolen for scrap and replaced with aluminum.

The remaining two buildings are sited on the east end of the block, beside the southeastern wing of the Religious Education Building, near the corner of Austin and Francis. A two-story, 60' x 26' Italianate Parsonage is constructed of buff brick and red tile to match the rest of the campus buildings, although it has very little white stone trim. The Parsonage is comprised of a main center section to which are attached a large two-story wing to the left, a small one-story space on the opposite side, and a one-story section at the rear of the building,

Both the main section and the two-story wing are covered with hipped roofs of red tile. Tall brick chimney stacks with elaborate corbelling and caps pierce the roof at either end of the main section; the stack between that part of the building and the two-story wing is completely enclosed by those spaces, whereas its opposite is placed on the exterior of the main building and is visible above the one-story space. The first floor contains a cobblestone entry hall, pastor's study, living room with fireplace, dining room, kitchen, and half bath. A spiral staircase provides access to an upstairs hall; off this hall are four bedrooms and two full bathrooms.

The front façade of the Parsonage can be divided into three bays of approximately equal size. The center bay contains the entryway, a single-entry French door with twenty rectangular lights, flanked by five-pane sidelights on either side, and topped by a semi-circular window similar in design to those found above stained glass windows in the church building. This half-round window is directly above the door, and a wide brick arch springs from the sidelights on either side. To the left and right of the sidelights, white stone pilasters are set upon square bases; their plain capitals are designed and function as brackets to support an elaborate hood mold that essentially functions as a pent roof above the door. The hood is

designed as a segmental arch which springs from horizontal members on either side, somewhat resembling an abstract version of the Greek letter *omega* (Ω) as well as recalling the gable-wall design found on the church and Religious Education Building. Small wall sconces are placed well to either side of the pilasters.

Above the doorway, three windows are set into arched openings in the brick wall. The center arch is slightly taller and wider than the other two. All three arched openings are filled with a rectangular four-over-four or six-over-six window with a plain, solid semi-circle of wood above. The arched window openings feature brick rowlock sills and are separated by "columns" of brickwork (undistinguished from the rest of the wall). Although these columns have no recognizable bases, white stone capitals are located at the tops of the window sashes. Two-course brick arches, with the upper course projecting slightly, spring from the capitals, and since the two capitals flanking the larger window each "support" two arches, these are twice as large as the capitals on the left and right, respectively, of the smaller windows.

A gable intersects with the hipped roof at the top of this bay, and the hipped eaves on either side project both below and in front of it. Centered in the peak of the gable is a round opening, circled by a single header course of bricks and filled with horizontal louvers.

The left and right bays on this elevation are identical to one another, with a joined pair of six-over-six rectangular wood sash windows on the second floor on each side, and a pair of arched windows (both identical in size and shape to the center window in the center bay) on either side of the first floor. The brickwork surrounding these windows is identical to those found in the center bay, with a large capital in the middle and smaller capitals on the sides. Finally, a downspout is located on each side of this façade, halfway between the outermost window and the corner of the wall; these are tied in to exterior gutters along the eaves.

A one-story section with a hipped roof and joined pairs of six-over-six wood sash windows is attached to the opposite side of the building.

As previously described, the main section of the Parsonage has a hipped roof with a gable over the entryway. On the left side of the building, as one faces the front façade, the roof ridge running from the center ridge to the left rear eave is truncated by the center ridge of the two-story wing. This wing shares a continuous eave with the main section on the rear of the building, but the wing is set back about 5-6 feet from the front of the main façade, and so the wing and the main section have separate eaves at the front of the building. Facing the southeast façade of the building, therefore, walls of both the wing and the main section are visible; the wing covers about $\frac{3}{4}$ of the main section's elevation. The other $\frac{1}{4}$ contains two six-over-six wood sash windows, one on each floor, with brick soldier lintels and rowlock sills angled toward the ground. The front (southeast) side of the wing contains a joined pair of the same windows on each floor, and the southwest side contains sets of four joined windows on each floor, again with brick lintels and sills. These four-window sets make up nearly the entire façade.

On the opposite side of the building, a single one-story room is attached to the rear half of the northeastern façade of the main section of the Parsonage. The front half of the façade (to the left of the attached room) includes a single six-over-six window on the second floor, aligned at the left side of its frame with the left side of a joined pair of fixed, single sash, three-over-three windows on the first floor. At the very center of the façade, the left edge of the chimney stack aligns with the left edge of the one-story room. The room appears to have originally had a flat cement roof, which was converted to a shed roof with composition shingles at some later date. Two air conditioning units are located on the ground next to the one-room section, with an electrical box mounted on the wall nearby.

The one-room section is accessed through a single-entry door via a set of four concrete steps with a contemporary black metal railing on either side. The solid exterior door is now covered with a black metal storm door. The door is covered with a small, hipped, pent roof clad in red tile and supported by two open triangular wooden brackets. To the right of the door, a six-over-six window is set so that its sill and the door sill are in line. A rectangular copper downspout head diverts water from an interior gutter; the original downspout has been replaced with painted metal. The sides of this section have a small four-over-four wood sash window set high in each wall.

A 22' x 18' detached two-car garage with upstairs custodian's apartment is the final structure on the property. It is situated to the northeast of the Parsonage. The roof of this building is hipped, with small gables centered on the front and rear eaves. The front façade of this building is, like the Parsonage, divided into three bays. A single, wide, six-over-six wood sash window is located on the second floor in each bay. A fourth identical window is set in the left bay on the first floor. Slightly left of center in the center and right bays are two single-car garage door openings. The center door is a functioning garage door, while the opening to the right has been covered with a solid sheet of metal with vertical corrugation. Both garage-door openings are covered with a single rounded metal hood. At the top of the center bay, a rectangular louvered vent is located at the very peak of the gable. Additional windows are located on the second story above the garage. The eaves of the garage and the Parsonage are wide and bracketed, with half-round exterior metal gutters and downspouts on all four sides of the roof.

In 2002, when the nomination for Recorded Texas Historical Landmark was completed, the applicants noted that "during the 75 year history of this building it has virtually undergone no significant architectural change" and supplied photographs to support their statement.

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The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Steph McDougal, summer intern, under the supervision of Randy Pace, Historic Preservation Officer, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

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

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

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

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

AND

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

OR

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

OR

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

OR

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

STAFF RECOMMENDATION:

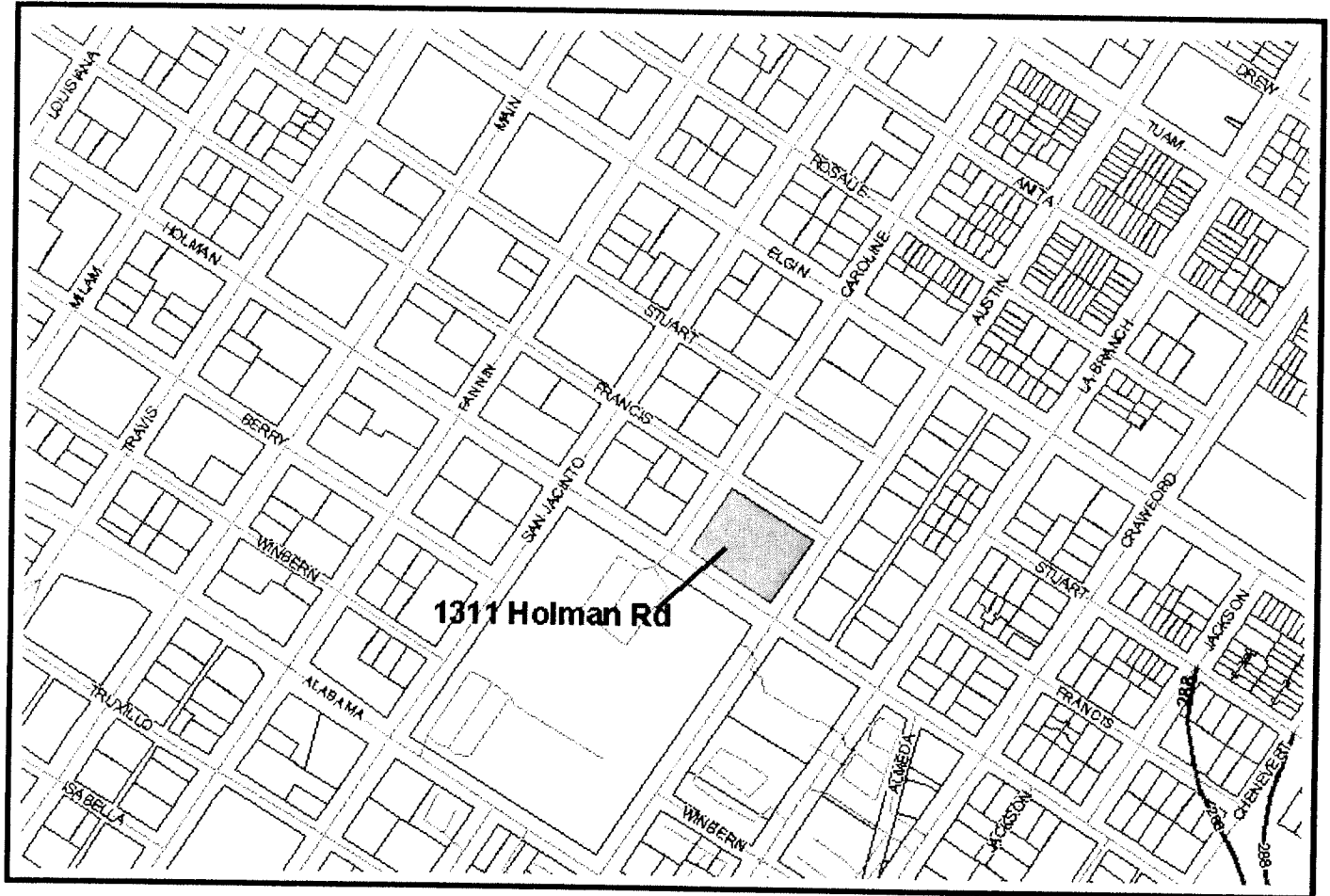
Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark and Protected Landmark Designation of the First Evangelical Lutheran Church and Campus Buildings at 1311 Holman Road.

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
SITE LOCATION MAP
FIRST EVANGELICAL LUTHERAN CHURCH AND CAMPUS BUILDINGS
1311 HOLMAN ROAD
NOT TO SCALE



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating 4 Historic Landmarks (See attachment - page 2 of 2)		Category #	Page 1 of 2	Agenda Item # 25
FROM (Department or other point of origin): Planning and Development		Origination Date 9/28/2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: <i>Martine K. O'Grady</i>		Council District affected: C & G		
For additional information contact: Thomas McWhorter Phone: 713-837-7963		Date and identification of prior authorizing Council action: N/A		
<u>RECOMMENDATION:</u> (Summary) Approval of a resolution designating 4 Historic Landmarks: (see attachment - page 2 of 2)				
Amount and Source of Funding:			F & A Budget:	
<u>SPECIFIC EXPLANATION:</u> In accordance with Section 33-222 of the City of Houston Code of Ordinances, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners. Public Hearings were held by the HAHC and the Houston Planning Commission on August 22, 2007 and August 30, 2007 respectively. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the four historic landmark designations. There were no objections to the applications. MLG: tm Attachments: Applications and Staff Reports xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

NOTE: 2 RCH's

Date	Subject: Approval of a resolution designating 4 historic Landmarks		Originator's Initials 	Page 2 of 2
LANDMARKS NAME /ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1. Buhmann-Fleming House 1928 Larchmont Road	Owner	G	8-22-2007	8-30-2007
2. William and Edna Bowles House 2 West 11th Place	Owner	C	8-22-2007	8-30-2007
3. Brown-Melcher House 13 Tiel Way	Owner	G	8-22-2007	8-30-2007
4. Kropp-Crickmer House 12923 Memorial Drive	Owner	G	8-22-2007	8-30-2007
<p>Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site: http://www.houstontx.gov/planning/historic_pres/pending.htm.</p>				

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating 3 Historic Landmarks (See attachment - page 2 of 2)		Category #	Page 1 of 2	Agenda Item # 25
FROM (Department or other point of origin): Planning and Development		Origination Date 10/23/2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: ms <i>Maureen A. Gephart</i> RP		Council District affected: G		
For additional information contact: Thomas McWhorter Phone: 713-837-7963		Date and identification of prior authorizing Council action: N/A		
<u>RECOMMENDATION:</u> (Summary) Approval of a resolution designating 3 Historic Landmarks: (see attachment - page 2 of 2)				
Amount and Source of Funding:			F & A Budget:	
<u>SPECIFIC EXPLANATION:</u> In accordance with Section 33-222 of the City of Houston Code of Ordinances, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners. Public Hearings were held by the HAHC and the Houston Planning Commission on September 26, 2007 and October 11, 2007 respectively. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the three historic landmark designations. There were no objections to the applications. MLG: tm Attachments: Applications and Staff Reports xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

Date	Subject: Approval of a resolution designating 3 Historic Landmarks		Originator's Initials RP	Page 2 of 2
LANDMARKS NAME /ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1. Claud B. Barrett House 1527 Kirby Drive	Owner	G	9-26-2007	10-11-2007
2. Colonel W. B. Bates House 2128 Brentwod Drive	Owner	G	9-26-2007	10-11-2007
3. Kendall - Levine House 2132 Troon Road	Owner	G	9-26-2007	10-11-2007
<p>Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site: http://www.houstontx.gov/planning/historic_pres/pending.htm.</p>				

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

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

To Be Completed by Planning Staff

Date accepted as complete: 7/30/2007
Accepted By: Thomas McWhorter

HPO File Number: 07-L184

APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)		
Bette T. Hawn		
Address 1928 Larchmont Road		
City	Houston	State TX
Zip Code	Day Phone	713-622-6380
77019	Fax Phone	
Signature	Date	
<u>Bette J. Hawn</u>	<u>6-21-07</u>	

Agent's Name (if applicable)(Please print)	
<u>Kelley Trammell</u>	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

PROPOSED DESIGNATION

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

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

SITE INFORMATION

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

Site Address 1928 Larchmont Road
2 story brick home built in 1925 – one of the oldest in River Oaks.

Tax account number	0601340000012
Subdivision	River Oaks Country Club Estates
Lot 12	Block 6

DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:
 - A) Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Buhmann-Fleming House
OWNER: Bette T. Hawn
APPLICANT: Bette T. Hawn
LOCATION: 1928 Larchmont Road – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IL.a
HPO FILE NO.: 07L184
DATE ACCEPTED: Jul-30-07
HAHC HEARING: Aug-22-07
PC HEARING: Aug-30-07

SITE INFORMATION:

Lot 12, Block 6, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The site includes a two-story brick veneered house.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Buhmann-Fleming House at 1928 Larchmont Road was one of the first homes to be built in River Oaks Country Club Estates, which was the first developed section of the River Oaks subdivision. The house was built in 1925 for William Buhmann, the owner of a local lumber company, and designed by noted Houston architect R. D. Steele. It was subsequently purchased by C. C. "Pat" Fleming, a pioneering Texas landscape architect, who completed a major renovation of the building in 1955. The house meets Criteria 1, 3, 4, and 6 for Landmark Designation.

HISTORY AND SIGNIFICANCE:

The Buhmann-Fleming House at 1928 Larchmont Road is one of the earliest homes constructed in River Oaks, built shortly after the William L. Clayton Summer House (COH Landmark, 2006), the first home built in River Oaks. On November 11, 1924, the Houston Chronicle announced: *"Begin Work on Two More Homes at River Oaks" – Two more beautiful homes were started in Country Club Estates during the last week. One of them is to be that of Blakely Smith and is to be of Spanish architecture and located on Groveland Lane. The other is that of William Buhmann and it is being built on Larchmont Road. This home is to be in the colonial style...Finishing touches are now being put on the handsome colonial home of W. L. Clayton overlooking the River Oaks Country Club golf course.*" A Houston Chronicle aerial photograph of the neighborhood dated April 11, 1926, shows the neighborhood with only 15 to 20 homes. The Buhmann house is set amongst empty land with the closest residence appearing to be that of John Staub at 1804 Larchmont Road. The listings that appeared in the City Directory for 1926 and 1927 simply show William Buhmann on Larchmont with no number address, as no address appears to have been necessary. A photograph of the house that appeared in the 1929 "River Oaks: A Pictorial Presentation of Houston's Residential Park" shows a white clapboard-style home with a covered columned entryway.

William Buhmann (1884-1974) was President of Buhmann Lumber Company, which advertised "Lumber and Building Material," and was located at 7900 Washington Avenue. Buhmann hired local architect R. D. Steele to design his new residence, and the family moved from their previous home at 808 Sul Ross to the new house in 1925 or 1926. Buhmann and his wife Ann resided in the home until

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

the mid-1940s, when the house was sold to William T. Hancock, Jr., a geologist and vice-president of Kirby Petroleum.

Cauthen Cook ("C. C." or "Pat") Fleming, one of Houston's preeminent landscape architects, bought the house from Hancock in the mid-1950s. Fleming, born in Beaumont on February 13, 1909, was one of seven children born to Joseph Vandever and Keziah Fleming. In 1918, the family left Beaumont for the drier climate of Arizona to escape malaria. In 1928, Fleming left Arizona and began undergraduate studies in architecture at the University of Texas in Austin. Due to an eye injury sustained while welding, Fleming was forced to abandon his college studies. He would never complete his architectural training or receive formal landscape training.

In 1930, Fleming started his career with an assignment under Mrs. C. B. Whitehead, an Austin landscape contractor, in completing the master plan for the University of Texas, designed by Hare & Hare of Kansas City. After completing that assignment, he was asked to work for the National Park Service, first at Palmetto State Park near Gonzales, and later as the supervising landscape architect for the San Jacinto Monument and Battlegrounds, a high profile assignment that advanced Fleming's career in several ways. First, he was introduced to Alfred Finn, the architect for the monument, who was impressed with Fleming's work and recommended him to influential Houstonians. Second, Fleming worked with Albert Sheppard, a UT classmate, who would become his business partner from 1937 to 1942. And, finally, he was appointed to serve on the City of Houston Planning Commission by Mayor Fonville, and in 1938, he was appointed as assistant director of the Houston Housing Authority.

In 1937, Fleming formed a professional landscape planning practice with Albert Sheppard, called Fleming & Sheppard. Until the practice closed in 1942, Fleming & Sheppard received numerous commissions in River Oaks, Shadyside, and Broadacres, often for homes designed by John Staub. The firm also designed the Diana Garden at Bayou Bend for Miss Ima Hogg. The Houston Architectural Guide describes the Diana Garden as "a series of terraces that step down from the north side of the house toward Buffalo Bayou."

Fleming served as the first director of the combined Department of Parks and Recreation of Houston from 1943 to 1945. In 1945, he reestablished a private practice, later named Fleming Planning Associates. Over the next 35 years, Fleming received recognition for both corporate and residential projects. In 1952, he created the first corporate campus in Houston for Prudential Life Insurance Company and was awarded the 1955 Plant American Award from the American Association of Nurserymen. Fleming also designed the R. E. "Bob" Smith fountain, a landmark in downtown Houston. On the residential side, his assignments were numerous and included projects in Louisiana, New Mexico, Alabama, Florida, Tennessee, Arkansas, Colorado, Minnesota, Canada, Mexico and Europe. He received the International Award for Landscape Planting by the Garden Club of America for the Cecil R. Haden residence in 1962 and for the William McIver Streetman residence in 1963, both in Houston. In the Houston Architectural Guide, Stephen Fox names other Fleming gardens at: 1405 South Boulevard, 2909 Inwood Drive, 1323 North Boulevard, and 2950 Lazy Lane (Dogwoods – demolished). During his career, Fleming's work received notice in various issues of House Beautiful, Better Homes and Gardens, Southern Accents, Houston Home and Garden, Texas Homes, and Landscape Architecture.

Fleming was also active in the Houston community. In 1954, he helped to found the Harris County Heritage Society. He was an early advocate for using Buffalo Bayou as an "amenity for the City." Fleming retired for a time to the Texas Hill Country and returned to Houston in 1984 to resume a limited practice. At this time, he installed the gardens at the Oscar F. Holcombe estate. He died on

CITY OF HOUSTON

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February 7, 1996, after a long illness. His papers reside in the Texas Room and include the manuscript for an unpublished book.

Rezin D. ("R. D.") Steele, the architect for the Buhmann-Fleming House, had offices downtown at the 510 National Bank Building, and practiced architecture in Houston from 1893 until his death in 1936. Steele produced a substantial body of work, although he never achieved "especial prominence." According to Stephen Fox, Steele's major buildings include the Star Engraving Co. Building (nominated as a National Landmark); the original St. Paul's Methodist Church (1909, demolished); the original Memorial Hospital (1910, 1924, demolished); downtown retail buildings for Harris-Hahlo (1920, demolished), the grocer Henry Henke (1924), and Rettig's, Inc. (1927, demolished); Sidney Lanier Junior High School (1925, with Jonas & Tabor); and Baptist Temple in Houston Heights (1931). Steele's most well-known building is the Henke-Pillot South End grocery market at Travis St. and Tuam Ave. (1923, extensively altered). Historian Richard Longstreth has identified the Henke-Pillot store as the first suburban market building to be oriented not to the street but to its own off-street parking lot.

RESTORATION HISTORY AND CONDITION:

The Buhmann-Fleming House was built as a two-story clapboard home in 1925 by R. D. Steele. A 1929 photograph shows an entry way on the front of the home with two columns and a railing above. Upon his purchase of the home around 1955, C. C. "Pat" Fleming completed a major renovation "to enhance the dialogue between indoors and out." According to a thesis on Fleming's career prepared by Paige Phillips, the front door was moved from the east side of the house to the north side, and a plate glass window was added to the south side of the house on axis with the new front door. Upon entering the home, one was able to see through the curved stair rail through the drawing room and into the courtyard, which contained a pillar-like "dolphin fountain."

Phillips notes the "heavy deference to the automobile" in the plan. A significant portion of the lot is given to the parking and passage of automobiles. The home had a driveway on its north and west sides that circled around the back of the house. The largest uninterrupted green space is at the front of the house, where a "modern" circular pool was intended but never completed. Phillips states, "Despite the more modern characteristics of his plan, Fleming by no means abandoned classical design in his home garden. Many axially symmetric relations exist in his home landscape."

Phillips describes different thematic elements in different areas of the garden. "Fleming's various garden rooms in his home lent a variety of moods and experiences which invited the viewer's mind to wander." She quotes Kenneth McMinn, an employee of Mr. Fleming, who said, "what Fleming loved about these rooms is that he could go around the world in one house by extending this axis off that window. He could be in Japan in that little Japanese garden. He could then go into the drawing room and be in a villa he had visited in Italy."

Fleming lived in the house until 1963, when he sold the house to William R. Hayes, an oil producer. The house was later sold to Charles Coates, and in the 1970s, the house was purchased by John and Bette Winter (now Bette Hawn). During the Winters' ownership, the windows on the east side of the home were converted to bay windows. The driveway in the backyard was altered, with the backyard now converted to grass and a pool. The home has been well-maintained and still retains its charm from the C. C. "Pat" Fleming days. Upon entering, the visitor is greeted by a fabulous iron balcony installed by Fleming and a view of the dolphin fountain through a dramatic plate glass window at the end of the hall.

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BIBLIOGRAPHY:

Fox, Stephen, personal notes and research about R.D. Steele, June 2007.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

Houston Chronicle, "Begin Work...", November 16, 1924.

Houston Chronicle, aerial photograph, April 11, 1926.

Houston Chronicle, "San Jacinto Battleground Architect Dies", February 8, 1996.

Phillips, Paige Allred, C.C. Pat Fleming: Houston, Texas Landscape Architect, LSU Masters Thesis.

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

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S	NA		S - satisfies	NA - not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure,		

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Buhmann-Fleming House at 1928 Larchmont Road.

SITE LOCATION MAP
BUHMANN-FLEMING HOUSE
1928 LARCHMONT ROAD
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 7/30/2007
Accepted By: Chong H. [Signature]

HPO File Number: 07-L185

APPLICANT INFORMATION

Legal Owner's Name of Site (Please print) <u>BOWLES HOUSE - DAVID H. CUMMINS</u>	
Address <u>2 WEST ELEVENTH PLACE</u>	
City <u>HOUSTON</u>	State <u>TX</u>
Zip Code <u>77005</u>	Day Phone <u>832 628 6923</u>
Fax Phone <u>—</u>	
Signature <u>D.H. Cummins</u>	Date <u>3/15/07</u>

Agent's Name (if applicable)(Please print)	
Address	
City	
State	
Zip Code	Daytime Phone
Signature	
Date	

PROPOSED DESIGNATION D.A. CUMMINS

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

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

SITE INFORMATION

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

Site Address <u>2 WEST ELEVENTH PLACE</u>
General description <u>2-STORY BRICK COLONIAL, BUILT in 1922; ARCHITECT J. NORTHROP, JR.</u>

Tax account number <u>0360100000003</u>
Subdivision <u>W. 11th PLACE Re-subdivision of Block 194 of THE N.P. TURNER ADDITION</u>
Lot <u>3</u>
Block <u>4</u>

DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

- Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
- Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

*Restoration of main house recently completed (March, '07).
Restoration of Garage currently under way (expected completion May '08)*

LANDMARK DESIGNATION REPORT

LANDMARK NAME: William and Edna Bowles House
OWNER: David H. Cummins
APPLICANT: David H. Cummins
LOCATION: 2 West Eleventh Place – West Eleventh Place
Historic District
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: II.b
HPO FILE NO.: 07L185
DATE ACCEPTED: Jul-30-07
HAHC HEARING DATE: Aug-22-07
PC HEARING DATE: Aug-30-07

SITE INFORMATION:

Lot 3, Block 4, W. 11th Place Re-Subdivision of Block 1 and 4 of the N. P. Turner Addition, City of Houston, Harris County, Texas. The building on the site is an historic two-story, wood-framed with brick veneer, single family residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The William and Edna Bowles House is a contributing structure in the West Eleventh Place National Register and City of Houston Historic Districts. The house was constructed in 1923 in the Colonial Revival style and was a collaboration between the builder and the original owners, William and Edna Bowles. Joseph W. Northrup, who was one of Houston's most respected architects of the time, designed the layout for the exclusive West Eleventh Place neighborhood as well as for three of the houses, and he created design guidelines to be followed by other architects and builders in West Eleventh Place. William Bowles was superintendent of the Texas Exploration Company and Edna Bowles was the sister of Robert Henderson, who lived at 5 West Eleventh Place. The Bowles House meets Criteria 1, 3, 4 and 6 for Landmark Designation, as well as being a contributing structure to the West Eleventh Place National Register and City of Houston Historic Districts.

HISTORY AND SIGNIFICANCE:

The house at 2 West Eleventh Place was built for William V. Bowles (1888-1945) and his wife Edna in 1923. Bowles was the youngest child of William and Martha Bowles of Chickasaw County, Mississippi. According to the West Eleventh Place Historic District nomination, William Bowles' "father had come to Texas from Mississippi in the early oil boom at Spindletop". William Bowles eventually came to Houston via Beaumont, Texas. Although Beaumont was the epicenter of Texas oil drilling production, most of the oil companies were headquartered in Houston

William Bowles lived in Houston as early as 1920 when Houston city directories listed his address as 2606 Baldwin Street in the area now known as Midtown. Bowles' occupation was listed as Superintendent of the Texas Exploration Company. He is first listed as living at 2 West Eleventh Place in 1923. That same year, the other residents of West Eleventh Place included Willard C. Averill Jr, President of the Terminal Oil and Refining Company; Thomas W. Blake, President of the T. W. Blake Lumber Company, at 7 West Eleventh Place; and Robert Henderson at 5 West Eleventh Place, who was employed in the family-owned Henderson Cotton Company.

The residents of West Eleventh Place were representative of homeowners who lived in Houston's early 20th century upscale residential neighborhoods. The residents of this new enclave represented the trinity of southeast Texas industry at that time - oil, lumber, and cotton. The neighborhood – a one-block long cul-de-sac with one entrance from Bissonnet Street – was developed by Joseph W. Northrup in 1920-21 from Block 4 of the earlier N. P. Turner Addition platted in 1871.

Northrup had a close relationship with his clients who purchased homes in West Eleventh Place. Thomas W. Blake, a founding resident of West Eleventh Place, assembled the land for the new subdivision and was responsible for its re-plat. Northrup guided the physical layout of the neighborhood and also designed three of the six original houses at 4, 5, and 6 West Eleventh Place. Furthermore, Northrup helped craft design guidelines for the remaining three houses to be built so that they too would be in harmony with the neighborhood's master plan. Other architects who worked in the neighborhood included William Ward Watkin, who designed the home at 1 West Eleventh Place, and Einar Stube who designed the home at 7 West Eleventh Place.

Northrup's work can be seen elsewhere in the vicinity of West Eleventh Place. He worked for the architectural firm of Cram, Goodhue and Ferguson, with fellow architect William Ward Watkin. Together they helped design the look for nearby Rice University. Northrup also designed the pedestal on which the famous mounted statue of Sam Houston rests in the traffic circle near the axis of Montrose Boulevard and South Main Street. In addition to residential and civic works, Northrup designed the First Evangelical Church campus at 1311 Holman Street and St. Mathew Lutheran Church at 5315 Main Street.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Bowles House was designed in the Colonial Revival style, a trademark of architect J. W. Northrup. The structure is a five-bay wide, with a single bay addition which is setback from the southeast side of the building. The house is two-stories in height and is of wood-frame construction with brick veneer. The house is characterized by its gable end roof and narrow eave overhangs. The house's "L" shaped plan is oriented with its main façade facing West Eleventh Place and the two-story L shaped wing facing Bissonnet. The Bowles House and the Hail House, directly across the street at 1 West Eleventh Place, form a visual boundary between the quiet enclave and nearby Bissonnet Street.

The house features evenly-spaced six-over-one-pane double-hung, wood-sash windows throughout. The solid wood panel front entry door is framed by sidelights and capped by a lunette transom sheltered beneath a shallow colonial style awning mounted flush with the facade. A shorter eight-over-eight-light wood sash window is centered on the second story façade over the entry. The north elevation, which faces Bissonnet, also features matching six-over-six-pane wood sash windows on the first and second floors and a multi-light Palladian type window in the gable end. A centered pair of multi-light French doors faces Bissonnet and is sheltered beneath a small cantilevered, hipped roof porch awning.

BIBLIOGRAPHY:

West Eleventh Place Historic District Nomination, 1997.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1990.

Houston City Directories 1920-1930.

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Archaeological & Historical Commission

Planning and Development Department

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

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S	NA		S - satisfies	NA - not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).		

STAFF RECOMMENDATION:

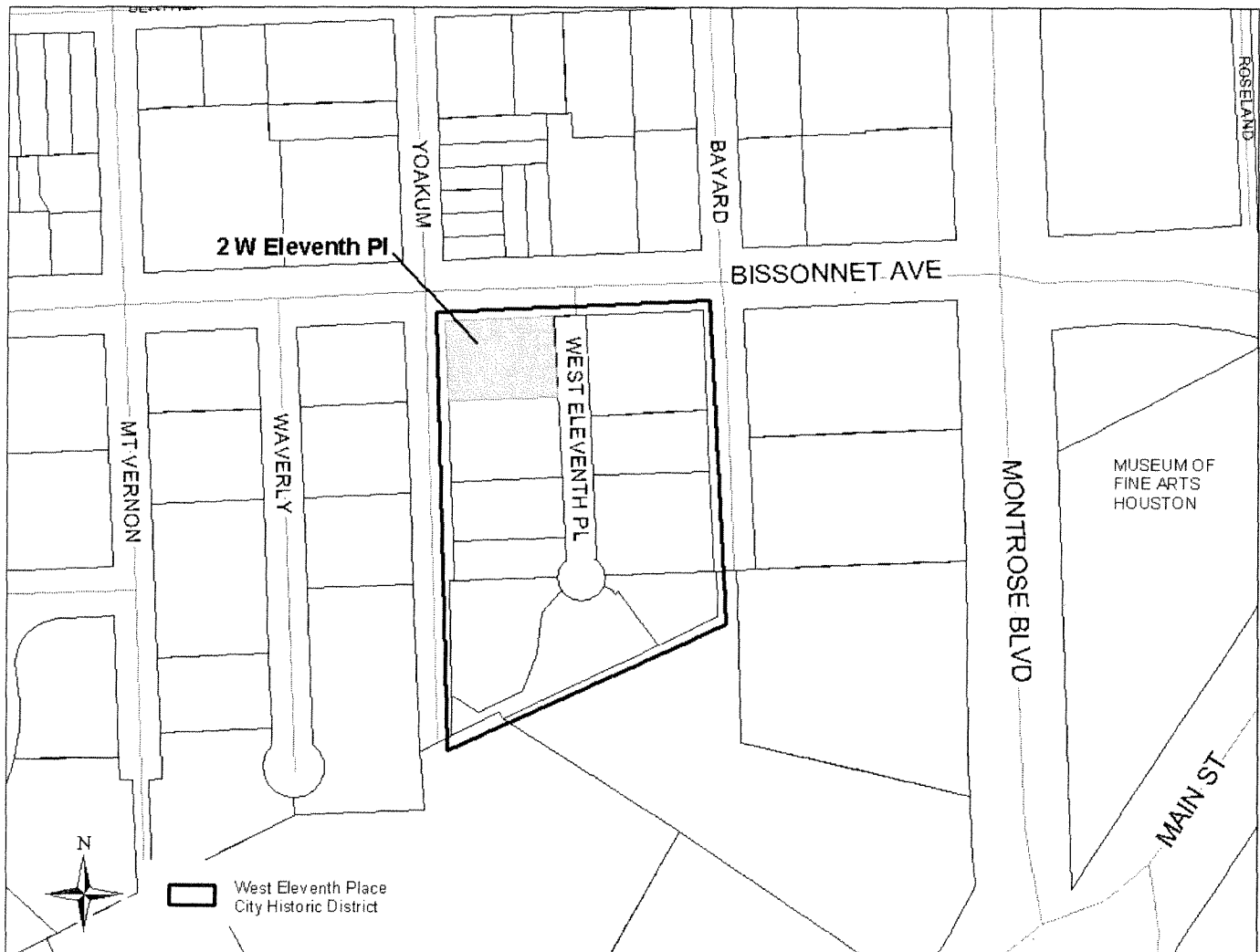
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the William and Edna Bowles House at 2 West Eleventh Place.

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Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
WILLIAM AND EDNA BOWLES HOUSE
2 WEST ELEVENTH PLACE
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 6/7/07

HPO File Number: 07-4186

Accepted By: *Sherry H. [Signature]*

☉ APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)			
Sam and Paula Douglass			
Address 13 Tiel Way			
City	Houston	State	TX
Zip Code	Day Phone	713/529-0900, x106	
77019	Fax Phone		
Signature		Date	
<i>Paula F. Douglass</i>		4.9.2007	
<i>Sam [Signature]</i>		4.9.2007	

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

PROPOSED DESIGNATION *email pdouglas@egquscap.com*

- ☒ Landmark (subject to 90-day waiver*)
☒ Protected Landmark (and Landmark) (NOT subject to 90-day waiver* and also subject to Demolition by Neglect Provision)
☐ Archaeological Site
 *Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

☉ SITE INFORMATION

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

Site Address -- 13 Tiel Way, Houston, Texas 77019
General description --
Historic home built by Howard Barnstone

Tax account number - 0601590560033
Subdivision -- River Oaks Section 12
Lot 33 Block 56

☉ DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

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Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Brown-Melcher House

OWNER: Sam and Paula Douglass

APPLICANT: Sam and Paula Douglass

LOCATION: 13 Tiel Way – River Oaks

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: II.c

HPO FILE NO.: 07L186

DATE ACCEPTED: Jun-07-07

HAHC HEARING DATE: Aug-22-07

PC MEETING DATE: Aug-30-07

SITE INFORMATION:

Lot 33, Block 56, River Oaks Section 12, City of Houston, Harris County, Texas. The building on the site is an historic two-story stucco-clad residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Brown-Melcher House at 13 Tiel Way in River Oaks was designed and built in 1949 by Houston architect Hamilton Brown for his family. Upon its completion, the Texas Society of Architects bestowed its first honor award to the house for its innovative plan. The house was later purchased by Houston philanthropists Mr. and Mrs. LeRoy Melcher, Jr., who hired architect Howard Barnstone to complete an extensive renovation in 1961-1962. The Brown-Melcher House meets Criteria 1, 3, 4, and 6 for Landmark Designation.

HISTORY AND SIGNIFICANCE:

The Brown-Melcher House at 13 Tiel Way (originally 17 Tiel Way) is located in Section 12 of River Oaks, one of the last two sections to be developed in the neighborhood. Section 12, a tract that lies between Kirby Drive and Buffalo Bayou, is bisected by a deep ravine and provides difficult terrain for building. In 1949, Hamilton Brown, a noted Houston modernist architect, designed and built a home for his family that addressed the challenging terrain. The original architectural plans for the house are labeled "Hamilton Brown for Mrs. Hamilton Brown."

The home immediately received recognition as noted by the Houston Post in an article that appeared on September 18, 1949:

"AWARD WINNERS – The firm of Hamilton Brown and David C. Baer won the first honor award for designing the contemporary-colonial residence of Mr. Brown at 17 Tiel Way, River Oaks. The home...was constructed upon a pie-shaped lot with a confined building area due to the rapid fall to a ravine at the rear of the property. It was designed to allow for informal living in dignified surroundings and to blend with the natural surroundings while avoiding the unconventional which would attract curious Sunday crowds."

On the same day, the Houston Chronicle reported:

"Prize Winning House Design in the Texas Society of Architects competition was taken by Houston Architect Hamilton Brown with this plan of a house built for the architect and his family at 17 Tiel Way at a cost of \$25,000. Mr. Brown's entry took first honors in the residential

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class...[The] floorplan of the downstairs features sliding glass doors between the living room and back porch and the dining room screened porch. Another feature of the downstairs is a back-to-back fireplace arrangement whereby a fireplace is in the den and the living room and each available to the same chimney... The house was especially designed for the Houston climate."

Hamilton Brown was the father of current Houston City Councilmember and architect Peter Brown. In a personal interview, Councilmember Brown recalled site preparations for 13 Tiel Way in which his father employed a man who used a team of mules to clear the building site.

Hamilton Brown was born in Alameda, California, on March 23, 1908. He studied at the University of California at Berkeley and received his B.S. in Architecture from the Massachusetts Institute of Technology in 1932. During his time at M.I.T., he took a year abroad (1931) to study at the Ecole des Beaux-Arts, the world-renowned school for the arts in Paris, France.

By 1937, Hamilton Brown had established his architectural practice in Houston and later became well-known for his modernist style. According to the report for the Landmark and Protected Landmark designation for the Albert Ladner House (PLM 2006), Hamilton Brown's designs include: First Christian Church (1601 Sunset Blvd.); the Medical Center National Bank; Adams Petroleum Center (6910 Fannin); the Elizabeth L. Ring Branch for the Houston Public Library; numerous elementary schools for Houston Independent School District; and City of Houston Fire Station No. 27 (PLM 2006). Brown was active in community affairs and was involved in the Arts Council of Harris County, the Houston Ballet Foundation, and the Neighborhood Improvement Council. He was also a leader for the preservation and development of Old Market Square and Allen's Landing in downtown Houston.

In the early 1960s, Mr. and Mrs. LeRoy Melcher, Jr., purchased the home from the Phillip and Francita Koelsch and began an extensive renovation. For the renovation, Mrs. Melcher hired another well-known local architect, Howard Barnstone. According to correspondence found in the Howard Barnstone archives, the renovation added 2,800 square feet to the existing 2,000 square foot home. The changes included an enlargement to the living room, the addition of a master suite over the old garage, a complete update to the kitchen, and the addition of two playrooms (up and down) for the Melcher boys. From the plans available at River Oaks Property Owners Association, the façade was dramatically changed to its current appearance. Although the alterations to the home were substantial, the remodel occurred in 1962, and is itself nearly fifty years of age. Furthermore, the alterations were executed by a prominent Houston Modernist architect in an International style which in character with other mid-century examples, also located on Tiel Way, designed by architects such as Mackie & Kamrath and Hugo Neuhaus.

For much of his career, LeRoy Melcher, Jr., (1938-1981) worked with his family's company, the UtoteM Food Store chain, which had been acquired by his father Leroy Melcher, Sr., in 1950 and expanded to more than 1,000 locations from a modest 10. Starting in 1957, the younger Melcher held positions in a variety of areas in the company, including public relations, advertising, real estate, and construction. By 1976, he was responsible for managing the entire eastern half of the U.S. for UtoteM. Leroy Melcher, Jr., eventually left UtoteM to start his own chain with his father, called Ranger Markets. At the time of his death in 1981, he was president and general manager of Ranger Markets.

Melcher's recreational activities included automobile racing. He held a full F.I.A. International Automobile Racing License from 1963 to 1981. He won several national and many state championships, including the Al Parker Sportscar Driver of the Year Trophy and the British Government Cup presented

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

to the outstanding driver of a British racing car. He was also an accomplished pilot with experience piloting high performance single and multi-engine airplanes and gliders, as well as jet helicopters. Finally, he held a state Ship Captain's License and had navigation experience within 200 miles of the Texas coast from Brownsville to Port Arthur, the Florida East Coast south of Fort Lauderdale, the Bahamas, the U.S. Virgin Isles, and the British Virgin Isles.

Melcher's other achievements included his service as a Director of Meyerland State Bank, Board of Trustees of the Houston-Harris County Lighthouse for the Blind, Chairman of Mother's March of Dimes, member of the Harris County Aviation Committee, and Board of Directors of the National Association of Convenience Stores.

His wife, Anne Schlumberger Melcher, was the oldest daughter of Pierre Marcel Schlumberger, formerly the CEO of the global Schlumberger oil service company and whose father, Marcel Schlumberger and Uncle Conrad Schlumberger, co-founded the company. Subsequently, Conrad Schlumberger was the father of world renowned Houston Art Patron and Philanthropist Dominique Schlumberger-De Menil.

Anne Schlumberger-Melcher oversaw the design and renovation of the home down to the minute details. After the renovation, the home was featured on the 12th Annual Contemporary House Tour held in December 1964. An article about the tour appears with a photo of Mrs. Melcher with her three sons, Le, Marc, and Pete, enjoying their new sun deck. The article states:

"SCENE: HOUSTON House Tour – A heavy screen of trees and foliage hides the home of Mr. and Mrs. LeRoy Melcher, Jr. from the passer-by in the street at 13 Tiel Way.... A stately pine, years old, thrusts its head through beams toward the sky; its trunk is a handsome part of the enclosure and entrance to the home...Three little boys are the center of the Melcher family activity...A long porch, living and dining room were combined for one enormous living area. Parquet floors enrich the room, paneling in dark tones and bookshelves flank the fireplace, and glass walls look out on two sides to the wooded bayou."

The article also features a photo of Mrs. Melcher with her dog, Fang by the fireplace, with a "many colored tapestry acquired in Paris."

Howard Barnstone served as both architect and decorator for the home. Barnstone was born on March 27, 1923, in Auburn, Maine. After receiving an architecture degree from Yale University in 1948, he moved to Houston where he remained for the rest of his life, teaching and practicing architecture.

Barnstone's early work was strongly influenced by New York architect Philip Johnson and German architect Ludwig Mies van der Rohe, both of whom designed modernist buildings in Houston in the 1950s. Modernist architecture was especially identified in Houston with the collectors Dominique and John de Menil, whose house had been designed by Johnson and who were patrons of Barnstone's for the duration of his career. While in partnership with Preston M. Bolton (1952-61), Barnstone produced a series of rectilinear, flat-roofed houses in the manner of Johnson and Mies that brought Bolton and Barnstone to national attention.

During the 1960s, Barnstone designed a number of public buildings that exhibited differentiated massing shapes and articulation of reinforced concrete structural members, such as Piney Point Elementary School (1962), the Galveston County News Building in Galveston (1965), and the Center for the Retarded (1966). His houses tended to be architecturally 'introverted' and characterized by open interiors with high ceilings, simple planar walls, and dramatic expanses of glass. During the 1970s and 1980s,

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Archaeological & Historical Commission

Planning and Development Department

Barnstone's work became even more varied architecturally, as he designed projects in Mexico, Arizona, New York, and Connecticut.

Barnstone joined the faculty of the University of Houston in 1948, becoming Associate Professor of Architecture in 1952 and Professor in 1958. He also taught as a visiting instructor at Yale University (1964) and the University of St. Thomas (1965). He wrote two books on Texas architectural subjects, *The Galveston That Was* (1966) and *The Architecture of John F. Staub, Houston and the South* (1979). Barnstone served on the boards of numerous civic and cultural organizations, and was elected a fellow of the American Institute of Architects in 1968. He died in Houston in 1987. Barnstone's papers are deposited at the Houston Metropolitan Research Center of the Houston Public Library.

Howard Barnstone's involvement as both architect and interior designer of the Melcher Home is illustrated in the many correspondences that have been archived by the Houston Public Library. In one letter written by Mrs. Melcher to Howard Barnstone on March 20, 1963, and signed, "The Legend", she writes: "Dear Howard, In your capacity as decorator, can you please advise me whether to have green, turquoise, gold, light blue, gray or burgundy colored felt placed on the pool table for 13 Tiel?...Moreover, I see that you have made no provisions for mounting the pool cues upon the den wall...isn't this going to be a built-in?"

The Brown-Melcher house was later sold to Sandy Gerry and Bob Mosbacher who, in turn, sold it to Jan and Susan Barksdale. The home is currently owned by Paula and Sam Douglass who have initiated the Landmark Designation application for the house.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Brown-Melcher House at 13 Tiel Way is designed in the modernistic style, which is in harmony with other mid-century architectural works located on the street. The home is two stories in height and is sited on an irregular, undulating lot on Tiel Way. This section of River Oaks was one of the last sections to be developed and is characterized by a later phase of architectural styles with many examples of mid-century modern design. A stylistic cousin of this house may be seen at 54 Briar Hollow Lane, another of Barnstone's designs from 1960.

The exterior of the Brown-Melcher House is notable for its broad panels of white stucco, framed by bold contrasting steel beams which are painted black. The cubic massing of the house with its external steel skeleton is in the spirit of both Phillip Johnson and Ludwig Mies Van Der Rohe, who worked in this style and who produced groundbreaking architectural works in Houston during the 1950s.

BIBLIOGRAPHY:

Houston Chronicle, "Prize Winning House Design", September 18, 1949.

Houston Post, "Award Winners," September 18, 1949.

Landmark Designation Report, "Albert L. Ladner House", May 6, 2005.

Handbook of Texas Online, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/BB/fbael.html> (accessed May 8, 2007).

Correspondence of Mr. and Mrs. Melcher with Howard Barnstone, Houston Public Library.

Houston Post, "Scene: Houston House Tour", December 1, 1964.

Houston Chronicle, "LeRoy Melcher Obituary", March 8, 1981.

Houston Architectural Survey, "River Oaks Subdivision", 1980.

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Archaeological & Historical Commission

Planning and Development Department

Visit with Councilman Peter Brown by Kelley Trammell, May 30, 2007.

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

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

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

(a) The HAHC and the commission, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S	NA		S - satisfies	D - does not satisfy	NA - not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(7) Whether specific evidence exists that unique archaeological resources are present;			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.			

STAFF RECOMMENDATION:

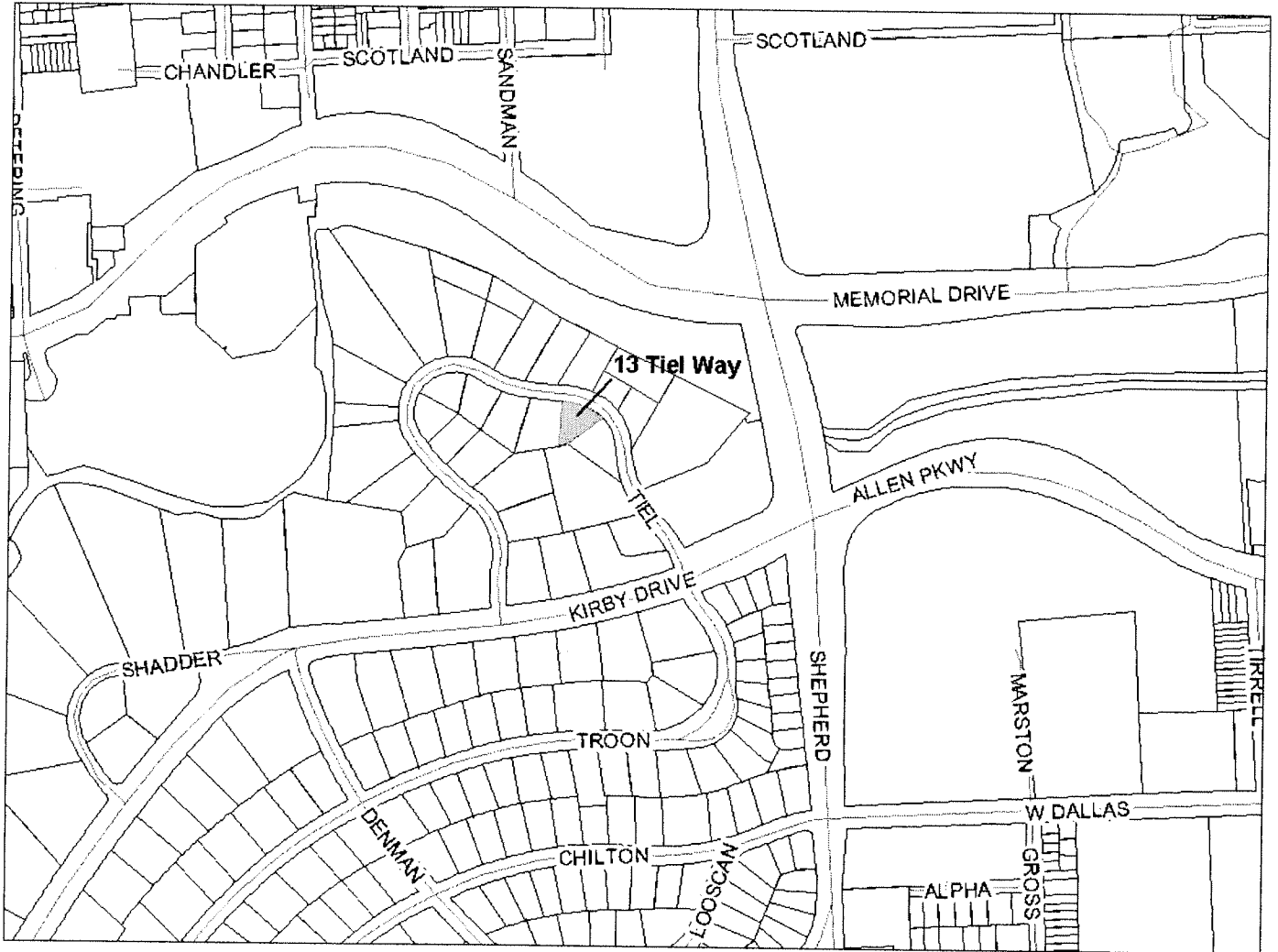
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Brown-Melcher House at 13 Tiel Way.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
BROWN-MELCHER HOUSE
13 TIEL WAY
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 7/30/07
Accepted By: R Pace

HPO File Number: 07-L-187

1 APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)			
Dana Antake-Horning & Jeff Horning			
Address 12923 Memorial Dr.			
City	Houston	State	TX
Zip Code	77079	Day Phone	713-425-
		Fax Phone	4871
Signature			Date 8-7-07

Agent's Name (if applicable)(Please print)	
(Same)	
Address	
City	State
Zip Code	Daytime Phone
	Phone
Signature	Date

PROPOSED DESIGNATION

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

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

3 SITE INFORMATION

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

Site Address	12923 Memorial Dr., Houston TX
77079	<u>KROPP-CRICKMER</u>
General description Post-war Modern, single story, flat roof structure circa 1956	

Tax account number	
Subdivision: Memorial Bend	
Lot : 7	Block: 1

4 DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Kropp-Crickmer House
OWNERS: Dana Antake-Horning and Jeff Horning
APPLICANT: Same as Owners
LOCATION: 12923 Memorial Drive
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: II.d
HPO FILE NO: 07L187
DATE ACCEPTED: Jul-30-07
HAHC HEARING DATE: Aug-22-07
PC HEARING DATE: Aug-30-07

SITE INFORMATION:

Lot 7, Block 1, Memorial Bend Subdivision, City of Houston, Harris County, Texas.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Kropp-Crickmer House at 12923 Memorial Drive, completed in early 1956, was designed by noted Houston architect, David Wauchope Crockett. Bob Pine was the general contractor. During World War II, Crockett and Pine both enrolled at West Point, graduating in 1945. Crockett and Pine continued their association upon coming to Houston, where Pine built many modern houses in Houston during the post-war years. Crockett was active in Houston's American Institute of Architects, where he served as treasurer. Crockett and his wife were among the founding members of the Unitarian Fellowship of Houston.

The Kropp-Crickmer House represents a significant example of both postwar modern architecture and the contemporary houses built in and around the Memorial Bend subdivision in the 1950s. Developed by Robert Puig and architect William Floyd, Memorial Bend was unusual in Houston because of the proportions of the modern homes built there. According to architectural historian Stephen Fox, "Floyd's architectural preference for undemonstrative modern style [gave] Memorial Bend an inherent quality lacking in the surrounding neighborhoods of west Memorial."¹ The modern, flat-roofed house was built with solid walls of load-bearing, pink Mexican brick alternating with walls clad with redwood siding. All windows face into internal courtyards containing concrete patios and walkways with a grass-green top coat. A porte-cochere, supported by a curved brick wall mimicking the shape of the driveway, provides covered parking and leads to the main entry. The sophisticated plan of the home, with its alternating brick and glass walls and multiple courtyards, suggests the influence of Harwood Taylor. Taylor was a prolific member of Houston's informal Miesian "school" of architecture that flourished in the 1950s and early 1960s, and he was "inspired to explore cutting edge Miesian modern design through the example (and encouragement) of Philip Johnson."² The home was first occupied by Willis A. and Cornelia Kropp, who lived in the house from 1956-1960; the second owners, Margaret S. and Charles D. Crickmer, lived in the house until 2006. The home meets Criteria 4, 5 and 6 for designation as a Landmark.

¹ Stephen Fox. *Houston Architectural Guide*, second ed. (Houston: American Institute of Architects), 1999, 300.

² Ben Koush, *Booming Houston and the Modern House: The Residential Architecture of Neihaus and Taylor, 1955-1960* (Houston: Houston Mod), 2006, 19.

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Archaeological & Historical Commission

Planning and Development Department

HISTORY AND SIGNIFICANCE:

The Kropp-Crickmer House at 12923 Memorial Drive was designed by David W. Crockett (1924-1993) and completed in early 1956 as indicated on the original construction documents in possession of the current owners. This modern, flat-roofed house is built with solid walls of load-bearing, pink Mexican brick alternating with areas of fenestration and wood framed walls clad in redwood siding. All windows face into internal courtyards containing concrete patios and walkways with a grass-green top coat. A porte-cochere, supported by a curved brick wall mimicking the shape of the driveway, provides covered parking and leads to the main entry. Bob Pine, who built many modern houses in Houston during the post-war years, was the general contractor.

Born in Fort Worth, Texas, on February 8, 1924, David Wauchope Crockett was the great-great-grandson of Davy Crockett (1786-1836),³ frontiersman, three-term congressman for Tennessee, and one of the Texas heroes who perished at the Alamo.

From 1940-1942, Crockett studied at North Texas Agricultural College (now North Texas State College) in Denton. During World War II, he enrolled at West Point, along with future Houston developer Bob Pine; both men graduated in 1945.⁴ In 1947, Crockett married Judith Carr (then a stewardess for American Airlines) with whom he had two sons and two daughters.⁵ Crockett completed subsequent military service in 1949 and was discharged as a Captain in the United States Army Air Corps. That year, Crockett relocated to Colorado, where he attended the University of Denver; he graduated with a Bachelor of Arts majoring in architecture in 1952.⁶ He then moved to Houston, where he enrolled at Rice Institute (now Rice University) and earned a Bachelor of Science in architecture in 1954. Crockett was employed with Thompson McCleary & Associates as a draftsman where he designed side projects, such as the Crickmer House, and assisted with Meyerland Plaza (1957).⁷ In 1957, Crockett became a registered architect; later, he was registered to practice in Pennsylvania, Connecticut, New York, and Illinois. In 1958, he became a member of the Houston Chapter of the American Institute of Architects.

Crockett joined Welton Beckett Associates, where he worked as a Project Architect on the Phillips Petroleum Building (1963) located in Oklahoma.⁸ In 1963, Crockett joined Wilson, Morris, Crain & Anderson -- one of the local supervising architectural firms for the Humble Oil & Refining Co. Building (1963), which was designed by Los Angeles architect Welton Beckett. Between 1964 and 1970, Crockett worked independently at his own architectural firm. Projects from this period include the Green & Green Manufacturing Building (1968), the Hill House (1968), the Nakfoor House (1968), the Black Angus Club (1969), and the Hancock Building (1969).⁹ Crockett returned to Wilson, Morris, Crain & Anderson as a partner and worked with John Bertini on the design of One Allen Center.¹⁰ He was also involved with the Houston Post Building (1970) and One Shell Plaza (1971) designed by the Chicago office of Skidmore, Owings & Merrill's with Wilson, Morris, Crain & Anderson as the supervising architect.¹¹

In 1972, S. I. Morris and Eugene Aubrey left the firm, which was then renamed Wilson, Crain, Anderson & Reynolds (later C/A Associates).¹² Crockett remained with Wilson, Crain, Anderson & Reynolds and

³ Obituary, *Houston Chronicle*, December 5, 1993.

⁴ Conversation with Bob Pine, July 9, 2007.

⁵ Conversation with Patrick Crockett, July 16, 2007.

⁶ Transcript, Office of Registrar, University of Denver.

⁷ Correspondence with Terry Kurtin (daughter), July 7, 2007.

⁸ Conversation with Gilbert Thweatt, August 7, 2007.

⁹ *Guide to Architects*, third edition (American Institute of Architects), 1970.

¹⁰ John Wiegman, *His Story: A Personal History of Morris Architects*, 2001, 11.

¹¹ Kurtin.

¹² "Ralph Anderson, 61, Architect in Southwest," *New York Times*, February 6, 1990.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

was likely involved with the University of Texas' Frank Erwin Center (1977).¹³ In the early 1980s, Talbot Wilson established his own practice and Crockett joined him, where he assisted in the construction administration of the Huntingdon Building (1983).¹⁴ After 44 years of practicing architecture, Crockett retired in September 1992.¹⁵

Crockett was active in the Houston chapter of the American Institute of Architects, serving as treasurer in 1971,¹⁶ as well as with The Boy Scouts of America and The West Point Society.¹⁷ He and his wife were among the founding members of the Unitarian Fellowship of Houston.¹⁸ Crockett, along with fellow member and architect Harry Fulcher (who designed the Mecom Fountain), designed and directed Unitarian Fellowship volunteers in building a "teahouse" at the Spring Branch YMCA on Campbell Road (since demolished).¹⁹

The Kropp-Crickmer House represents a significant example of both post-war modern architecture and the contemporary houses built in and around the Memorial Bend subdivision in the 1950s. Developed by Robert Puig and architect William Floyd (1911-2004), Memorial Bend was unusual in Houston because of the large proportion of modern houses. Advertisements appearing in local newspapers proclaimed that Memorial Bend offered heavily wooded tracts, houses priced between \$16,000 to \$30,000, all of the desired amenities of the day, and a location only 20 minutes from downtown Houston.²⁰ According to architectural historian Stephen Fox, "Floyd's architectural preference for undemonstrative modern style [gave] Memorial Bend an inherent quality lacking in the surrounding neighborhoods of west Memorial."²¹ This quality of design was noted in the local press almost immediately. According to an article in the *Houston Chronicle* from December 1955:

*Houston Architects consider Houston a conservative city as it relates to home planning. Architects feel there is a more ready acceptance now more than ever before of the so called open planning of homes. Perhaps the open planning is more evident in the Memorial Drive area than elsewhere due partly to the heavily wooded sites there.*²²

The sophisticated plan of the Kropp-Crickmer House, with its alternating brick and glass walls and multiple courtyards, suggests the influence of Harwood Taylor (1927-1989). Taylor was a prolific member of Houston's informal Miesian "school" of architecture, which flourished in the 1950s and early 1960s, and whose adherents were "inspired to explore cutting edge Miesian modern design through the example (and encouragement) of Philip Johnson."²³ Taylor designed a number of similar small, brick-walled courtyard houses that were published in the local and national press.

The Kropp-Crickmer House shares characteristics of one of Taylor's early houses, the Watson House (1955), which was published in *Arts & Architecture* in October 1955. Both have similar porte-cocheres, courtyards with walls comprised of solid Mexican load-bearing brick, floor-to-ceiling glass panels, and mahogany veneered interior woodwork. Two of Taylor's other early houses, the McCartney House

¹³ Conversation with David Sears, The Wingfield/Sears Group, Inc., 13 July 2007.

¹⁴ Conversation with Mickey Sheppard, Morris Architects, 10 July 2007

¹⁵ Obituary, *Houston Chronicle*, Thursday, 9 December, 1993

¹⁶ American Institute of Architects, *Guide to Architects*, 1983

¹⁷ Conversation with Patrick Crockett, 16 July 2007

¹⁸ Conversation with Betty Oertel, Unitarian Fellowship of Houston historian, 17 July 2007

¹⁹ Correspondence with Maxine Barkan, 17 July 2007

²⁰ Memorial Bend advertisement, *Houston Chronicle*, 29 June 1958

²¹ Stephen Fox. *Houston Architectural Guide*, second ed. (Houston: American Institute of Architects), 1999, 300.

²² *Houston Chronicle*, Friday, 30 December 1955

²³ Ben Koush, *Booming Houston and the Modern House: The Residential Architecture of Neihaus and Taylor, 1955-1960* (Houston: Houston Mod), 2006, 19.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

(1956) and the Electri-living House (1957), exhibit how Taylor developed this vocabulary in different projects. Taylor's Houston contemporaries (Howard Barnstone, Burdette Keeland, and William R. Jenkins) also designed modern courtyard houses using a similar selection of materials that were published in the local and national press. Bob Pine recalled that he worked with Jenkins, in particular, on a number of projects.²⁴ It seems likely that Crockett would have been aware of such projects being built at the time, by either reading about them or visiting them through his professional contacts.

Willis A. Kropp, an engineer, and his wife Cornelia lived in the house from 1956-1960; the second owners, Margaret S. and Charles D. Crickmer (also an engineer) lived in the house until 2006, at which time the present owners, Dana Antake-Horning and Jeff Horning, purchased the home to rehabilitate for their own use.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The house is set back on the site and abuts the utility corridor, providing privacy for its occupants (*see plans*). One enters the structure via a large gate (construction plans call out louvered doors) opening to a courtyard and an entry loggia once articulated by a privacy screen separating the dining terrace from the entry. (The privacy screen no longer exists.)

Upon entering the house, one comes to a small foyer finished with 8" x 8" square, pale green, matte glazed Mexican floor tiles. To the left, a hallway leads to the sleeping areas. The living room, family room and dining are to the immediate right and are separated from one another by a freestanding, full height partition, which was originally also intended to serve as a plenum for the mechanical system to distribute air to the adjacent, open areas (*see plans*). That it was not built this way probably reflects the builder's preference for a more conventional air conditioning system layout. The partition features an unsigned, undated mural depicting figures in fanciful, Eastern costumes, which will be maintained as an original feature. A full-length fluorescent light fixture with a redwood valance illuminates the artwork.

Floor-to-ceiling fixed glass windows with redwood frames flank both sides of the living areas and allow for southern and northern light from adjacent courtyards. Interior doors are flush-slab stained mahogany. None have been painted and all will be refinished for reinstallation. According to the construction drawings, the floors were to be finished with cork floor tile (currently red oak planks). Walls and ceiling were painted with a base-coat of sea-foam green alternating with unpainted Mexican brick and glass window assemblies. The plans call for a sliding accordion screen separating the family room from the living room, but this is no longer present. Per the construction plans, the exterior doors at this area featured a second louvered screen door to allow natural ventilation during pleasant weather. All exterior siding of the house, as well as the window frames are comprised of clear heart redwood.

The kitchen/breakfast area featured stained, wood-veneered cabinets and Formica countertops. Although the floor was specified to be finished with cork tile, sheet linoleum was installed. A skylight admits additional light to the kitchen with courtyard windows illuminating the breakfast area. Immediately to the rear of the kitchen is a small courtyard, which opens to a larger courtyard containing a covered terrace. During construction, the southernmost brick wall of the courtyard was shifted an additional six feet to the south to allow for a gated opening to access the backyard. Modification to the original grade beam placement is evident, as the beam has been crudely terminated due to its having been poured prior to the previously mentioned alteration.

The sleeping areas feature two children's bedrooms, two full baths, and a master bedroom. Directly off the hall leading to the bedrooms is a mechanical closet and storage closet. This area was modified from

²⁴ Conversation with Bob Pine.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

the original plan during construction as the plan depicts a vertical supply and return air plenum, which was replaced by a storage closet in the hall and a linen closet in the adjoining bathroom.

Bathrooms were finished simply with wood veneer cabinets (construction documents indicate cabinet doors were to be sliding peg board type), Formica countertops, and complementary wood-veneered medicine cabinets. Floors and walls surrounding the bathtub were finished with ¾" square, pale green glass tiles. Skylights provide natural light.

The children's bedrooms flank a partially covered courtyard identified on the original plans as a "Children's Play Yard." Both bedrooms have doors accessing the courtyard – these doors were to originally possess a second louvered door as well. Both bedrooms were to have cork tile flooring but are finished instead with red oak plank. Walls are painted gypsum board with the easternmost bedroom having a brick wall. Conical, metal, adjustable wall sconces are located adjacent to doors.

The master bedroom and its adjacent bathroom open to a courtyard identified on original plans as a "Solarium." This courtyard once enclosed a Post Oak tree, which resulted in numerous modifications to its walls over the years to accommodate a large, low-slung tree limb (*see* Exhibit B). The plan of the master bedroom was enlarged during construction with the Solarium reduced by approximately three feet. This allowed for a walk-in closet, which replaced a typical smaller closet with sliding door. The master bathroom is finished with millwork similar to that of the children's bathroom. The toilet is separated from the walk-in shower by a partition of exposed brick with a decorative translucent glass panel in its uppermost section. The same glass was also used in the glass shower door and transom. The walls of the shower are exposed brick with a full-height fixed window facing the courtyard. Finally, the bathroom floor is finished with ¾" square, pale green glass tile.

The house was in relatively original condition when purchased in late 2006, the only major alteration being a workshop added to the rear of the house. This addition appears to have been built for the original owners, as a 1958 newspaper (used for insulation) was found in and removed from an exhaust fan opening. The workshop was not attached to the house with proper construction techniques and, as a result, seriously jeopardizes the integrity of the roof structure. The addition is structurally unsound and currently kept from partial collapse by temporary wood supports.

All infrastructure (electrical, plumbing and HVAC) is to be removed and upgraded to current code with energy efficiency as a personal mandate. Because portions of the structure were compromised by lack of maintenance and termite infestation -- and roof, sill & top plates, bathroom walls due to high moisture, etc.-- all interior walls will be exposed in order to access structural components for repair and replacement, if necessary.

Minor space plan changes are proposed at the bathrooms and kitchen to improve layout. An additional closet will be added in the master bedroom. All windows will be replaced with tempered glass. Finishes will be consistent with those used in post-war modern houses: linoleum, Formica, glass tile, and patterned carpet. Architectural details throughout the structure will be cleanly executed in the spirit of the original design. The new exterior will be consistent with the overall concept, with use of engineered wood siding (in lieu the existing redwood, which has rotted in areas); cementitious panel will be utilized at the fascia. The existing flat roof, which was compromised through inappropriate repair over the years, will be removed to the substrate and replaced with a modified bitumen roof system with a white wear course.

The property will be regraded to improve drainage around the perimeter of the house. New landscaping will also be planted based on contemporary published sources such as *Gardens are for People* (1955) by San Francisco landscape architect Thomas D. Church (1902-1972).

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

The information and sources provided by the owner for this application have been reviewed and edited by Randy Pace, Historic Preservation Officer, 713/837-7796 or Randy.Pace@cityofhouston.net.

BIBLIOGRAPHY:

“Architect in Southwest,” Ralph Anderson, 61, *New York Times*, February 6, 1990.

Correspondence by owners with Maxine Barkan, July 2007.

Correspondence by owners with Terry Kurtin (daughter of Crockett), July 2007.

Fox, Stephen. *Houston Architectural Guide*, second ed. (Houston: American Institute of Architects), 1999.

Guide to Architects, American Institute of Architects, 1970; 1983.

Houston Chronicle, December 5, 1993; December 9, 1993; Memorial Bend Advertisement, June 29, 1958; December 30, 1955.

Interview by owners with Patrick Crockett (son of Crockett), July 2007.

Interview by owners with Betty Oertel, historian, Unitarian Fellowship of Houston, July 2007.

Interview by owners with Bob Pine, July 2007.

Interview by owners with David Sears, The Wingfield-Sears Group, Inc., July 2007.

Interview by owners with Mickey Sheppard, Morris Architects, July 2007.

Interview by owners with Gilbert Thweatt, August 2007.

Koush, Ben, *Booming Houston and the Modern House: The Residential Architecture of Neihaus and Taylor, 1955-1960* (Houston: Houston Mod), 2006.

University of Denver, Office of Registrar, Transcript (Crockett).

Wiegman, John. *His Story: A Personal History of Morris Architects*, 2001.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S	NA		S - satisfies	NA - not applicable
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);		
<input type="checkbox"/>	<input type="checkbox"/>	(3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);		

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Archaeological & Historical Commission

Planning and Development Department

- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to Houston City Council the Landmark Designation of the Kropp-Crickmer House at 12923 Memorial Drive.

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Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
KROPP-CRICKMER HOUSE
12923 MEMORIAL DRIVE
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 9/7/2003

HPO File Number: 07-L188

Accepted By: [Signature]

APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)		
Scott S. and Judith S. Nyquist		
Address 1527 Kirby Drive		
City	Houston	State TX
Zip Code	Day Phone	713-874-1105
77019	Fax Phone	
Signature <u>[Signature]</u>		Date <u>8.2.07</u>

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

PROPOSED DESIGNATION

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

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

SITE INFORMATION

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

Site Address : 1527 Kirby Drive, Houston, TX 77019
General description 2 story historic home built by William G. Farrington in 1937.

Tax account number	0601530360003
Subdivision	River Oaks Section 1
Lot 3	Block 36

DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- **IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:**
 - A) Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Claud B. Barrett House
OWNER: Scott S. and Judith S. Nyquist
APPLICANT: Scott S. and Judith S. Nyquist
LOCATION: 1527 Kirby Drive – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: Ia
HPO FILE No.: 07L188
DATE ACCEPTED: Sept-7-2007
HAHC HEARING DATE: Sept-26-2007
PC MEETING DATE: Oct-11-2007

SITE INFORMATION

Lot 3, Block 36, River Oaks Section 1, City of Houston, Harris County, Texas. The building on the site includes a two-story house built by the William G. Farrington Company in 1937.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The house at 1527 Kirby Drive was designed and built by the William G. Farrington Company for Claud B. Barrett in 1937. Barrett was a prominent Houstonian known for his leadership in banking, energy and civic matters. He served as the Chief Executive Officer of Texaco, the founder of the Chemical Bank in Houston, and President of the Chamber of Commerce. He is best known for his aggressive campaigning to establish the Space program in Texas, which materialized when Johnson Space Center was established in Houston. He also advocated for airport expansion which resulted in the construction of Houston Intercontinental Airport. Architectural Historian, Stephen Fox, considers Farrington's company one of the best builders of design/build houses in Houston in the period spanning 1935-1942. Farrington was also an active civic leader, as well as the developer of several prominent Houston subdivisions, including Tanglewood, Braeswood and Monticello. The Barrett House qualifies for Landmark Designation under Criteria 1, 3, 4 and 6.

HISTORY AND SIGNIFICANCE:

The house located at 1527 Kirby Drive was built by the William G. Farrington Company in 1937 for Claud B. Barrett. The home attracted early notice and, on July 4, 1937, a drawing appeared in the Houston Post with comments including:

"Claud Barrett, district sales manager of the Texas company, is building a large residence located at 1527 Kirby Drive in River Oaks at a cost of \$22,000. The home will be of Early American colonial type architecture.

The William G. Farrington Company designed and will build the massive residence. The home will be erected on a beautifully wooded tract of land ...

On the first floor, the house will contain a large entrance hall, living room, kitchen, butler's pantry and study paneled in clear cypress with beam ceiling and wood burning fireplace. The second floor arrangement consists of a master bedroom with a glazed in sleeping porch, private bath and dressing room, guest room with private bath and a third bedroom with private bath and dressing room. Other than the paneled study, the entire house will be plastered.

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Planning and Development Department

The outside of the home will be of brick veneer construction with the brick to be painted white."

Claud B. Barrett was born in Georgia in 1897. He was a graduate of the University of Georgia Law School and a World War I veteran. He came to Houston in 1935 as a district sales manager for the Texas Company (a predecessor to Texaco). At the time, the Texas Company was listed in the City Directory as "Producers, Refiners, Wholesalers and Retailers of Crude Petroleum and its Products." Barrett later was promoted to Senior Vice President, then Chief Executive Officer, and eventually a member of the Board of Directors of Texaco by the late 1950s. He would remain on the board until his retirement from Texaco in 1962.

His position as CEO of Texaco was only one of the facets of his life that received recognition. In 1960, Barrett became Chairman of the Board of Houston First Federal Savings and Loan Association, and five years later founded Chemical Bank of Houston. In 1982, Chemical Bank of Houston was acquired by Texas Commerce Bank.

In 1963 and 1964, Barrett served as president of the Chamber of Commerce. According to a Houston Chronicle article that appeared upon his death in November 1983, he "aggressively campaigned to bring what is now known as the Johnson Space Center and called on city government to move from the 'horse and buggy days' to the Space Age." Barrett was also instrumental in pushing for the construction of Houston Intercontinental Airport.

Barrett's many community activities included: co-founder and president of the Good Samaritan League which gave scholarships to nursing students; president of the Houston Club; member of the Board of Methodist Hospital; president of the Kiwanis Club; Board of Trustees of St. Paul's Methodist Church (1951-1976); member of the Board of The Boy Scouts of America; and the United Fund. He was the recipient of a Citation by the National Council of Christians and Jews. At the time of his death at age 86, his pallbearers included Claud Hamill, W. B. ("Tex") Trammell, and Clyde Verhyden among others.

The house at 1527 Kirby Drive belonged to a series of prominent businessmen after the ownership of Claud Barrett. In the mid 1960s, Barrett sold the home to Maynard E. Montrose, the president of Hughes Tool Company. By 1972, Montrose had sold the house to Robert H. Allen, the president of Gulf Resource and Chemical Company. Allen lived in the home for almost 20 years, when it was sold to Thomas G. Armstrong. The current owners, Scott and Judy Nyquist, purchased the home from Armstrong in 1998.

The William G. Farrington Company was a well-known Houston-based architectural design and construction company. William G. Farrington was born on September 10, 1901 in Kingfisher, Oklahoma. He was a graduate of Muskogee and Ardmore public schools, and was educated as an engineer at the University of Cincinnati before coming to Houston in 1926.

According to the Houston Chronicle, over the next forty years Farrington would become a "major developer of commercial and residential properties and a leader in Houston civic, educational and religious affairs." After coming to Houston, Farrington worked for the San Jacinto Trust Company, but eventually went into business for himself. He started by building individual homes and later moved into the development of subdivisions. Farrington is probably best known as the developer of the Tanglewood subdivision. According to Architectural Historian, Stephen Fox, he started Tanglewood in 1948 as the post-war successor to River Oaks. According to Stephen Fox, the highlights of Farrington's post-war years were: The Lamar-River Oaks Shopping Center (Westheimer and River Oaks Boulevard), the extensions of the River Oaks Shopping Center on West Gray (where Tony Mandola's is located, and the

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companion building across the street), and the Parkwood Apartments (recently demolished by Baylor College of Medicine). He also developed Braeswood and Monticello additions, Post Oak Shopping Center, Fairmont addition, and others.

In 1937, the William G. Farrington Company, advertised as “Architect-Builders” of homes, was located at 2139 Sunset Boulevard. An advertisement of the time is presented below:

“The freedom-loving spirit of the American people, especially in the South, demands the freedom of a home. The Colonial home appeals most to the American spirit. Adapting the fundamental structure of walls and roof to our own background and our own needs, we have made the Colonial home a characteristic expression of national life which will endure as long as its sturdiness stands for the strength of American people, its livableness for their practicality and ingenuity, its beauty for their ideals.”

Other William G. Farrington Company homes in River Oaks include:

- 2434 Pelham Drive, 1933
- 2509 Pelham Drive, 1934
- 2241 Chilton Road, 1937 (demolished)
- 1821 Sharp Place, 1937
- 1913 Sharp Place, 1937
- 1917 Sharp Place, 1937
- 1921 Sharp Place, 1937
- 3460 Wickersham, 1938
- 2941 Chevy Chase, 1938 (demolished)

In addition to his building activities, Farrington was very involved in the Houston community. In 1945, he was elected as Trustee of the Houston School Board, and he served as President of the Board from 1949 to 1951. His obituary lists a range of activities including: Board member of St. Luke’s Hospital; University of Houston Board of Regents; Board member of Ben Franklin Savings and Loan Association; Board member of Houston Lighting and Power Company; and senior warden of St. John’s Episcopal Church. He was a charter member of the National Association of Home Builders and the first president of the Houston chapter.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Claud B. Barrett House at 1527 Kirby Drive is situated on a gentle curve on Kirby Drive in a section of River Oaks that retains much of its distinctive pre-World War II character. The house was designed in 1937 in the Georgian style, although it features several stylistic departures from a strict interpretation of Georgian architecture. The house maintains a very high degree of architectural integrity when compared with the July 4, 1937 depiction of the home in the Houston Post.

The house is two stories tall with a gable-end roof oriented parallel to the street. The asymmetrical layout is composed of a two-bay central portion that is placed forward of flanking two-story wings. A large masonry chimney flue is located at the left (north) gable end of the main portion of the house. The forward projecting center portion of the home’s facade features a bay window on the north and the front door on the south. The original doorway features pilasters capped by a broken arched pediment. At the

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center of the pediment is a pineapple shaped finial, which is a historical symbol of hospitality. Above the doorway is an oculus window which is divided into eight panes. Three double hung multi-lite wood sash windows, which are ganged together, are located directly above the first floor bay window.

The left (north) wing of the house features a low hipped roof porch area, supported by a small arcade with four columns. A combination of French doors and double hung, multi-lite sash windows are located at the porch area. The second story, above the arcade porch, features a pair of small eyebrow dormer windows. The exterior is clad with red brick veneer.

The current owners, Scott and Judy Nyquist, purchased the home in 1998 and have updated the air conditioning/heating, electrical, and plumbing systems; attached existing quarters to the upstairs of the homes; and have modified the interior kitchen space to better incorporate a 1960s addition to the back of the home.

The home was featured in the March 2006 "art issue" of Paper City. The article highlighted the owners' collection of contemporary art juxtaposed with the 1930s home.

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

BIBLIOGRAPHY:

Houston Post, "Texas Company Official's \$22,000 Residence", July 4, 1937.

Houston Chronicle, Obituary of Claud B. Barrett, November 18, 1983.

Houston Chronicle, "Founder of Chemical Bank Dies," November 18, 1983.

Houston Chronicle, Obituary of William G. Farrington, December 1, 1967.

Houston Chronicle, "Farrington Rites Set; Was Land Developer", December 1, 1967.

Houston Chronicle, Farrington Advertisement, September 12, 1937.

River Oaks Property Owners Card File.

Stephen Fox e-mail to Kelley Trammell, September 12, 2007

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

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

- | | | | | |
|-------------------------------------|-------------------------------------|--|--|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |

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Planning and Development Department

- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION:

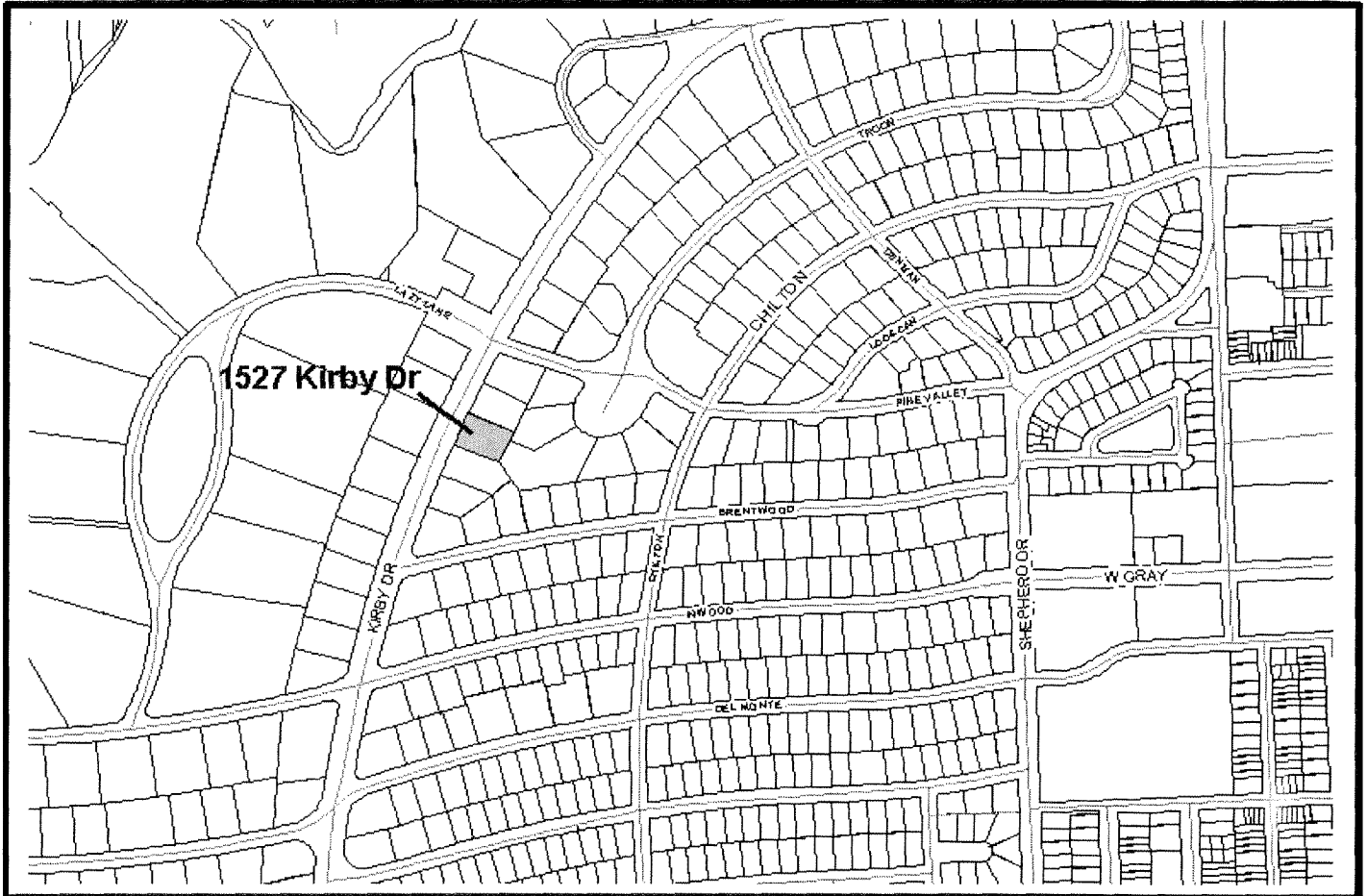
Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark Designation of the Claud B. Barrett House at 1527 Kirby Drive.

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Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
CLAUD B. BARRETT HOUSE
1527 KIRBY DRIVE
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 9/7/2007

HPO File Number: 07-6189

Accepted By: [Signature]

APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)			
Stephen and Elizabeth Newton			
Address		2128 Brentwood Drive	
City	Houston	State	TX
Zip Code	Day Phone		
77019	Fax Phone		
Signature	[Signature]		Date
			8/16/08

Agent's Name (if applicable)(Please print)			
Address			
City		State	
Zip Code	Daytime		
	Phone		
Signature			Date

PROPOSED DESIGNATION

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

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

SITE INFORMATION

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

Site Address 2128 Brentwood Drive
General description: 2 story home designed by architect Stayton Nunn for Mrs. Newtons' grandfather, Colonel W.B. Bates, in 1934.

Tax account number	0601550470017
Subdivision	River Oaks Section 3
Lot 17	Block 47

DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

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Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Colonel W. B. Bates House

OWNERS: Stephen and Elizabeth Newton

APPLICANTS: Same as Owners

LOCATION: 2128 Brentwood Drive - River Oaks

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: Ib

HPO FILE NO.: 07L189

DATE ACCEPTED: Sept-7-2007

HAHC HEARING DATE: Sept-26-2007

PC MEETING DATE: Oct-11-2007

SITE INFORMATION

Lot 17, Block 47, River Oaks Section 3, City of Houston, Harris County, Texas. The site includes a two-story brick residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Bates House located at 2128 Brentwood Drive was built for Colonel and Mrs. W. B. Bates. Colonel Bates had a tremendous impact on Houston community through his activities in law, business, banking and in the medical community, especially as Chairman, Board of Trustees of M. D. Anderson Foundation. The home was designed by recognized Houston architect, Stayton Nunn, and constructed in 1936-37. Nunn's body of work is substantial and includes the original River Oaks Community Center (River Oaks Shopping Center), parts of Methodist Hospital, and many public school buildings. The house qualifies for Landmark Designation under Criteria 1, 3, 4 and 6.

HISTORY AND SIGNIFICANCE:

Houston architect Stayton Nunn designed the house at 2128 Brentwood Drive in 1936 for Colonel and Mrs. William Bartholomew (W. B.) Bates. At the time of its completion, an article with a large photograph ran in the March 28, 1937, Houston Chronicle:

“New Home of Mr. and Mrs. W. B. Bates – A striking view of the recently completed home for Colonel and Mrs. W. B. Bates at 2128 Brentwood Drive in River Oaks. This well designed brick home contains four bedrooms and two baths. Colonel Bates is an attorney here. Stayton Nunn was the architect for the home.”

Colonel Bates (1889-1974) was a prominent attorney who joined Fulbright and Crooker when he arrived in Houston in 1923. Bates would spend his entire career with the firm, which would later become known as Fulbright, Bates and Jaworski. He was involved in many aspects of Houston: the Houston Independent School District, the University of Houston, the Houston Chamber of Commerce, and others. Bates' greatest impact on the city was probably through his role as chairman of the Board of Trustees of M. D. Anderson Foundation and the related growth of the Texas Medical Center. His papers reside at the Houston Academy of Medicine – Texas Medical Center Library, which describe Colonel Bates as having an “enormous impact on the growth and development of Houston, almost from the moment he arrived” in 1923. According to Bates' granddaughter, discussions about the formation of M. D. Anderson were discussed in the 2128 Brentwood home.

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The best portrayal of Colonel Bates is captured by his biography in the Texas Handbook as presented below:

“William B. (Colonel) Bates (c. 1889-1974), lawyer, foundation trustee, and banker, was born on August 16, 1889 or 1890, in Nat, Texas, the sixth of thirteen children of James Madison and Mary Frances (Cook) Bates. He attended and later taught in rural schools in Nacogdoches County. He earned an elementary teaching certificate at Sam Houston Normal Institute (now Sam Houston State University) in 1911, graduated from the University of Texas law school in 1915 at the top of his class, practiced law briefly in Bay City, and enlisted in the Leon Springs First Officers Training Camp^{qv} when the nation entered World War I. He was commissioned a second lieutenant in August 1917 and was twice wounded in France; he held the rank of captain when he was discharged in July 1919. Bates returned to Nacogdoches and was elected district attorney in 1920 for the Second Judicial District. Partly because the Ku Klux Klan strongly opposed him in 1922, Bates did not win reelection.”

“On January 1, 1923, he moved to Houston and joined the law firm of Fulbright and Crooker (later Fulbright and Jaworski) as an associate. He soon became a partner and continued as such until he retired in 1971. As a lawyer, Bates was most successful in his firm's business and corporate practice, in which he represented cotton firms, banks, and clients in the oil and gas business. He became chairman of the board of San Jacinto National Bank in 1942 and of the Second National Bank in 1944. He merged the two banks with Guardian Trust in 1945 under the name Second National Bank (later Bank of the Southwest and subsequently MBank). He remained chairman until 1967 and was a member of the board and advisory chairman at the time of his death.

Bates was an original trustee of the M. D. Anderson Foundation and became its chairman when the founder, Monroe D. Anderson, died in 1939. The foundation played a key role in building the Texas Medical Center in Houston. Bates was also vice president of the Benjamin Clayton Foundation for Research and was a trustee of the San Jacinto Museum of History Association. He served as a member of the Houston Board of Education (1927-35), president of that board (1932-35), a regent (1943-71) and president (1934-35) of the University of Houston, and a trustee of Trinity University.”

“Though he never ran for political office after 1922, Bates retained an active interest in civic matters. In appreciation of his support, Governor Daniel J. Moody commissioned him an honorary colonel, a title that Bates used for the remainder of his life. On February 21, 1921, Bates married Mary Estill Dorsey of Nacogdoches. They had two daughters. Bates was a Presbyterian. He died in Houston on April 17, 1974.”

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

From 1922 to 1928, Nunn worked as a draftsman for one of Houston's most prominent architects, William Ward Watkin (1886-1952). According to Stephen Fox, “Watkin's best buildings were designed during the late 1920's when Stayton Nunn was a member of his firm.” In 1928, Nunn started his own practice. From 1936 to 1950, he was in partnership with Milton McGinty. It was during his partnership

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with McGinty that he designed the iconic crescent-shaped River Oaks Community Center (a portion of which has been demolished). Later, he worked as coordinating architect for Houston Independent School District (1946-58). He finished his career at Nunn, Nunn & Ulbricht, a partnership with his son.

According to Stephen Fox, the homes and buildings completed by Stayton Nunn include the following:

- Cleveland Sewell House (National Register), 3456 Inwood Drive – Cram & Ferguson with Stayton Nunn, 1926.
- House for Mrs. Stayton Nunn, 2235 Albans Road, 1928 (altered).
- House for Southgate, Inc., 2011 University Boulevard, 1930.
- House for Southgate, Inc., 2012 Dryden, 1930.
- Robert H. Williams House, 1927 Wroxton Road, 1930-31.
- Garden Villas Elementary School, 7185 Santa Fe Drive, 1931-32 (with Edward Wilkinson).
- Dr. C. M. Griswold House, 2121 Brentwood Drive, 1929.
- Houston Gardens, 100 houses for Houston Gardens, Inc., 1933-34.
- H. Malcolm Lovett House, 1214 Berthea Avenue, 1933-34; addition, 1951 (demolished 1998).
- Houston Gardens Elementary School, 1935 (demolished).
- Ben C. Duffie, Jr., House, 2426 Inwood Drive, 1935.

Nunn & McGinty

- De Pelchin Faith Home, 100 Sandman Street, 1935-37, Architectural Record, August 1941.
- Glennlee, Glenn H. McCarthy House, 7500 Kelving Drive, 1935-37 (demolished).
- Five houses for John Embry, Idylwood, 1936.
- Susie Louise Weathersby House, 2406 Wichita Avenue, 1936.
- River Oaks Community Center, W. Gray Avenue and South Shepherd Drive, 1936-37, with Oliver C. Winston (Architectural Record June 1940) (partly demolished, 2007).
- Dudley C. Sharp House, 109 N. Post Oak Lane, 1937-38 (demolished), (House & Garden May 1940).
- Edward W. Kelley, Jr., House, Remington Lane, 1938.
- E. A. Cox House, 1508 Kirby Drive, 1938.
- 3260 Truxillo Avenue, Cuney Homes, 1938-40, with John F. Staub, Architectural Forum, November 1940 (462-63).
- Kelley Courts, 1119 Grove Street, 1939-41.
- M. B. Richardson House, 4 South West Oaks, 1939-40 (demolished).
- The Golden Girl, 1927 West Gray Avenue, 1940 (demolished).
- Leland McCullough House, 1221 S. Cage Boulevard, Pharr TX, 1940 (William C. Baxter, associate architect).
- Jamail's Grocery, 75th and Lawndale, 1941-42.

Stayton Nunn

- Methodist Hospital, Bertner Avenue, 1951 (with William Ward Watkin, Milton McGinty, and Vance D. Phenix).
- Forrest Lee Andrews House, 5 Tiel Way, 1952.
- Pearland High School, 1953, 1960.
- Spring Branch Junior High School, 1000 Piney Point Road, 1956 (with C. A. Johnson).
- John L. McReynolds Junior High School, 5910 Market Street, 1956.

Nunn, Nunn & Ulbricht

- Col. William B. Bates House, 210 Pine Hollow Lane, 1959.
- Fondren Junior High School, 6333 South Braeswood Boulevard, 1959.
- R. H. Fonville Junior High School, 725 East Little York Road, 1958-60.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The house was designed in the Manorial or Period style, which was popular in Houston during the 1920s and 1930s and drew inspiration from early English building traditions and the building styles of the Normandy region of Northern France. Of special interest is the house's original inset doorway, which is surrounded by intricate brickwork. Above the door are two ten-pane windows separated by intricate carved woodwork. On the east side of the home is a covered porch supported by painted timbered beams. The east side of the home also boasts brickwork of a diamond pattern on the second floor. The downstairs windows are steel casement with ten panes per window. The home sits upon a special block in River Oaks with a unique concentration of historic homes, including four homes that have been designated as City of Houston Landmarks. Other nearby Landmarks include the Dr. H. J. and Emerance Ehlers House at 2112 Brentwood Drive; the Joseph H. Russell House at 2232 Brentwood; the Dr. Culver M. Griswold House at 2121 Brentwood; and the Dr. Mavis P. Kelsey House at 2136 Brentwood.

The home is in exceptional condition and the façade retains a high degree of architectural integrity to its 1937 appearance. Alterations to the house since the Newton family ownership include the addition of a garage with living quarters above, a pool, and master bath.

After the ownership of Colonel and Mrs. Bates, the home passed through several owners, including Reagan Cartwright, Joseph T. Painter, and James R. Pierce. In 1995, Colonel Bates' granddaughter, Elizabeth Bentsen Newton, purchased the home with her husband. They were inspired by the home's family connection, its original design, as well as the home's adaptability to contemporary living.

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

BIBLIOGRAPHY:

Fox, Stephen, personal notes and research Stayton Nunn, October, 2006.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

Handbook of Texas Online, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/BB/fbabq.html> (accessed August 30, 2007).

"New Home of Mr. and Mrs. W.B. Bates", Houston Post, March 28, 1937.

Houston Academy of Medicine, Papers of William B. Bates, www.mcgovern.library.com.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

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Archaeological & Historical Commission

Planning and Development Department

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

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);
- ☐ ☒ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);
- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION:

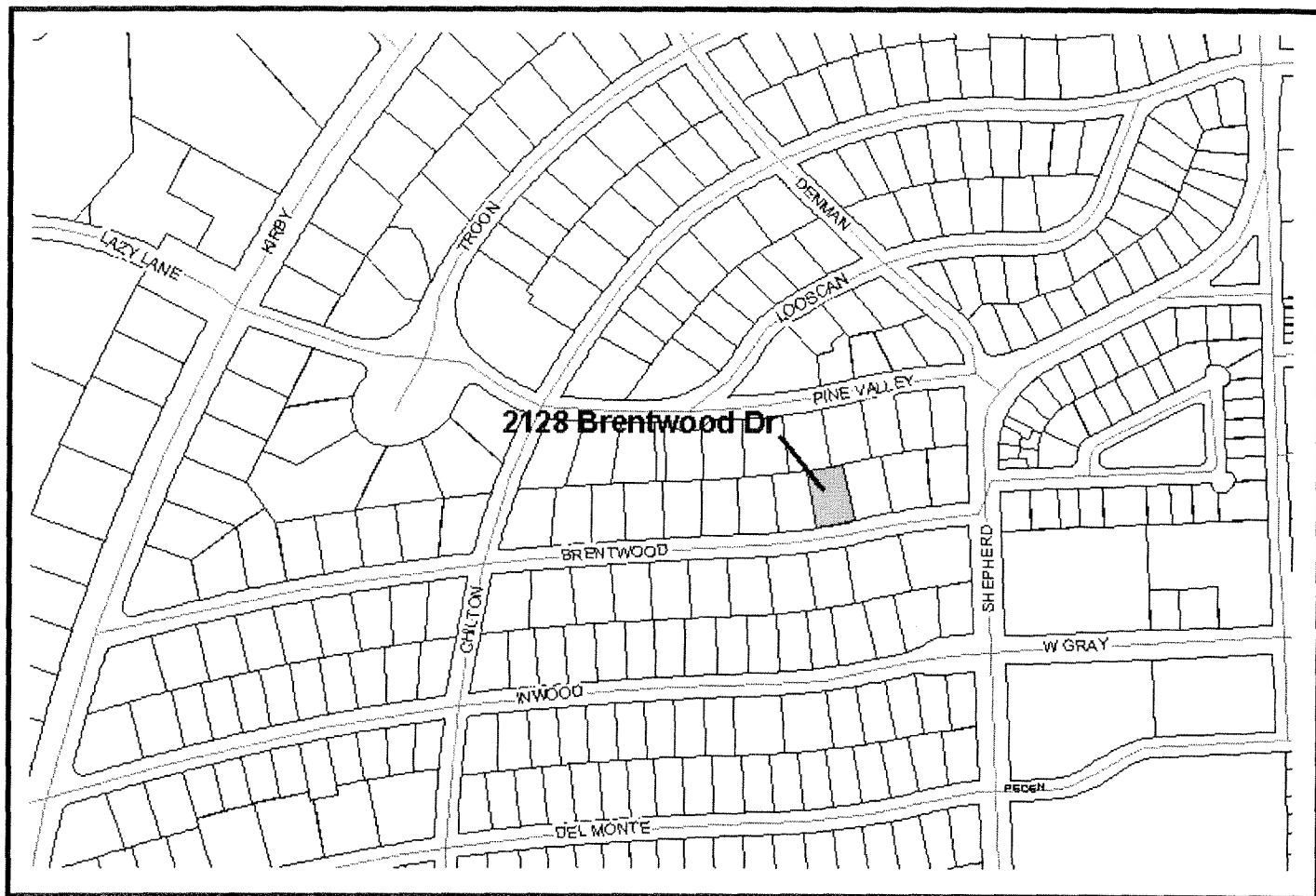
Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark Designation of the Colonel W. B. Bates House at 2128 Brentwood Drive.

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Planning and Development Department

SITE LOCATION MAP
COLONEL W. B. BATES HOUSE
2128 BRENTWOOD DRIVE
NOT TO SCALE



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

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

To Be Completed by Planning Staff

Date accepted as complete: 9-17-07
Accepted By: [Signature]

HPO File Number: 07-~~1~~L90

APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)	
John J. Davis	
Address 2132 Troon Road	
City	Houston State TX
Zip Code	Day Phone 713-5588111
77019	Fax Phone 713-5588101
Signature	Date 9-17-07

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

PROPOSED DESIGNATION

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

*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - (www.houstontx.gov/codes/chapters31to35.html)

SITE INFORMATION

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

Site Address 2132 Troon Road
General description: Home designed by architect Harvin C. Moore and built for Mr. and Mrs. Joe S. Kendall in 1936-37.

Tax account number	0601560530012
Subdivision	River Oaks Section 3
Lot 12 and Track 3A	Block 53

DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Kendall-Levine House
OWNER: John J. Davis
APPLICANT: Same as Owner
LOCATION: 2132 Troon Road - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: Ic
HPO FILE NO: 07L190
DATE ACCEPTED: Sept-7-2007
HAHC HEARING DATE: Sept-26-2007
PC MEETING DATE: Oct-11-2007

SITE INFORMATION

Lot 12 and Track 13A, Block 53, River Oaks Section 3, City of Houston, Harris County, Texas. The site includes a two-story, shingle veneered residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Kendall-Levine House located at 2132 Troon Road was constructed in 1936-1937 for Joseph S. Kendall, president of Modern Appliances Inc., a distributor of Electrolux gas refrigerators and Chambers gas ranges. The home was later owned for almost sixty years by Max and Marcella "Marty" Levine. Max Levine was, at one time, the president and CEO of Foley's Department Stores. Both Max and Marty were active members of the Houston community for many years, and were well-known for their volunteer and charity work.

The house was designed by Houston architects, Harvin C. Moore and Hermon Lloyd. The body of work created by these architects is substantial, and includes many homes in River Oaks as well as public and commercial buildings. Harvin C. Moore is credited with being one of Houston's earliest preservationists as he helped to found the Harris County Heritage Society and led the effort to preserve the Kellum-Noble House, Houston's oldest structure located on its original site. The Kendall-Levine House qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The Kendall-Levine House at 2132 Troon Road was designed in 1936 by Houston architects, Harvin C. Moore and Hermon Lloyd, for Joseph S. Kendall, president of Modern Appliances Inc., a distributor of Electrolux gas refrigerators and Chambers gas ranges. Modern Appliances Inc. maintained four stores in the Houston area, with its main office located at 4001 South Main. The Kendalls moved from their previous home at 3250 Locke Lane into the Troon Road home in 1937. Only a few years later, they sold the house and a quick succession of owners, including William S. Athey (an IRS agent), McKay Donkin, and Cyril Birch, owned the house. Finally, in 1946, Max and Marty Levine purchased the home and owned it for the next sixty years.

Max and Marty Levine were active members of the Houston community for many years. Max Levine (1902-1991) was best known for serving as President and CEO of Foley's after the store was purchased by Federated Department Stores in 1945. Levine was born in Boston, where he graduated from Harvard College and Harvard Business School. Max and Marty Levine moved to Houston in 1946 from Akron, Ohio, to run the first downtown Foley's Department Store for Federated Stores. Mr. Levine had joined Foley's in 1945 as vice president and general manager, became president in 1946 and chairman in 1964.

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In 1946, the City Directory lists Mr. Levine as President of Foley Brothers Dry Goods at 1100 Main Street. The new downtown Foley's opened its doors at 1110 Main Street on October 20, 1947. Federated spent \$13 million to build the new store, which was heralded by the press as the nation's "most modern department store."

Max Levine's community involvement was extensive and included serving as: President of the Retail Merchant's Association; on the Boards of the United Way, The Texas Research League, First City Bank, Federal Reserve Bank – Houston, and Regional Federal Reserve Bank Board of Dallas. He also served on the Board of the University of Houston Foundation; the Council on Alcoholism; and the Executive Committee of the Board of the Houston Symphony. On several occasions, Levine was recognized by the Symphony, including having the Concertmaster Chair named in his honor.

Mrs. Levine (1914-2007) was also a vibrant member of the Houston community. She was born in Rockford, Illinois, and graduated from the University of Ohio and Katherine Gibbs Business School in Boston. At the University of Ohio, she was the first female editor of the yearbook. Her obituary describes her as the "consummate volunteer," and she received the Savvy Award in 1993 for her many accomplishments. Mayor Kathy Whitmire decreed Marty Levine Day on September 19, 1985, in recognition of her volunteer achievements.

Marty Levine worked with numerous charities, including Houston Public Television (Channel 8), the Houston Symphony, American Cancer Society, American Red Cross, Family Service Center, Retina Research, and others. She was one of the founders of the Channel 8 tele-auction. The Marty Levine Garden was built in her honor on the grounds of the LeRoy and Lucile Melcher Center, which is the home of television's Channel 8 on the campus of The University of Houston.

Marty Levine, like her husband, loved the arts throughout her life. She was an accomplished musician who played the piano and the saxophone. She was also an avid supporter of the Houston Symphony and the Houston Museum of Fine Arts. Mrs. Levine lived in the home at 2132 Troon until her death on March 24, 2007, at the age of 92.

Harvin C. Moore, a well-known Houston architect, designed the home at 2132 Troon in 1936 in partnership with Hermon Lloyd. An early sketch of the home is located in the Harvin C. Moore papers, which are archived in the Houston Public Library. A 1987 booklet written by Michael Wilson highlights a drawing of the house at 2132 Troon Road. The drawing's caption is titled, "This drawing of an English country house design shows Harvin Moore's ability in working freehand with a grease pencil. He did many such drawing while deciding upon a design with a client."

According to the introduction written by Moore's son Barry, Harvin Moore (1905-1994) was born in Carmona, Texas. His family relocated to Houston while he was a child, and lived in a two story frame house at 1314 Fairview. Moore graduated from Central High School in 1923 and began college at Rice Institute, from which he graduated "with distinction." After a brief stint in medical school, Moore reentered Rice to study architecture and received his B.S. in Architecture in 1930. Because construction was slow due to the Great Depression, Moore teamed up with Hermon Lloyd (1909-1989), another undergraduate in the Rice architecture program, to design party decorations and sets. The two worked well together, and in 1934, they formed the firm of Moore & Lloyd. Their first offices were in the Citizen's State Bank Building downtown, but several years later, they designed and built new offices at 2006 West Alabama, the first architectural office in Houston with central air conditioning. According to Barry Moore, "Moore and Lloyd were soon very popular and very busy. The reputation of the firm rested largely on their works in River Oaks."

During their partnership, Moore and Lloyd designed many commercial, civic and military buildings, including over 84 homes in River Oaks. Although their commercial buildings were typically 'Moderne' in their design, their residential structures were usually more traditional in style. Barry Moore attributes this to the fact that clients wished to appear "progressive in business and traditional in family values."

The catalogue of Moore and Lloyd works put together by Michael Wilson for the Houston Public Library is extensive. A selection of Moore and Lloyd's River Oaks homes includes:

- 3379 Inwood (Hamman home – Designated Landmark);
- 3310 Del Monte Drive (1934) (demolished);
- 2228 Del Monte Drive (1934) (demolished);
- 2133 Pine Valley (1935), "Home of the Month: McCall's";
- 1839 Kirby Drive (1935) (demolished);
- 1927 Bellmeade Road (1935) (demolished), "Architectural Forum: 101 Finest Small Homes";
- 2125 Bellmeade Road (1935);
- 3257 Ella Lee (1935) (demolished);
- 2940 Chevy Chase (1935);
- 1558 Kirby Drive (1935);
- 2148 Looscan Lane (1935);
- 2117 Looscan Lane (1935) (demolished), "Home of the Month: McCall's";
- 2129 Looscan Lane (1936) (demolished);
- 1112 Shepherd Drive (1935);
- 2404 Brentwood Drive (1935);
- 2216 Chilton Road (1936) (demolished), "Home of the Month: McCall's";
- 2137 Chilton Road (1936) (demolished);
- 2132 Troon Road (1936);
- 1801 Sharp Place (1937);
- 3239 Locke Lane (1936);
- 1537 Kirby Drive (1936);
- 2022 Chilton Road (1936) (demolished);
- 2136 Pelham Drive (1936);
- 3215 Ella Lee (1937);
- 2036 Chilton Road (1936) (demolished);
- 3324 Ella Lee Lane (1937) (demolished);
- 3068 Reba (1937);
- 5 Briarwood Court (1937);
- 2440 Inwood Drive (1937);
- 3417 Ella Lee Lane (1938);

- 3412 Piping Rock Lane (1938);
- 7 Briarwood Court (1938);
- 3208 Chevy Chase Drive (1938);
- 1910 Kirby Drive (1938) (demolished);
- 2327 Claremont Lane (1938) (demolished);
- 2057 Claremont Lane (1939);
- 3689 Del Monte Drive (1939) (demolished);
- 3413 Piping Rock Lane (1939);
- 2033 Claremont Lane (1940);
- 1909 Olympia Drive (1939);
- 3610 Meadow Lake Lane (1940) (demolished);
- 3225 Reba Drive (1940);
- 1665 Willowick (1940) (demolished); and
- 3666 Chevy Chase Drive (1940) (demolished).

By the end of the 1930s, Moore and Lloyd began to move in different directions and the firm dissolved before the U. S. entered World War II. After Pearl Harbor, Moore applied to Congressman Albert Thomas to gain entrance to the Naval Officers Candidate School. The Congressman convinced Moore that he would be much more helpful to the government in his capacity as an experienced architect. Thus started a twenty year relationship in which Moore received military commissions for naval bases in Texas, and later, for federal projects in Houston and elsewhere in Texas. During this phase of his career, he also received commissions for churches, small commercial buildings, and industrial buildings.

In 1954, he began a foray into historic preservation by saving the Kellum-Noble house (City of Houston Protected Landmark), which stands on its original site in City Park and which had fallen into disrepair after many years of use as a City of Houston Parks Department facility. Moore helped to found the Harris County Heritage Society with the mission to save the Kellum-Noble house from demolition. According to Barry Moore, "Moore was one of the few practicing architects of the time who did not see a concern with historic preservation as incompatible with an interest in modern architecture. With the Heritage Society, he worked to locate worthy historic structures, raise funds for their restoration, and move them to Sam Houston Park. Moore restored the Nichols-Rice-Cherry House (c.1850) and the San Felipe Cottage, among others, during his years with the Society."

According to Barry Moore, Harvin Moore considered the preservation works among his favorite projects. The other buildings that he particularly liked were: 1537 Kirby (Hamaker House); 3239 Locke Lane (Childress House); Rice Memorial Chapel and Student Center; and the Houston Casket Company (1717 Live Oak).

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The house located at 2132 Troon Road is one of the most recognized homes on the block and is known to many neighbors as the "blue farm house." The house, which is situated on a very large lot, was designed in a New England Colonial style that borrows from the vernacular building traditions of America's northeast during the 17th through early 19th centuries, and which in turn had borrowed heavily from English antecedents. The central portion of the house is two stories tall and clad with a

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Planning and Development Department

shingle veneer. The central two-story portion of the home is intersected by two one-story wings which also feature gabled roofs and shingle cladding. The home's asymmetrical layout and varying heights lends spaciousness to what was traditionally a compact house type. Three rusticated wooden columns support a covered front porch area and the original doorway. The front door is a split or "Dutch" door. Window types utilized include wide ones with six-over-six lights as well as narrow ones with four-over-four lights.

The home was recently purchased by Jay Davis, who is completing a much-needed restoration and renovation. The work on the home will include plumbing and electrical updates, a full renovation of the kitchen and bathrooms, and painting. Davis intends to keep the original floor plan of the home.

BIBLIOGRAPHY:

Wilson, Michael C. Harvin C. Moore: Houston Architect, Houston Public Library 1987.

Interview with Barry Moore by Kelley Trammell, September, 2006.

Houston Chronicle, "Ex Chief of Foley's Max Levine Dies", July 2, 1991.

Houston Chronicle, Obituary for Max Levine, July 2, 1991.

Houston Chronicle, Obituary for Marcella Levine, March 28, 2007.

Fox, Stephen, Houston Architectural Guide, Second Edition, 1999, p. 20.

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

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

S	NA		S - satisfies	NA - not applicable
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);		

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- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark Designation of the Kendall-Levine House at 2132 Troon Road.

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Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
KENDALL-LEVINE HOUSE
2132 TROON ROAD
NOT TO SCALE



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance Amending Various Provisions of Chapter 46 of the Houston Code of Ordinances Relating to Vehicles-for-Hire

Category #

Page 1 of 2

Agenda Item#

26

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration Department

Origination Date

December 5, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE:

Judy Gray Johnson

Council Districts affected:

All

For additional information contact:

Tina Paez
Blanton Daniels
Wendy Thomas

Phone: 713-837-9630
Phone: 281-233-7885
Phone: 713-837-9623

Date and identification of prior authorizing Council Action: Ord. #99-1331, passed 12/15/99; Ord. #01-0751, passed 8/8/01; Ord. #03-1046, passed 11/12/03; Ord. #05-940, passed 8/3/05; Ord. #06-668, passed 6/21/06; Ord. #2007-227, passed 2/14/07; Ord. #2007-0478, passed 4/18/07.

RECOMMENDATION: (Summary)

Approve an ordinance amending various provisions of Chapter 46 of the Houston Code of Ordinances, Relating to Vehicles-for-Hire

Amount of Funding: N/A

F & A Budget:

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

N/A

SPECIFIC EXPLANATION:

The Director of Finance and Administration recommends that City Council approve an ordinance amending various provisions of Chapter 46 of the Houston Code of Ordinances, relating to Vehicles-for-Hire. The City of Houston regulates the vehicle-for-hire industry in the interest of public safety for the citizens of Houston.

In April 2007, City Council approved a delay in the issuance of taxicab permits for up to one year to allow for the Finance and Administration department to review the taxicab permit computation and distribution process, as well as various related regulatory issues. In conjunction with the delay, it was recommended that a stakeholder Taxicab Working Group be created to assist in the review of those issues.

We have concluded our review and we now recommend minor changes to the permit computation formula for future periods, a distribution methodology resulting from Taxicab Working Group recommendations and the proceedings before City Council's Regulation, Development & Neighborhood Protection Committee, and amendments for other related vehicle-for-hire issues that were addressed by the Taxicab Working Group sub-committees and the Committee. The recommended amendments were approved by the Regulation, Development & Neighborhood Protection Committee on November 15, 2007. Following is a summary of the proposed ordinance amendments requested at this time. A more detailed explanation of the proposals is provided in the attached memorandum.

1. Expansion of provisions, currently only in the taxicab sections of the ordinance, that allow for suspension or revocation of a taxicab driver's license upon a sustained complaint of trip refusal or other offenses under the ordinance, to other vehicles-for-hire;
2. Training requirements for taxicab drivers;
3. A requirement that 2% of the total taxicab fleet be wheelchair accessible. Specifically, in any permit year, the taxicab fleet composition would be reviewed and, if wheelchair accessible vehicles not contracted to Metrolift comprised 2% or more of the fleet, no additional permits for wheelchair accessible vehicles would be required. However, if these vehicles comprise less than the 2% of the fleet at that time, a percentage of the permits issued would have to be dedicated to wheelchair accessible vehicles to meet the 2% overall fleet requirement.
4. No change to the holding requirement for permits issued by the City. The stakeholder's working group had recommended that the current 5-year holding period be reduced to 18 months, however, based on concerns raised by the members of City Council's Regulation, Development and Neighborhood Protection Committee, we are not recommending the stakeholders' proposed amendment.
5. No change to the Section 46-35 requirement that permits received from the City must be put into operation within 180 days or revert to the City;
6. Automatic revocation of a taxicab permit if the permittee's liability insurance lapses or expires and is not replaced within 60 days;

REQUIRED AUTHORIZATION

Date:
12/5/07

Subject: Ordinance amending various provisions of Chapter 46 of the
Houston Code of Ordinances related to Vehicles-for-Hire

Originator's Initials
tp

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7. Amendment of the permit computation formula to provide for the computation of rolling, three-year averages for both population and airport taxicab trips, and for comparison to the highest prior period for taxicab trips and the previous three-year rolling average in population, rather than growth since the previous permit year;
8. Amending the ordinance to push back dates specified for computation and distribution by six months to correspond with the U.S. Census Bureau's release of population data.
9. Amending the ordinance to provide that the 211 permits to be distributed in 2007 will be distributed over a four-year period, rather than in one year, as required by the current ordinance. As a result, the next permit computation year will be 2011, with the distribution to occur in 2012.
10. Elimination of the 90-company limit in determining whether taxicab permits should be issued to new entrant applicants; instead, set aside 5% of any new permits to be issued for new entrant applicants;
11. Distribution of the proposed 211 permits based on the number of permits a company already has. The attachment titled "*Stakeholder Permit Distribution Proposal*" details the stakeholder working group's proposed distribution among industry segments;
12. Elimination of the Section 46-65(a)(5) requirement that applicants for permits provide "written documentation of financial ability in an amount equal to \$10,000 times the number of permits requested; and,
13. Amending the ordinance to state that vehicles to be operated under the 211 permits that are to be issued, as well as any permits issued in the future, will meet the following criteria:
 - a. be powered by a four-cylinder engine; or
 - b. be a hybrid-electric vehicle; or
 - c. be a wheelchair accessible vehicle, either lift- or ramp-equipped; or
 - d. be a vehicle that meets a minimum combined fuel economy rating of 20 mpg or better based on the most recently published United States EPA fuel economy standards as of the date the vehicle is to be placed into service.

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



CITY OF HOUSTON

Finance & Administration
Department

Interoffice

Correspondence

To: Mayor Bill White
City Council Members

From: Judy Gray Johnson, Director

Date: December 7, 2007

**AGENDA ITEM: PROPOSED TAXICAB
Subject: ORDINANCE CHANGES**

As stated in the Request for Council Action, in April, City Council approved a delay in the issuance of taxicab permits for up to one year to allow for the Finance and Administration department to review the taxicab permit computation and distribution process, as well as various related regulatory issues. In conjunction with the delay, it was recommended that a stakeholder Taxicab Working Group be created to assist in the review of those issues.

We have concluded our review and we now recommend minor changes to the permit computation formula for future periods, a distribution methodology resulting from Taxicab Working Group recommendations, and amendments for other related vehicle-for-hire issues that were addressed by the Taxicab Working Group sub-committees as follows.

Taxicab Working Group

In recommending the delay in April, City Council's Regulation, Neighborhood Protection & Development Committee ("RDNP") recommended that a Taxicab Working Group comprised of industry stakeholders, community leaders and Council staff be established to review taxicab permit computation and distribution issues as well as improve on the number of disabled access taxicabs available and the number of hybrid or other low-emission vehicles in the taxicab fleet.

The Taxicab Working Group met over the past several months. As there were over 40 individuals who expressed an interest in joining the Working Group, it was subdivided into four sub-groups that evolved into the following three sub-committees:

1. Disabled Access Taxi sub-committee
2. Taxicab Permit Computation/Distribution sub-committee
3. Taxi Emissions sub-committee

Participation in the sub-committees was voluntary, and individuals were encouraged to join as few or as many sub-committees as they desired. The sub-committees proposed the various amendments that comprise the majority of changes we are recommending in this request to Council. The proposals are summarized below.

Disabled Access Taxi sub-committee proposals

This sub-committee proposed the following ordinance amendments:

1. Expansion of the provisions in the taxicab sections of the ordinance that allow for suspension or revocation of a taxicab driver's license upon a sustained complaint of trip refusal or other offenses under the ordinance, to other vehicles-for-hire (except schoolbuses);
2. Training requirements for taxicab drivers; and,
3. Minimum requirements for accessible taxicab vehicles in the taxicab fleet.

These proposals are discussed further below.

1. In February 2007, City Council amended Chapter 46 of the Code of Ordinances to allow for the suspension or revocation of a taxicab driver's license, following an administrative hearing process, if there was a sustained complaint against a taxicab driver for trip refusals, overcharging, or other offenses under the ordinance. Although the ordinance amendment was intended to address all the referenced offenses, the most significant to the disabled community was trip refusal, particularly if that refusal is related to a disabled individual accompanied by a service animal.

Since that date, we have had similar complaints about other vehicles-for-hire, specifically limousines. Accordingly, the sub-committee stakeholder members unanimously agreed to propose an amendment to the ordinance that would expand the provisions added in February to apply to ALL categories of vehicles-for-hire (except schoolbuses), not just taxicabs.

2. To improve customer service, the sub-committee unanimously proposed mandatory training for all taxicab drivers upon approval of their applications to drive a cab, or renewal. The training would include instruction on breaking down or assembling wheelchairs, introduction to service animals, customer service requirements in Chapter 46 of the Code of Ordinances, as well other requirements of the ordinance as needed.
3. As discussed in April when the taxicab permit issuance process was delayed, the industry advises that there are 164 ADA-accessible taxicab vehicles in Houston, or 7% of the total permitted taxicab fleet. However, 138 of these vehicles are contracted for use by Metrolift, leaving 26 ADA-accessible taxicabs for general service throughout the City at any given time. Thus, the percentage of ADA-accessible taxicabs available for general service (non-paratransit use) is 1.16% of the total taxicab fleet. (As we noted at the time, however, although 138 ADA-accessible taxicabs are contracted for use by Metrolift, they are sometimes available for general service, particularly on weekends. Others are only contracted for portions of the business day.)

According to industry experts, it costs approximately \$21,000 more to purchase and operate a wheelchair accessible vehicle ("WAV") than a traditional minivan, with incremental operating costs estimated at \$5,000 to \$6,000 per year, and a useful life of only five years. In Los Angeles, where taxicab drivers average about \$50,000 in income, the annualized cost of operating a WAV represents a 20% reduction in an individual driver's revenues, because the drivers bear the fuel and insurance costs. As a result of these incremental costs, the taxicab industry in Houston has been slow to add more accessible vehicles.

U.S. Census Bureau, U.S. Department of Health & Human Services and other data provided by the sub-committee indicates that the percentage of the Houston population requiring wheelchair assistance and public transportation is as low as 0.61% or as high as 2% (if individuals residing in institutions are included). Accordingly, the sub-committee proposes that the ordinance be amended to reflect a requirement that 2% of the total taxicab fleet be wheelchair accessible. Specifically, in any permit year, the taxicab fleet would be reviewed and, if wheelchair accessible vehicles not contracted to Metrolift comprised 2% or more of the fleet, no additional permits for wheelchair accessible vehicles would be required. However, if these vehicles comprised less than the fleet at that time, a percentage of the permits issued would have to be dedicated to wheelchair accessible vehicles to meet the 2% overall fleet requirement.

At this time, two of the large taxicab companies in Houston have applied for federal grants to purchase or retrofit a total of 45 taxicabs for wheelchair accessibility. If the grant funding is approved and the vehicles are purchased, the percentage of accessible vehicles in the taxicab fleet will exceed the proposed ordinance requirement and better meet the needs of the disabled community in Houston.

Taxicab Permit Computation/Distribution sub-committee proposals

This sub-committee had multiple objectives:

1. Review the components of the permit computation formula and make recommendations for changes if needed.
2. Review the distribution methodology in the ordinance and determine if the 211 permits to be distributed should be distributed according to the ordinance requirements.
3. Review the distribution methodology in the ordinance and determine if the methodology should be changed, prospectively, for 2010 and beyond.

The sub-committee did not consider the computation issue. Instead, the stakeholders opted to propose alternatives to the distribution of the 211 permits, as they believed this was a more pressing issue.

The distribution issue is the most contentious of any of the issues considered by the sub-committees. The sub-committee did not reach unanimous agreement on its proposal and what follows is the proposal put forth by the majority of the stakeholders that participated in the sub-committee over the past several weeks.

1. As the industry has only in recent years begun to recover, the sub-committee proposed that the ordinance be amended to reflect a distribution of the 211 permits over a four-year period, rather than issuance of all permits in 2007 as required by the ordinance.
2. The 211 permits would be distributed based on the number of permits a company already has. However, to receive permits a company would have to prove eligibility based on the requirements of the ordinance. The attachment titled "*Stakeholder Permit Distribution Proposal*" details the sub-committee's proposed distribution among industry segments, based on a preliminary determination of eligibility as of November 15, 2007 – the date the distribution was approved by the RDNP Committee. The industry is divided into roughly five segments:

Large Companies – those holding 80 or more permits: There are four companies in this category. These companies are full service taxicab companies offering, among other things, full 24-hour radio dispatch services and complete on-site repair facilities for their vehicles.

Under the sub-committee's proposal, each of these four companies would receive 27 permits over the next four years, or 51% of the 211 permits being issued. As a group, these companies currently have 81.85% of the total permits in the market, but after this distribution will have only 79.2% of the total market.

Large Mid-sized Companies – those holding between 25 and 79 permits: There are four companies in this category. Some of these companies offer limited radio dispatch services. Some offer on-site repair facilities for their vehicles.

Under the sub-committee's proposal, each of these four companies would receive 10 permits over the next four years, or approximately 19% of the 211 permits being issued. As a group, these companies currently have 5.24% of the total permits in the market, but after this distribution will have 6.41% of the total market.

Small Mid-sized Companies – those holding between 4 and 24 permits: These companies generally communicate by cell phone and tend to operate primarily at the airports.

Under the sub-committee's proposal, each of these companies would receive three permits over the next three years, or approximately 17% of the 211 permits being issued. As a group, these *eligible* companies currently have 3.83% of the total permits in the market, but after the proposed distribution would have 4.96% of the total market.

It should be noted that the sub-committee's proposal indicates there are 15 companies in this category, and the stakeholders have recommended a distribution of 3 permits per company, for a total of 45 permits. However, there are actually 16 companies in this category and, due to eligibility provisions in Section 46-65(d)(2), it is likely that only 12 of these companies will be eligible to participate in the distribution. If these companies are determined to be ineligible, there will be nine permits that have not been distributed in the stakeholder proposal.

Attached are two alternative scenarios for distribution of those nine permits.

Small Companies – these hold 3 or fewer permits – these companies generally operate by cell phone, primarily at the airports. There are over 100 of these companies, 67 of which have only one permit.

Under the sub-committee's proposal, there are an *estimated* 16 permits out of 211 that have not been recommended for distribution to the segments described above. The companies in this category would participate in a drawing for these 16 permits. This segment of the industry currently has 6.83% of the total permits in the market, and after this distribution will have 6.81% of the total market.

Drivers – these are individuals who currently hold no permits and are driving for permittees. There are approximately 4,000 drivers currently licensed by the City of Houston. Under the current ordinance, none of the 211 permits could be issued to new entrant applicants (i.e. taxi drivers). Section 46-64 of the ordinance states that up to 10% of the permits to be issued are to be reserved for new entrant applicants unless there are already 90 or more existing permittees (i.e. companies holding permits). As of January 1, 2007, there were 144 existing permittees.

The members of the RDNP Committee recommended eliminating the 90-company limit in determining whether taxicab permits should be issued to new entrant applicants, opting to encourage some level of entrepreneurship. Accordingly, in addition to the stakeholder distribution proposal outlined above, we are recommending setting aside 5% of any new permits to be issued for new entrant applicants, for a total of 11 permits.

The advantages to this stakeholder proposal are that:

- (a) It has the support of over 90% of the existing permit holders.
- (b) It would distribute the permits over four years, allowing the market to better absorb the increases in supply and adjust for any dramatic events that could negatively impact the industry (such as the catastrophic events of 2001).
- (c) It would allow for a greater distribution to the smaller mid-sized companies than would otherwise have occurred under the existing ordinance. Under the existing ordinance, these companies might have received only one permit each, or less. We regulate the taxicab industry for the benefit of the riding public. Arguably, under this proposal, these smaller mid-sized companies can better grow with this distribution, thereby potentially offering limited dispatch services that might allow them to better serve the community.

This would be an initial step in helping these companies toward ultimately becoming full-service operators.

(d) It allows for some opportunity for entrepreneurs.

3. Section 46-65(a)(5) of the ordinance requires that applicants for permits provide "written documentation of financial ability in an amount equal to \$10,000 times the number of permits requested. The documentation shall evidence the financial ability in the form of cash, an irrevocable line of credit from a state or federally chartered financial institution, an irrevocable loan commitment from a state or federally chartered financial institution, or another equivalent form of evidence prescribed by regulation of the director, which evidence must be independently verifiable by the director."

The stakeholders advised us that this requirement presents a significant financial burden to all but the largest companies. This provision was included in the ordinance to ensure that applicants for taxicab permits had the financial ability to operate a taxicab, including purchasing the vehicle, and buying the necessary lights, meter and other equipment. The intent was to keep taxicab permit brokers from applying for permits – i.e. individuals who applied for permits simply to re-sell them rather than operate as taxicab companies. However, we already have a provision that accomplishes the same end. Section 46-35 of the ordinance, requires that a permit be put into operation within 180 days of issuance by the City. Thus, for every permit received in the proposed distribution, the receiving permittee must purchase a vehicle, fully equip it for taxicab service, and present it for inspection to F&A's Transportation Section. To further ensure financial responsibility on the part of the permittee, we are recommending that the ordinance be amended to provide for automatic revocation of a taxicab permit if the permittee's liability insurance lapses or expires and is not replaced within 60 days.

4. Section 46-72 defines a New Permit as "any permit that has been issued for a period of less than five years, as computed from the date of its initial issuance by the City." As a result, the 211 permits that would be distributed under the stakeholder proposal could not be sold for five years.

During the working group process, industry stakeholders had initially proposed that the holding period for a permit issued by the City be reduced from 5 years to 18 months. However, in consideration of RDNP Committee concerns of permit "flipping" or brokering, we are recommending that the existing holding period in the ordinance remain unchanged.

An additional safeguard is in Section 46-65(d)(2), which states that, in order for an applicant to be deemed qualified for a taxicab permit in a permit distribution process, "Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four-year period preceding the date of filing of the application." As a result of this provision, in the years immediately preceding a permit issuance year, no permits are sold, as existing permittees do not want to risk ineligibility for the next permit issuance. Like the ordinance verbiage discussed in item 3 above, this language was included in the ordinance to ensure that applicants who receive taxicab permits are in the business of providing transportation to Houston's citizens and visitors, rather than in the business of brokering or trading taxicab permits.

The industry is strongly opposed to any additional move by the City to prevent inter-operator sales of existing permits or permits issued in the future. They argue that a permit is an asset of the taxicab company that gives that company a market value at the time the company owner chooses to retire or go out of business. They further state that building a taxicab company requires a modest capital investment, and owners feel medallion ownership and the right to transfer permits/medallions provide incentives to operators to make a long-term investment in both the company and the City's transportation industry. In addition, inter-operator sales of permits allow the taxicab industry to operate under free-market principles - companies or permit holders with

financial stability are able to grow their companies further by purchasing permits from those operators/companies that are less financially viable. The industry contends that such investments can serve to promote stability in Houston's taxicab industry. If we assume that the foregoing industry arguments are true, then it is possible that any action by the City that devalues permits/medallions could negatively impact the taxicab industry - and transportation options for Houston's citizens and visitors - by unintentionally discouraging long-term investment.

Permit Computation

As stated previously, the Taxicab Permit Computation/Distribution sub-committee of the Taxicab working group did not consider the computation issue. Instead, the stakeholders opted to propose alternatives to the distribution of the 211 permits, as they believed this was a more pressing issue. However, the members of City Council's RDNP Committee were concerned about distributing permits without knowing whether the computation methodology would change. They preferred to review a comprehensive package that offered solutions for both issues.

Thus, F&A staff reviewed the current computation formula. The ordinance currently requires that a computation be performed every three years to determine whether permits should be issued. The computation evenly weights the growth in Houston population and taxicab trips originating at the airports since the last permit issuance period.

As we have discussed previously, anecdotal evidence indicates the computation methodology was created as a result of ad hoc, open entry permit distribution in the 1990s that resulted in the issuance of so many permits at one time, that the industry almost immediately went into a recession from which it only recently began to recover. At the time the computation was developed in 1999, City staff received assistance from local University of Houston economists. With that assistance, staff created a formula to provide an objective means of determining whether taxicab permits needed to be issued in any given year.

Absent another protracted economic supply and demand study, we continue to believe the formula is based on solid economic principles and is as good an indicator as any of taxicab demand. However, the formula compares growth since a *specific point in time* – the last permit issuance – without regard to potential decreases in demand that may occur in the interim. For example, taxicab airport trips were at record highs in 1998, and decreased annually thereafter, dropping a cumulative 53% by the end of 2003 and not achieving or exceeding the 1998 levels until 2006. However, as the formula does not provide for trend analysis or for referring back to the *highest* demand year, permits are being issued in 2007 based on growth since 2001 – not 1998. Thus, the permits to be issued this year are not based entirely on actual new growth in demand, but instead on recovery of previous demand.

To make the formula less sensitive to economic anomalies that occur in a given year – such as the downturn in airport trips resulting from the events of September 11, 2001 or the dramatic increase in population resulting from the Katrina evacuation in late 2005 – we recommend two changes. First, instead of looking at growth only since the last permit year to determine whether permits should be issued, the analysis should be amended to include a comparison to BOTH growth in demand since the last permit issuance, as well as growth in demand since the *highest previous point*. For example, had this additional litmus test been applied in 2007, we would have looked at increase in demand not only since 2001 (when permits were last issued), but also since 1998 (when airport trips last peaked). The proposed computation change would then have allowed us to use the greater of the two in our analysis, thereby avoiding counting the same demand twice, as occurs under the current computation formula.

Second, rather than looking at growth in demand since a specific point in time, we recommend using a three-year rolling average, which would allow us to better gauge the trend in demand and which would further make the computation less sensitive to periodic anomalies. For example, for the 2007 permit issuance, we would look at the average increase in airport trips and population for 2004, 2005 and 2006, rather than reviewing data for only the base permit year.

A final minor concern related to the permit computation is that the current formula provides that the permit year population means the most recent population for the City – either a decennial census count or an interim estimated population - as published by the U.S. Census Bureau as of January 31 of the permit year. Under this ordinance provision, the population count used in the permit computation is often nearly two years old, as the U.S. Census Bureau typically releases population data for Houston in June of the following year. For example, in the 2007 permit computation (performed in February 2007), the most recent population data available reflected population in 2005. We contacted the U.S. Census Bureau to determine when updated population data is released, and found that data for a previous year is typically available on or before June 30 of the next year. That is, the 2007 interim estimated population for the City of Houston will be available and published by the U.S. Census Bureau around June 30, 2008.

Thus, we recommend that the schedule for permit computation and distribution in Sections 46-63 and 46-64 of the Code be amended to push back all dates by six months. Such a change will ensure that future permit computations are made on the basis of the most currently available population data and that they more accurately reflect actual demand for taxicabs.

Air Quality - Taxicab Emissions sub-committee proposal

A primary issue with most vehicles is the emission of various gases, including chemicals that produce ozone and air toxics such as benzene that are carcinogenic. Our goal, in this sub-committee, was to create a long-term plan to reduce emissions from the approximately 2,200 taxicab vehicles in Houston.

Ideally, all taxis driven in Houston would be hybrids or super ultra low emission vehicles (SULEVs) and vehicle emissions would be dramatically reduced. However, the sub-committee advises that imposing a 100% hybrid requirement on the taxicab industry is simply not financially feasible for the majority of taxicab operators. Even the large companies would not be able to comply.

Thus, the sub-committee looked at other alternatives to emissions reductions, focusing on vehicles that could meet the strictest emission standards, but were cost-effective for the industry. Federal emission standards are established by the US Environmental Protection Agency (EPA), under the auspices of the Clean Air Act. The State of California has received a waiver to adopt its own emission regulations, which are more stringent than the federal regulations. Engine and vehicle emissions regulations are adopted by the California Air Resources Board (ARB). Currently, California is the only state vested with the authority to implement its own emissions regulations, although thirteen other states - including New Mexico - have adopted California's standards.

Vehicles manufactured to meet the California emissions requirements automatically meet the requirements of all 50 states and may be sold across the country. We have been advised by the auto dealers association that 70% of all vehicles sold in Texas meet this standard and that they cost no more than any other sedan -- thus, these vehicles would be cost-effective for our taxicab operators while also meeting the goal of reducing emissions among Houston's taxicabs.

The sub-committee's compromise proposal is that the industry will voluntarily replace vehicles that are being taken off-line each year, as they meet the age limit in the ordinance, with vehicles that meet the California-level emissions standard (that is, they will replace their taxis with vehicles authorized for manufacture and sale in California). The initiative is voluntary rather than mandatory because the City of Houston does not legally have the authority to adopt emissions standards or require taxicabs to meet the California standard. The federal Clean Air Act authorizes state governments, rather than local government entities or other political subdivisions, to adopt emissions standards, including the California standards.

Further, to bolster the sub-committee's proposal, Council Member Clutterbuck on behalf of Council Member Alvarado, offered an amendment during the November 15, 2007 RDNP Committee that would

require that any vehicle placed in service pursuant to this permit distribution or any future permit distribution meet one of the following criteria:

1. be powered by a four-cylinder engine; or
2. be a hybrid-electric vehicle; or
3. be a wheelchair accessible vehicle, either lift-or ramp-equipped; or
4. be a vehicle that meets a minimum combined fuel economy rating of 20 mpg or better based on the most recently published United States EPA fuel economy standards as of the date the vehicle is to be placed into service.

The amendment was approved by the RDNP Committee and we have included it in our proposed amendments to the ordinance.

Should you need any additional information, please call Tina Paez at (713) 837-9630, Blanton Daniels at (281) 233-7885, or Wendy Thomas at (713) 837-9623.



Judy Gray Johnson, Director
Finance and Administration

cc: Michael Moore
Don Cheatham
Rashaad Gambrell
Tina Paez
Blanton Daniels
Wendy Thomas
Nikki Cooper

STAKEHOLDER PERMIT DISTRIBUTION PROPOSAL

Eligible Permittee Group	Permits to be Issued in Yr 1	Permits to be Issued in Yr 2	Permits to be Issued in Yr 3	Permits to be Issued in Yr 4	Total	% of 211	Current # of Permits as of 11/15/07	Potential Increase in Permits	Current % of Total Permits (Market Share)	% of Total Permits after Distribution (Market Share)
Companies Holding 80 or more Permits										
Large Co 1	7	7	7	6	27		1419	1.90%	62.51%	58.28%
Large Co 2	7	7	7	6	27		237	11.39%	10.44%	10.64%
Large Co 3	7	7	7	6	27		113	23.89%	4.98%	5.64%
Large Co 4	7	7	7	6	27		89	30.34%	3.92%	4.68%
Total for Sub-Group	28	28	28	24	108	51.18%	1858	5.81%	81.85%	79.24%
Companies Holding 25 to 79 Permits										
Mid LG Co 1	3	3	2	2	10		36	27.78%	1.59%	1.85%
Mid LG Co 2	3	3	2	2	10		29	34.48%	1.28%	1.57%
Mid LG Co 3	3	3	2	2	10		28	35.71%	1.23%	1.53%
Mid LG Co 4	3	3	2	2	10		26	38.46%	1.15%	1.45%
Total for Sub-Group	12	12	8	8	40	18.96%	119	33.61%	5.24%	6.41%
Companies Holding 4 to 24 Permits										
Mid SM Co 1	1	1	1	0	3		20	15.00%	0.88%	0.93%
Mid SM Co 2	1	1	1	0	3		14	21.43%	0.62%	0.69%
Mid SM Co 3	1	1	1	0	3		10	30.00%	0.44%	0.52%
Mid SM Co 4	1	1	1	0	3		6	50.00%	0.26%	0.36%
Mid SM Co 5	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 6	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 7	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 8	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 9	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 10	1	1	1	0	3		4	75.00%	0.18%	0.28%
Mid SM Co 11	1	1	1	0	3		4	75.00%	0.18%	0.28%
Mid SM Co 12	1	1	1	0	3		4	75.00%	0.18%	0.28%
Total for Sub-Group	12	12	12	0	36	17.06%	87	41.38%	3.83%	4.96%
Companies Holding 1 to 3 Permits (117 Companies in Drawing)	16	0	0	0	16		155	10.32%	6.83%	6.89%
Total for Sub-Group	16	0	0	0	16	7.58%	155	10.32%	6.83%	6.81%
New Entrant Applicants (5% of total)	11	0	0	0	11					
Total for Sub-Group	11	0	0	0	11	5.21%	0	N/A	0.00%	0.44%
Total Permits to Be Issued Over 4 Years	79	52	48	32	211					

Note: The data above is based on a preliminary eligibility review; actual eligibility cannot be determined until time of application.

11/15/07
Revised 12/5/07

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DEC 12 2007

Chapter 46

VEHICLES FOR HIRE AND VALET PARKING SERVICES

ARTICLE I. IN GENERAL

Secs. 46-1--46-15. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 46-16. Definitions.

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

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Curb means the raised edge of the street, driveway, or other public or private way upon which a taxicab is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Daytime trip means a taxicab trip originating between the hours of 6:00 a.m. and 8:00 p.m.

Director means the director of the department of finance and administration and his duly authorized representatives.

Disability has the meaning ascribed in section 17-11 of this Code.

Driver or *taxicab driver* means any person who has a current and valid taxicab driver's license issued under this article and has been duly employed to drive a taxicab by a permittee or has entered into a written agreement for use of a taxicab with a permittee in accordance with the requirements of this article.

Gross receipts means an amount of money equal to the total of all fares received and charged for the carriage of passengers by taxicabs permitted to a permittee, including all tip revenue and reservation and billing service fees, if any. Provided, however, special passenger charges for taxicab operations at city airports

and toll road fees allowable under this article shall not be included in the calculation of "gross receipts."

Hybrid-electric vehicle means a vehicle that is propelled by the use of two or more distinct power sources consisting of an internal combustion engine and an on-board rechargeable energy storage system.

Medallion means a metal tag, decal, or other evidence of a permit as issued by the director for attachment on a taxicab that is operated pursuant to the permit.

Nighttime trip means a taxicab trip originating at any time other than between the hours of 6:00 a.m. and 8:00 p.m.

Permit means a current and valid permit issued by the director under this article for the operation of a taxicab.

Permittee means the person to whom the permit has been duly issued by the director. Any permittee who operates two or more taxicab companies under separate assumed names, different subsidiary firms, or by any other means shall nevertheless be regarded as one and the same permittee for permit applications, disciplinary actions, and all other purposes relating to the administration of this article.

Service animal has the meaning ascribed in section 20-18 of this Code.

Stool light means an instrument or an accessory that is permanently attached to the top of a taxicab at a midpoint between the front doors and not more than 30 inches to the rear of the topmost part of the windshield.

Street means any public street, road, boulevard, alley, lane, highway, sidewalk, park roadway, railroad station, ship landing, ferry landing roadway, viaduct or other place under control of the city or other public authority and established by it for the use of vehicles not otherwise controlled by law or ordinance. It shall also mean any vehicular road, driveway, or area outside of and adjacent to, or in any railroad station, ferry landing, or bus station owned by the city or other public authority that is used regularly or may be so used by taxicabs for pickup and discharge of passengers, which places shall hereafter remain open to and be used by all duly permitted taxicabs without charge, except as authorized by city council, and without discrimination as to the identity of the permittee. The properties constituting the William P. Hobby Airport (HOU), the George Bush Intercontinental Airport/Houston (IAH), and the Ellington Field Airport are not designated as streets under this definition.

Taxicab means every automobile or motor-propelled vehicle used for the transportation of passengers for hire whether the vehicle is identified or not as a taxicab as set forth herein over the public streets of the city, whether or not the operation extends beyond the city limits. Provided, the term "taxicab" shall not apply to limousines, school buses, emergency vehicles, jitneys, or sightseeing vehicles that operate under a permit, franchise, or license issued by the city or any other governmental regulatory authority, and, provided further, the term shall not apply to limousines that are chartered, hired or provided in connection with funeral services.

Taximeter means a mechanical and/or electrical instrument that records miles or distances traveled or time consumed, or both, during the period of engagement of taxicab service and is so constructed as to visibly record the cumulative charges to the person engaging the service.

* * *

Sec. 46-18. General prerequisites to putting vehicle into service.

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall furnish to the director, for the director's approval, the vehicle, the certificate of title showing the then current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual Fuel Economy Guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon or a van, passenger type, provided that the director may also allow vehicles classified for purposes of the Fuel Economy Guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the Fuel Economy Guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's Guide entry for the same or most equivalent make and model of vehicle. In addition to the foregoing, any vehicle to be placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2008, must meet one or more of the following criteria:

- (1) Be powered by a 4-cylinder engine;
- (2) Be a hybrid-electric vehicle;
- (3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped; or

- (4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual Fuel Economy Guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the Fuel Economy Guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent Fuel Economy Guide entry for the same or most equivalent make and model of vehicle.

* * *

Sec. 46-33. Refusal to convey; Refusal to convey at posted rates; receiving more than posted rates.

(a) It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability. It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.

(b) It shall be unlawful for any driver of any taxicab to refuse to accept a passenger's payment of posted rates by credit card. For trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(10) of this Code is being charged, it is an affirmative defense to prosecution under this subsection that the driver was operating a taxicab that was marked with signage, as prescribed by the director, that indicates "cash only" rides.

* * *

DIVISION 2. VEHICLE PERMIT

Sec. 46-61. Definitions.

As used in this division, the following words and terms shall have the meanings ascribed to them in this section:

Airport taxicab usage adjustment factor means the percentage increase or decrease between the ~~permit year~~ mean annual airport taxicab usage and the base year airport taxicab usage.

Available permit number means the number of permits made available for distribution, if any, as computed for a permit computation year pursuant to section 46-63 of this Code.

Base year airport taxicab usage means either (1) the ~~permit year mean annual~~ airport taxicab usage for the last preceding permit computation year in which the issuance of permits was considered, or (2) the mean annual airport taxicab usage calculated for any preceding permit computation year in which the issuance of permits was considered ~~were issued~~, wherever is greater. Notwithstanding the foregoing, the base year airport taxicab usage for permit computation year 2011 shall be 600,270.

Base year population means the ~~permit year mean annual~~ population of the city for the last preceding permit computation year in which the issuance of permits was considered ~~were issued~~. Notwithstanding the foregoing, the base year population for permit computation year 2011 shall be 2,076,189.

Mean annual ~~Permit year~~ airport taxicab usage means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental Airport/Houston and William P. Hobby Airport during the three calendar years preceding each permit computation year as counted and compiled by the department of aviation and provided to the director. By example, the formula for determining the mean annual airport taxicab usage for permit computation year 2011 is expressed as follows:

$$\text{Mean annual airport taxicab usage} = (\text{airport taxicab usage 2008} + \text{airport taxicab usage 2009} + \text{airport taxicab usage 2010}) / 3$$

Mean annual ~~Permit year~~ population means the mathematical average of the ~~most recent~~ population for the city published by the United States Census Bureau as of June 30 for the three years preceding the ~~January 31~~ of each permit computation year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census Bureau data, the population in the annexed territory. By example, the formula for determining the mean annual population for permit computation year 2011 is expressed as follows:

$$\text{Mean annual population} = (\text{Population estimate 2008} + \text{population estimate 2009} + \text{population estimate 2010}) / 3$$

Metropolitan area means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.

New entrant applicant means a permit applicant who is not a permittee or principal of a permittee.

Operator means the person who is or will be principally in charge of the day-to-day operations of a permittee or applicant for a permit.

Other applicant means any permit applicant who is not a new entrant applicant.

Permit computation year means a year in which the issuance of taxicab permits shall be considered. The first permit computation year shall be 2007.⁴ The next permit computation year shall be 2011, and subsequent permit computation years shall occur at three year intervals (2014, 2017, 2020, 2004, 2007, 2010, etc.).

Permit computation year base permit number means the total number of city taxicab permits then authorized on June January 1 of a permit computation year.

Permit computation year base permittee number means the number of permittees that exists as of June January 1 of each permit computation year.

Permit distribution year shall mean the calendar year immediately following the permit computation year. The first permit distribution year shall be 2008. The next permit distribution year shall be 2012, and subsequent permit distribution years shall occur at three year intervals (2015, 2018, 2021, etc.).

Population adjustment factor means the percentage increase or decrease between the mean annual permit year population and the base year population.

Principal means the operator and also includes in the case of a proprietorship the proprietor and proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Taxicab permit adjustment factor means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor.

* * *

Sec. 46-63. Computation of permits to be distributed, if any.

(a) On or before ~~September~~ March 1 of each permit computation year, the director shall compute the taxicab permit adjustment factor, permit computation year base permit number and permit computation year base permittee number and cause the data to be published one time in a newspaper of general circulation and to be mailed to each permittee and taxicab driver's license holder at the permittees' and drivers' last known addresses. The director shall provide a written explanation of the computations to any person who requests the data.

(b) Any interested person may appeal the director's computations as published under subsection (a) by filing a notice of appeal in the director's office on or before ~~September~~ March 15 of the permit computation year. The appeal notice shall specify in detail the nature of any errors that are alleged in the director's computations. In the event of an appeal, the director shall cause an appeal hearing to be conducted by a hearing examiner in which all appellants may jointly participate. The hearing examiner's decision shall be rendered on or before ~~October~~ April 15 and shall be final.

(c) Following the computations under subsection (a) and resolution of any appeals therefrom under subsection (b), a mathematical determination shall be made whether any taxicab permits are to be issued. If the taxicab permit adjustment factor is a negative percentage or is zero, then no permits shall be issued. If the taxicab permit adjustment factor is a positive number, then the taxicab permit adjustment factor shall be multiplied by the permit computation year base permit number, and the result is the available permit number.

Sec. 46-64. Distribution of available permits.

(a) For purposes of distribution, the available permit number shall be divided into two categories:

- (1) A number of permits equal to ~~ten~~ five percent of the available permits, rounded to the nearest whole number (with a fraction of one-half rounded up), shall be reserved for new entrant applicants, ~~provided, however, that no permits shall be so reserved if the permit year base permittee number is 90 or higher, and further provided that the number of permits so reserved shall be reduced as required to ensure that the permit year base permittee number plus the number of permits so reserved does not exceed 90.~~
- (2) Based upon the computation provided in item (1) above, the balance of the available permit number shall be reserved for other applicants.

(b) On or before ~~November~~ May 1 of each permit computation year, the director shall cause the computation of the available permit number to be published one time in a newspaper of general circulation.

(c) If permits are to be issued, then the publication shall also include the reservation numbers computed under subsection (a), the deadline for filing of applications, and an explanation of how to obtain filing information. If during a permit computation year, the director determines that the number of wheelchair accessible taxicabs is less than 2% of the entire taxicab fleet, the director shall cause the appropriate number of available permits listed in items (1) and (2) of subsection (a) to be designated for wheelchair accessible vehicles. Additionally, the director shall mail the information regarding permits available and filing procedures to all permittees and taxicab driver's license holders at their last known addresses.

Sec. 46-65. Applications.

(a) Applications for permits may be filed on or before ~~December~~ June 1 of each permit computation year in which permits are determined to be available pursuant to section 46-63 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide under oath:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.
- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant. For other applicants, the number of permits requested, together with written documentation of financial ability in an amount equal to \$10,000.00 times the number of permits requested. The documentation shall evidence the financial ability in the form of cash, an

~~irrevocable line of credit from a state or federally chartered financial institution, an irrevocable loan commitment from a state or federally chartered financial institution, or another equivalent form of evidence prescribed by regulation of the director, which evidence must be independently verifiable by the director.~~

- (6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.
- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of finance and administration. In addition to the filing fee, the applicant shall provide funding to the director in a form and manner specified by the director for criminal history checks to be performed by state and federal agencies, as applicable under subsection (b) below.

(b) Each principal shall provide fingerprints in a manner specified by the director within five days following the application filing deadline. The director shall make arrangements for the fingerprints to be taken without charge by the director or by the city police department or another agency and, for the convenience of persons who may not reside in the city, shall accept finger prints taken by law enforcement agencies of other jurisdictions, provided that they are taken and transmitted to the director under methods specified by the director to prevent falsification. Each person who is required to provide fingerprints shall also complete any state or federal request and release forms that are required to obtain the criminal history and authorize it to be forwarded to the director.

(c) Each applicant, whether a new entrant applicant or other applicant shall be limited to the consideration of one application per permit computation year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(d) The director shall review applications received and on or before March ~~September~~ 1 of the permit distribution year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.
- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.
- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- (6) The director is able to verify compliance with the financial ability requirement as provided in item (a)(5) above for other applicants.
- (7) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- (8) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(e) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing

examiner with respect to the application shall be final, unless otherwise provided by law. With respect to the financial ability requirement of item (a)(5) above, an applicant shall be unqualified for purposes of the entire application unless the director is able to verify compliance in the total amount required for all permits requested, and the applicant shall not be allowed to reduce the number of permits requested if the verified financial ability is insufficient.

(f) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

* * *

Sec. 46-67. Insurance as prerequisite.

(a) Before any taxicab permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he has qualified as a self-insurer, as the term is defined in the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 60th day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form that has been promulgated by the city and adopted by the Texas Automobile Insurance Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

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DIVISION 3. TAXICAB DRIVER'S LICENSE

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Sec. 46-88. Qualifications of applicant.

Each applicant for a taxicab driver's license required by this division must:

- (1) Have a valid state class A, B or C Texas driver's license.

- (2) Be 18 years of age or older.
- (3) Be a person of good moral character.
- (4) Be able to read and write the English language.
- (5) Produce, on forms to be provided by the director, affidavits of his character from two reputable citizens who have known him personally and observed his conduct for at least one year.
- (6) As provided by section 46-112 of this Code, submit to medical examination by a licensed physician and provide the report of the physician, which must be signed by the physician, on forms to be provided by the director.
- (7) Have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a taxicab driver's license and at renewal intervals of six years, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the report and provide funding to the director in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.
- (8) Provide evidence, in a form to be specified by the director, that he is either (i) a citizen of the United States of America by birth or naturalization or (ii) an alien legally residing in the United States of America who has the legal right to engage in employment as a taxicab driver.
- (9) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.
- (10) Demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of this article of this Code as well as city streets.
- (11) Demonstrate the attendance and successful completion of a training course approved by the director regarding public relations and communication skills. A taxicab driver must successfully complete a refresher training course complying with this item prior to the renewal of a taxicab driver's license.

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ARTICLE III. SUBURBAN BUSES

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Sec. 46-144. Refusal to convey; Rates and charges.

(a) It shall be unlawful for any driver of any suburban bus to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

(b) Notwithstanding other provisions of this article, and notwithstanding the granting of any franchise pursuant to this article, the rates to be charged by the operator of any suburban bus or line of suburban buses shall and may be fixed and determined from time to time by the city council and such rates may be changed from time to time by the city council where passengers are transported for hire wholly within the city limits. Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or otherwise affect the validity of any ordinance fixing such rates.

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ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES

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Sec. 46-201. Refusal to convey; License required.

(a) It shall be unlawful for any driver or licensee of a sightseeing or charter service or chauffeured limousine service to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with the passenger's disability.

(b) It shall be unlawful for any person to operate a sightseeing or charter service, or to drive or cause to be operated or driven any sightseeing motor vehicle or charter service motor vehicle upon and over the streets of the city, until such time as the director has approved the issuance of a license for such service and a license has been issued, or at a time when a license previously issued has been suspended or canceled. Violators of this subsection, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each instance of so operating such vehicle shall be deemed a separate offense.

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ARTICLE VI. JITNEYS

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Sec. 46-340. Rates; routes.

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee of \$30.00 shall be imposed for each route or rate filing, per jitney. Each route application that involves use of airport facilities shall be accompanied by the proof required under section 46-323 of this Code.

(c) The director shall provide rate and route cards for each jitney that shall be conspicuously posted in the manner specified by regulation of the director. The route card shall state the route and the rate. The information shall also be painted on the rear quarter panel of the vehicle on each side in a manner prescribed by the director. The director may assign route numbers and may issue different colors of route cards to signify fare amounts. Cards shall remain the property of the city and shall be surrendered to the director upon request.

(d) It shall be unlawful for the driver of any jitney while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney.

(e) It shall be unlawful for the driver of any jitney to impose a fare other than as filed with the director. It shall be unlawful for any driver of any jitney to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO VEHICLES FOR HIRE; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; ADDRESSING THE GROUPING, ALLOCATION, AND SUBSEQUENT DISTRIBUTION OF 211 TAXICAB PERMITS ORIGINALLY CALCULATED TO BE DISTRIBUTED IN 2007 PURSUANT TO THE TAXICAB PERMIT ISSUANCE PROCESS; AMENDING VARIOUS PROVISIONS OF ARTICLE II, CHAPTER 46, RELATING TO THE ISSUANCE OF TAXICAB PERMITS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Code of Ordinances provides for the City to determine the public necessity for taxicab permits every three years on the basis of a mathematical determination of market demand for additional permits by comparing growth in population and airport trips since the last permit year; and

WHEREAS, because in the 2004 permit year, it was determined pursuant to the taxicab permit issuance process that no permits would be issued, permits were last issued in 2001; and

WHEREAS, the 2007 taxicab permit computation and distribution process was commenced and resulted in a preliminary computation by the Director of Finance and Administration recommending that a total of 211 additional permits be issued to various applicants; and

WHEREAS, as provided by the Code of Ordinances, persons opposed to the computation appealed the issuance of the 211 permits that were recommended, and the appeals were found to be without merit by the Hearing Examiner; and

WHEREAS, various members of the taxicab industry also appeared before City Council seeking changes to the distribution methodology in the ordinance; and

WHEREAS, the City Council expressed concern that the demand factors in the computation may have inadvertently been skewed by various catastrophic events that have occurred in Houston since the last permit issuance period; and

WHEREAS, the City Council expressed concern that the composition of the City's taxicab fleets, as related to the number and proportion of disabled access vehicles and more efficient, lower emission taxicabs does not adequately benefit the interests of the riding public; and

WHEREAS, the City Council expressed concern that the distribution methodology in the ordinance might not adequately allow mid-sized taxicab companies to grow into full-service companies that would be better able to meet the needs of the local community by offering dispatch capabilities and 24-hour service; and

WHEREAS, the City Council expressed concern that new entrant entrepreneurs were excluded from the existing taxicab permit distribution process outlined in the ordinance; and

WHEREAS, the Department of Finance and Administration recommended to City Council that the 2007 taxicab permit distribution process be delayed until May 1, 2008, to allow for time to review the taxicab permit computation and distribution process in light of the City Council's concerns; and

WHEREAS, the City Council took action by delaying the 2007 taxicab distribution process until May 1, 2008, and referring the above-referenced concerns to the Department of Finance and Administration for review and recommendations for amendments to the ordinances that control the taxicab permit computation and distribution process; and

WHEREAS, City Council's Regulation, Neighborhood Protection & Development Committee requested that the Department of Finance and Administration coordinate a Taxicab Working Group comprised of industry stakeholders to assist in the review and recommendations for amendments to the ordinances that control the taxicab permit computation and distribution process; and

WHEREAS, the requested review has been completed and the Department of Finance and Administration finds that the taxicab permit computation formula does take into account factors that reflect demand for taxicab permits, but also now recommends that the taxicab permit computation be amended, for computations to occur in 2011 and beyond, as further stated herein so that the formula is less sensitive to economic anomalies that occur in a given year, such as those that arose as a result of the catastrophic events since 2001; and

WHEREAS, the Finance and Administration Department also recommends that the 211 taxicab permits originally calculated to be distributed during the 2007 permit year be distributed pursuant to the recommendations of the stakeholder working group, with allocations of permits to be distributed by category to allow for a greater distribution to the mid-sized and small taxicab companies than would have occurred under the codified distribution methodology, to better allow these companies to grow into full-service companies to better meet the needs of the riding public; and

WHEREAS, the Department of Finance and Administration also recommends that the 211 permits be distributed over a four-year period, as recommended by the stakeholder working group, as the industry is currently in a period of recovery from recent catastrophic

events, and a distribution over time will better allow for the recovery to continue while meeting the demands of the riding public; and

WHEREAS, the Department of Finance and Administration also recommends that the 2007 permit distribution process be commenced as soon as practicably possible;

WHEREAS, the City Council now desires to adjust certain aspects of the taxicab permit distribution process in order to more effectively accommodate the needs of the riding public during calendar years 2008, 2009, 2010, and 2011; and

WHEREAS, although the taxicab permit issuance process was delayed until May 1, 2008, pursuant to City of Houston Ordinance Number 2007-0478, the City Council now desires to recommence the 2007 taxicab permit issuance process; and

WHEREAS, Chapter 46 of the Code of Ordinances provides means by which the City may regulate the operation of vehicles for hire within the city limits; and

WHEREAS, City Council expressed concern that portions of Chapter 46 of the City of Houston Code of Ordinances regarding the issuance of permits and regulation of vehicles for hire should be amended to better serve the needs of the riding public; and

WHEREAS, after review of the controlling ordinances, the Department of Finance and Administration recommended to the City Council Committee on Houston Regulation, Neighborhood Protection and Development that various provisions of Chapter 46 of the Code of Ordinances be amended to better serve the needs of the riding public, including proposed amendments that:

- (1) Bolster provisions addressing the failure of a vehicle for hire to convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability;
- (2) Provide that the director of the Department of Finance and Administration shall create and institute a training course that taxicab drivers will be required to attend and successfully complete as a condition of receiving a taxicab driver's license;
- (3) Provide that not less than 2% of the entire taxicab fleet operated within the city limits be wheelchair accessible;
- (4) Provide for the automatic revocation of a taxicab permit held by a taxicab permittee who has failed to maintain or show proof of the requisite insurance policy in compliance with the Texas Motor Vehicle Safety Responsibility Act;

- (5) Adjust the factors taken into consideration pertaining to the taxicab permit computation formula to better address the demand for taxicab permits in a given permit year;

WHEREAS, the City of Houston Regulation, Neighborhood Protection and Development Committee, having considered the recommendations and proposed amendments to Chapter 46 of the Code of Ordinances offered by the Department of Finance and Administration; **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 the 2007 permit distribution process shall recommence not later than December 31, 2007, pursuant to all applicable provisions of Chapter 46 of the Code of Ordinances, except that for the purposes of the recommenced 2007 permit distribution process, the following provisions shall also apply:

- A. On or before December 31, 2007, the director shall cause the computation of the available permit number to be published one time in a newspaper of general circulation.
- B. Applications for permits may be filed on or before January 31, 2008.
- C. The director shall review applications received on or before April 30, 2008, and shall advise each applicant whether the applicant has been determined to be qualified or unqualified.

Section 3. That Exhibit A, attached, is hereby incorporated by reference into this Ordinance for all purposes. The distribution of the 211 taxicab permits originally calculated to be distributed during the 2007 permit year shall be distributed over a four-year period as set out in Exhibit A, attached.

Section 4. That the 211 taxicab permits shall be distributed in the manner and in the amounts set forth in Exhibit A during the calendar years listed therein. For purposes of the aforementioned distribution of the 211 taxicab permits set out in Exhibit A, an applicant's eligibility to receive a set portion of the permits in a calendar year listed in Exhibit A shall be based upon the applicant's status and designation as being within one of the permittee groups set out in Exhibit A as of November 15, 2007. Each applicant for permits to be distributed as set out in Exhibit A must be a qualified applicant pursuant to the applicable provisions of Chapter 46 of the Code of Ordinances at the time the applicant files an application. Those permits not distributed in their respective classifications in a particular permit year as set out in Exhibit A shall be made available to eligible applicants holding 1 to 3 permits pursuant to a drawing that shall commence to determine which eligible applicants are to receive the available permits.

Section 5. That, consistent with the provisions and requirements of this Ordinance and other laws and ordinances, the City's Director of Finance and Administration may implement and enforce all necessary rules and regulations for the successful distribution of the permits during the distribution process period set out in **Exhibit A**, attached. The permits shall be issued in a manner that is to the extent practicable consistent with the requirements of Chapter 46 of the Code of Ordinances, Houston, Texas; however, requirements that cannot practicably be complied with may be waived. The permits issued shall be valid and used only for the operation of taxicabs that are operated in compliance with taxicab permitting requirements of Chapter 46 of the Code of Ordinances, Houston,

Texas, and the provisions of this section shall not be construed to excuse compliance with any other applicable provision of Chapter 46.

Section 6. That Section 46-16 of the Code of Ordinances, Houston, Texas, is hereby amended by adding thereto, in the appropriate alphabetical order positions, the following definitions:

"Disability has the meaning ascribed in section 17-11 of this Code."

"Hybrid-electric vehicle means a vehicle that is propelled by the use of two or more distinct power sources consisting of an internal combustion engine and an on-board rechargeable energy storage system."

"Service animal has the meaning ascribed in section 20-18 of this Code."

Section 7. That Section 46-18 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following to the end of Subsection (b) thereof:

"In addition to the foregoing, any vehicle to be placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2008, must meet one or more of the following criteria:

- (1) Be powered by a 4-cylinder engine;
- (2) Be a hybrid-electric vehicle;
- (3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped; or
- (4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual Fuel Economy Guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the Fuel Economy Guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent Fuel Economy Guide entry for the same or most equivalent make and model of vehicle."

Section 8. That the caption and Subsection (a) of Section 46-33 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 46-33. Refusal to convey; refusal to convey at posted rates; receiving more than posted rates.

(a) It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability. It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare."

Section 9. That Section 46-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 46-61. Definitions.

As used in this division, the following words and terms shall have the meanings ascribed to them in this section:

Airport taxicab usage adjustment factor means the percentage increase or decrease between the mean annual airport taxicab usage and the base year airport taxicab usage.

Available permit number means the number of permits made available for distribution, if any, as computed for a permit computation year pursuant to section 46-63 of this Code.

Base year airport taxicab usage means either (1) the mean annual airport taxicab usage for the last preceding permit computation year in which the issuance of permits was considered, or (2) the mean annual airport taxicab usage calculated for any preceding permit computation year in which the issuance of permits was considered, wherever is greater. Notwithstanding the foregoing, the base year airport taxicab usage for permit computation year 2011 shall be 600,270.

Base year population means the mean annual population of the city for the last preceding permit computation year in which the issuance of permits was considered. Notwithstanding the foregoing, the base year population for permit computation year 2011 shall be 2,076,189.

Mean annual airport taxicab usage means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental Airport/Houston and William P. Hobby Airport during the three calendar years preceding each permit computation year as counted and compiled by the department of aviation and provided to the director. By example, the formula for determining the mean annual airport taxicab usage for permit computation year 2011 is expressed as follows:

$$\text{Mean annual airport taxicab usage} = (\text{airport taxicab usage 2008} + \text{airport taxicab usage 2009} + \text{airport taxicab usage 2010}) / 3$$

Mean annual population means the mathematical average of the population for the city published by the United States Census Bureau as of June 30 for the three years preceding the permit computation year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census Bureau data, the population in the annexed territory. By example, the formula for determining the mean annual population for permit computation year 2011 is expressed as follows:

$$\text{Mean annual population} = (\text{Population estimate 2008} + \text{population estimate 2009} + \text{population estimate 2010}) / 3$$

Metropolitan area means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.

New entrant applicant means a permit applicant who is not a permittee or principal of a permittee.

Operator means the person who is or will be principally in charge of the day-to-day operations of a permittee or applicant for a permit.

Other applicant means any permit applicant who is not a new entrant applicant.

Permit computation year means a year in which the issuance of taxicab permits shall be considered. The first permit computation year shall be 2007. The next permit computation year shall be 2011, and subsequent permit computation years shall occur at three year intervals (2014, 2017, 2020, etc.).

Permit computation year base permit number means the total number of city taxicab permits then authorized on June 1 of a permit computation year.

Permit computation year base permittee number means the number of permittees that exists as of June 1 of each permit computation year.

Permit distribution year shall mean the calendar year immediately following the permit computation year. The first permit distribution year shall be 2008. The next permit distribution year shall be 2012, and subsequent permit distribution years shall occur at three year intervals (2015, 2018, 2021, etc.).

Population adjustment factor means the percentage increase or decrease between the mean annual population and the base year population.

Principal means the operator and also includes in the case of a proprietorship the proprietor and proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Taxicab permit adjustment factor means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor."

Section 10. That Subsection 46-63 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 46-63. Computation of permits to be distributed, if any.

(a) On or before September 1 of each permit computation year, the director shall compute the taxicab permit adjustment factor, permit computation year base permit number and permit computation year base permittee number and cause the data to be published one time in a newspaper of general circulation and to be mailed to each permittee and taxicab driver's license holder at the permittees' and drivers' last known addresses. The director shall provide a written explanation of the computations to any person who requests the data.

(b) Any interested person may appeal the director's computations as published under subsection (a) by filing a notice of appeal in the director's office on or before September 15 of the permit computation year. The appeal notice shall specify in detail the nature of any errors that are alleged in the director's computations. In the event of an appeal, the director shall cause an appeal hearing to be conducted by a hearing examiner in which all appellants may jointly participate. The hearing examiner's decision shall be rendered on or before October 15 and shall be final.

(c) Following the computations under subsection (a) and resolution of any appeals therefrom under subsection (b), a mathematical determination shall be made whether any taxicab permits are to be issued. If the taxicab permit adjustment factor is a negative percentage or is zero, then no permits shall be issued. If the taxicab permit adjustment factor is a positive number, then the taxicab permit adjustment factor shall be multiplied by the permit computation year base permit number, and the result is the available permit number."

Section 11. That Section 46-64 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 46-64. Distribution of available permits.

(a) For purposes of distribution, the available permit number shall be divided into two categories:

- (1) A number of permits equal to five percent of the available permits, rounded to the nearest whole number (with a fraction

of one-half rounded up), shall be reserved for new entrant applicants.

- (2) Based upon the computation provided in item (1) above, the balance of the available permit number shall be reserved for other applicants.

(b) On or before November 1 of each permit computation year, the director shall cause the computation of the available permit number to be published one time in a newspaper of general circulation.

(c) If permits are to be issued, then the publication shall also include the reservation numbers computed under subsection (a), the deadline for filing of applications, and an explanation of how to obtain filing information. If during a permit computation year, the director determines that the number of wheelchair accessible taxicabs is less than 2% of the entire taxicab fleet, the director shall cause the appropriate number of available permits listed in items (1) and (2) of subsection (a) to be designated for wheelchair accessible vehicles. Additionally, the director shall mail the information regarding permits available and filing procedures to all permittees and taxicab driver's license holders at their last known addresses."

Section 12. That Subsection (a) of Section 46-65 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the word "June" with the word "December" in the first sentence thereof and by amending Item (5) thereof to read as follows:

- "(5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant."

Section 13. That Subsection (c) and the introductory paragraph of Subsection (d) of Section 46-65 are hereby amended to read as follows:

"(c) Each applicant, whether a new entrant applicant or other applicant shall be limited to the consideration of one application per permit computation year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others

shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(d) The director shall review applications received and on or before March 1 of the permit distribution year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:"

Section 14. That Subsection (b) of Section 46-67 of the Code of Ordinances, Houston, Texas, is hereby amended by inserting the following after the first sentence thereof:

"Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 60th day after the date of termination or cancellation of the policy, the permit shall automatically terminate."

Section 15. That Section 46-88 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Item (11) that reads as follows:

"(11) Demonstrate the attendance and successful completion of a training course approved by the director regarding public relations and communication skills. A taxicab driver must successfully complete a refresher training course complying with this item prior to the renewal of a taxicab driver's license."

Section 16. That Section 46-144 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 46-144. Refusal to convey; rates and charges.

(a) It shall be unlawful for any driver of any suburban bus to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

(b) Notwithstanding other provisions of this article, and notwithstanding the granting of any franchise pursuant to this article, the rates to be charged by the operator of any suburban bus or line of suburban buses shall and may be fixed and determined from time to time by the city council and such rates may be changed from time to time by the city council where passengers are transported for hire wholly within the city limits. Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or otherwise affect the validity of any ordinance fixing such rates."

Section 17. That Section 46-201 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 46-201. Refusal to convey; license required.

(a) It shall be unlawful for any driver or licensee of a sightseeing or charter service or chauffeured limousine service to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with the passenger's disability.

(b) It shall be unlawful for any person to operate a sightseeing or charter service, or to drive or cause to be operated or driven any sightseeing motor vehicle or charter service motor vehicle upon and over the streets of the city, until such time as the director has approved the issuance of a license for such service and a license has been issued, or at a time when a license previously issued has been suspended or canceled. Violators of this subsection, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each instance of so operating such vehicle shall be deemed a separate offense."

Section 18. That Subsection (e) of Section 46-340 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(e) It shall be unlawful for the driver of any jitney to impose a fare other than as filed with the director. It shall be unlawful for any driver of any jitney to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability."

Section 19. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 20. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2007.

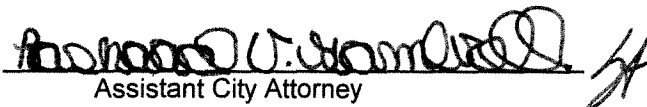
Mayor of the City of Houston

Prepared by Legal Dept.

RVG:asw 12/07/2007

Requested by Judy Gray Johnson, Director, Department of Finance and Administration

L.D. File No. 0340700201001



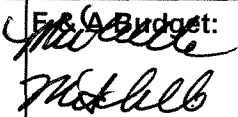
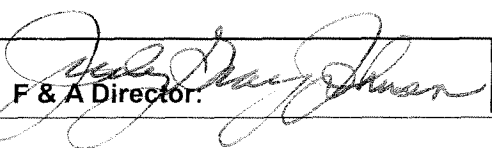


Assistant City Attorney

STAKEHOLDER PERMIT DISTRIBUTION PROPOSAL

Eligible Permittee Group	Permits to be Issued In FY14	Permits to be Issued In FY15	Permits to be Issued In FY16	Permits to be Issued In FY17	Total	% of Total	Current # of Permits as of 1/1/10	Potential Increase in Permits	Current % of Total Permits (Market Share)	% of Total Permits after Distribution (Market Share)
Companies Holding 80 or more Permits										
Large Co 1	7	7	7	6	27		1419	1.90%	62.51%	58.28%
Large Co 2	7	7	7	6	27		237	11.39%	10.44%	10.64%
Large Co 3	7	7	7	6	27		113	23.89%	4.98%	5.64%
Large Co 4	7	7	7	6	27		89	30.34%	3.92%	4.68%
Total for Sub-Group	28	28	28	24	108	51.18%	1858	5.84%	31.85%	29.24%
Companies Holding 25 to 79 Permits										
Mid LG Co 1	3	3	2	2	10		36	27.78%	1.59%	1.85%
Mid LG Co 2	3	3	2	2	10		29	34.48%	1.28%	1.57%
Mid LG Co 3	3	3	2	2	10		28	35.71%	1.23%	1.53%
Mid LG Co 4	3	3	2	2	10		26	38.46%	1.15%	1.45%
Total for Sub-Group	12	12	8	8	40	18.96%	119	32.61%	5.24%	6.41%
Companies Holding 4 to 24 Permits										
Mid SM Co 1	1	1	1	0	3		20	15.00%	0.88%	0.93%
Mid SM Co 2	1	1	1	0	3		14	21.43%	0.62%	0.69%
Mid SM Co 3	1	1	1	0	3		10	30.00%	0.44%	0.52%
Mid SM Co 4	1	1	1	0	3		6	50.00%	0.26%	0.36%
Mid SM Co 5	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 6	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 7	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 8	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 9	1	1	1	0	3		5	60.00%	0.22%	0.32%
Mid SM Co 10	1	1	1	0	3		4	75.00%	0.18%	0.28%
Mid SM Co 11	1	1	1	0	3		4	75.00%	0.18%	0.28%
Mid SM Co 12	1	1	1	0	3		4	75.00%	0.18%	0.28%
Total for Sub-Group	12	12	12	0	36	17.03%	87	41.38%	9.83%	4.96%
Companies Holding 1 to 3 Permits (117 Companies in Drawing)	16	0	0	0	16		155	10.32%	6.83%	6.89%
Total for Sub-Group	16	0	0	0	16	7.58%	55	10.32%	6.83%	6.81%
New Entrant Applicants (5% of total)	11	0	0	0	11					
Total for Sub-Group	11	0	0	0	11	5.21%	0	N/A	0.00%	0.44%
Total Permits to be Issued Over 4 Years	67	40	40	24	171					

Note: The data above is based on a preliminary eligibility review; actual eligibility cannot be determined until time of application.

11/15/07
Revised 12/5/07

SUBJECT: Amendments to the Police Department Classified Personnel Ordinance		Category # 3	Page 1 of 2	Agenda Item # 27
FROM (Department or other point of origin): Human Resources Department		Origination Date December 6, 2007	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Larry Yium (HPD) Phone: (713) 308-1778  (J. Fenninger) 12/6/07		Date and identification of prior authorizing Council action: Amends Police Classified Personnel Ordinance 2007-48		
RECOMMENDATION: (Summary) At the request of the Police Department, Human Resources puts forth these amendments to the Police Department Classified Personnel Ordinance to add five (5) Master Identification Officers, one (1) Senior Identification Officer, and to delete one (1) Deputy Administrator, ID Division positions.				
Amount of Funding: FY08: \$156,312 GENERAL FUND (1000)			F & A Budget: 	
SOURCE OF FUNDING: <input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other				
SPECIFIC EXPLANATION: Amendments to the current Police Department Classified Personnel Ordinance are as follows: A. Increase number of Master Identification Officer positions				
Classification	Current # of Positions	Change	Proposed # of Positions	FY08 Cost
Master Identification Officer	3	5	8	\$162,213
<i>Cost figures above includes fringe benefits.</i>				
The number of Master Identification Officer positions needs to be increased by 5 to accommodate our police workforce, which is becoming more tenured. The current number of positions will not be sufficient for the number of officers converting to this rank, as authorized by the Meet and Confer agreement.				
REQUIRED AUTHORIZATION				
F & A Director: 		Harold L. Hurtt, Chief of Police 		Other Authorization:

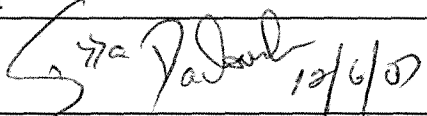

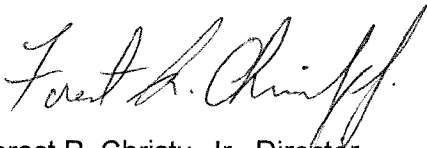
B. Position Changes in the Identification Division

Classification	Current # of Positions	Change	Proposed # of Positions	FY08 Cost
Deputy Administrator, ID Division	13	(1)	12	(\$40,763)
Senior Identification Officer	8	1	9	\$34,862

Cost figures above includes fringe benefits.

The vacant Deputy Administrator, ID Division position will be converted to a Senior Identification Officer position to reflect the actual level of responsibility for this position in the ID Division. The Senior Identification Officer position will create a better span of control, which will assist the department in its efforts toward accreditation.

There currently is not an eligibility list for either the Deputy Administrator, ID Division and the Senior Identification Officer. Therefore, a new exam for the Senior Identification Officer will need to be given soon.

SUBJECT: Purchase and Sale Agreement between Metropolitan Transit Authority of Harris County, Texas (Purchaser) and City of Houston (Seller) for the purchase of the property at 803 Ennis. Parcel SY7-017.		Category	Page 1 of 1	Agenda Item 28
FROM (Department or other point of origin): General Services Department		Origination Date 12-6-07		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  12/6/07		Council District(s) affected:		
For additional information contact: Jacquelyn L. Nisby  Phone: (713) 247-1814		Date and identification of prior authorizing Council Action: Motion No. 2007-1207; December 05, 2007		
RECOMMENDATION: Approve and authorize a Purchase and Sale Agreement with Metropolitan Transit Authority of Harris County, Texas (Purchaser) and City of Houston (Seller) for purchase of the property at 803 Ennis, Parcel SY7-017.				
Amount and Source of Funding: Revenue - \$730,000.00			F & A Budget:	
<p>SPECIFIC EXPLANATION: By Motion No. 2007-1207, City Council declared 803 Ennis, Parcel SY7-017, as surplus property. The property consists of 42,948 square feet, being Lots 1, 2, 6, 7, 8, 9 and 12, and Tracts 3,4,10, and 11, Block 521, SSBB, J. Wells Survey, Abstract 832, Harris County, Texas. The site is a former maintenance facility for the City of Houston.</p> <p>The Metropolitan Transit Authority of Harris County, Texas (METRO) desires to purchase the former maintenance facility for a purchase price of \$730,000.00. METRO intends to acquire the property for use in connection with the development of a transit project serving the City of Houston and Harris County, Texas.</p> <p>The sale is in accordance with Section 272.001 (a) (5) of the Texas Local Government Code, which permits a political subdivision to sell real property to a governmental entity that has the power of eminent domain, and is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.</p> <p>Therefore, the General Services Department recommends that City Council approve and authorize a Purchase and Sale Agreement with METRO to purchase the above-described property at a purchase price of \$730,000.00, which represents the appraised value. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to METRO.</p> <p>The net sale proceeds will be directed to the General Fund.</p> <p>IZD:BC:JLN:FA:fa</p> <p>c: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Michael S. Marcotte</p>				
REQUIRED AUTHORIZATION CUIC #25FA 06				
General Services Department  Forest R. Christy, Jr., Director Real Estate Division		Other Authorization:		

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 1912 Bellmeade Street.

Category #

Page 1 of 1

Agenda Item #

29

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 27, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom Q. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing Council Action: Designation Resolution #2006-17 dated 10/10/2006

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 1912 Bellmeade Street, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On October 22, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 1912 Bellmeade Street, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2003. The 2002 base year value of the historic structure was \$187,500 and the property owner spent in excess of \$213,000 to restore it, thus qualifying the owner for a 100% exemption.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$2,500 the first year of the exemption and a total loss of approximately \$37,500 for the full 15-year period of the exemption (15 x \$2,500 = \$37,500).

Since the property has been designated a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom Q. Mesa, Jr.

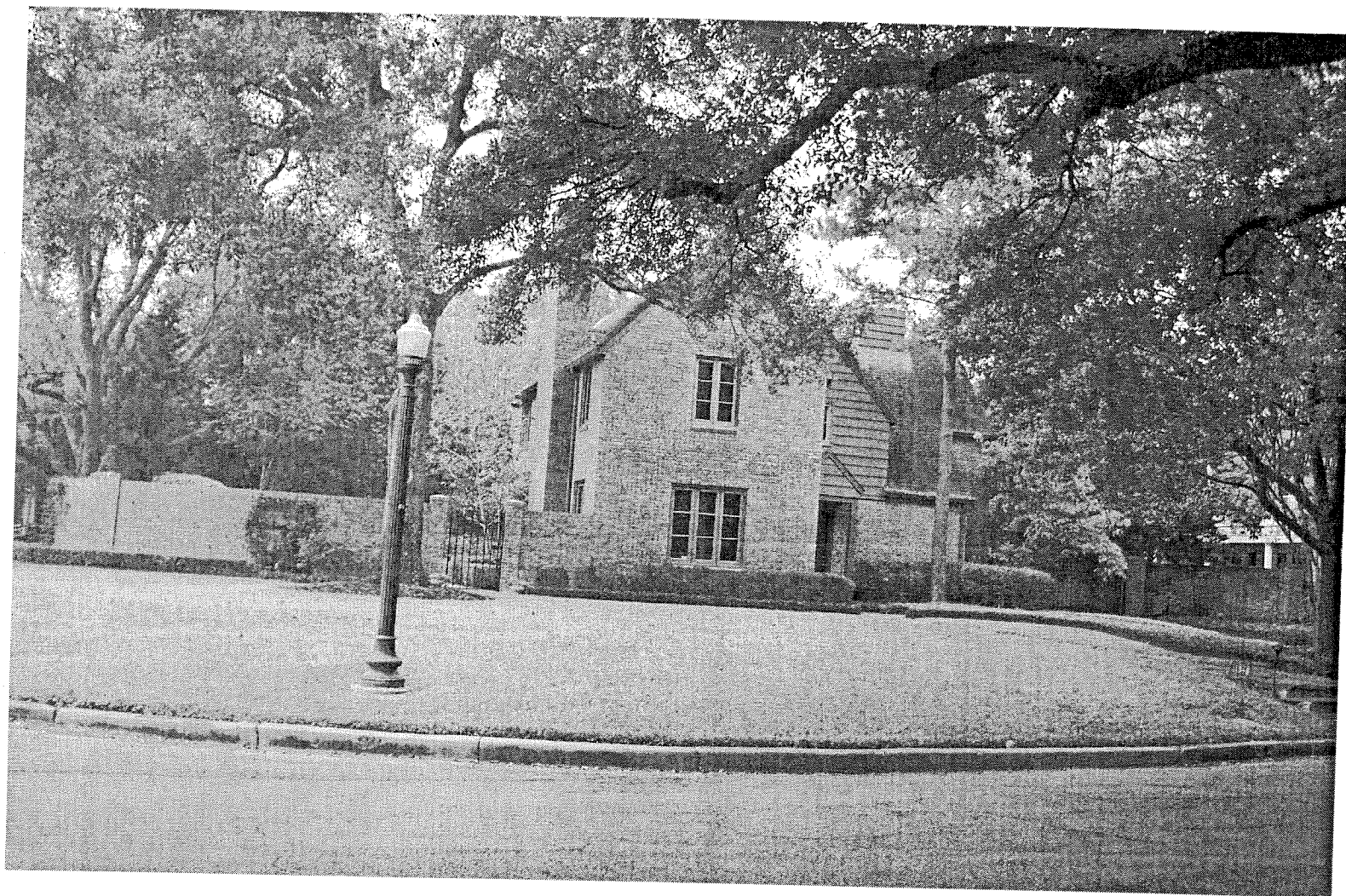
Other Authorization:

1912 Bellmeade
HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2002 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$748,800	\$187,500	\$213,615	\$1,096,475	\$389,525

Projected Annual Tax Gain / (Loss)				
Year	Land	Structure		Net
1	\$7,059	-\$2,508		\$4,551
2	\$7,341	-\$2,508		\$4,833
3	\$7,635	-\$2,508		\$5,127
4	\$7,940	-\$2,508		\$5,432
5	\$8,258	-\$2,508		\$5,750
6	\$8,588	-\$2,508		\$6,080
7	\$8,931	-\$2,508		\$6,424
8	\$9,289	-\$2,508		\$6,781
9	\$9,660	-\$2,508		\$7,153
10	\$10,047	-\$2,508		\$7,539
11	\$10,448	-\$2,508		\$7,941
12	\$10,866	-\$2,508		\$8,359
13	\$11,301	-\$2,508		\$8,793
14	\$11,753	-\$2,508		\$9,245
15	\$12,223	-\$2,508		\$9,716
Total	\$141,338	-\$37,614		\$103,724

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



1912 Bellmeade

12/1/12

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 2121 Brentwood Drive.

Category #

Page 1 of 1

Agenda Item #

30

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing

Council Action: Designation Resolution #2007-7 dated 02/07/2007

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 2121 Brentwood Drive, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On October 20, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 2121 Brentwood Drive, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2002. The 2001 base year value of the historic structure was \$123,300 and the property owner spent in excess of \$305,000 to restore it, thus qualifying the owner for a 100% exemption on the improvements.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$3,800 the first year of the exemption and a total loss of approximately \$57,000 for the full 15-year period of the exemption (15 x \$3,800 = \$57,000).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa, Jr.

Other Authorization:

2121 Brentwood Drive

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria

2001 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$599,400	\$123,300	\$305,098	\$907,200	\$593,076

Projected Annual Tax Gain / (Loss)

(Based upon 100% of Improvements)

Year	Land	Structure		Net
1	\$5,840	-\$3,818		\$2,022
2	\$6,074	-\$3,818		\$2,256
3	\$6,317	-\$3,818		\$2,499
4	\$6,569	-\$3,818		\$2,751
5	\$6,832	-\$3,818		\$3,014
6	\$7,105	-\$3,818		\$3,287
7	\$7,390	-\$3,818		\$3,572
8	\$7,685	-\$3,818		\$3,867
9	\$7,993	-\$3,818		\$4,175
10	\$8,312	-\$3,818		\$4,494
11	\$8,645	-\$3,818		\$4,827
12	\$8,991	-\$3,818		\$5,173
13	\$9,350	-\$3,818		\$5,532
14	\$9,724	-\$3,818		\$5,906
15	\$10,113	-\$3,818		\$6,295
Total	\$116,940	-\$57,269		\$59,671


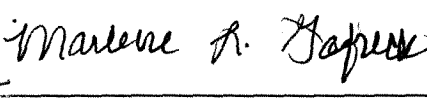

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



2121 Brentwood

12/1/00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		RCA #	
SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 2117 Chilton Road.		Category #	Page 1 of <u>1</u>
			Agenda Item# 31
FROM: (Department or other point of origin): Judy Gray Johnson, Director Marlene Gafrick, Director Finance and Administration Planning and Development		Origination Date November 28, 2007	Agenda Date DEC 12 2007
DIRECTORS' SIGNATURES:  		Council Districts affected: All	
For additional information contact: Tom C. Mesa, Jr. Phone: 837-9857 Keith R. Phillips  Phone: 837-0610		Date and identification of prior authorizing Council Action: Designation Resolution #2007-24 dated 05/09/2007	
RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 2117 Chilton Road, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.			
Amount of Funding: No funding required		F&A Budget:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)			

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

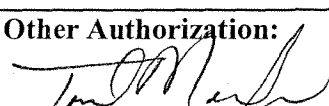
On August 24, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 2117 Chilton Road, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2002. The 2001 base year value of the historic structure was \$31,400 and the property owner spent in excess of \$143,000 to restore it, thus qualifying the owner for a 100% exemption on the improvements.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$2,600 the first year of the exemption and a total loss of approximately \$39,000 for the full 15-year period of the exemption ($15 \times \$2,600 = \$39,000$).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: 	Other Authorization:
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2117 Chilton Road
HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2001 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$538,800	\$31,400	\$143,800	\$739,536	\$407,161

Projected Annual Tax Gain / (Loss)				
(Based upon 100% of Improvements)				
Year	Land	Structure		Net
1	\$4,761	-\$2,621		\$2,140
2	\$4,951	-\$2,621		\$2,330
3	\$5,149	-\$2,621		\$2,528
4	\$5,355	-\$2,621		\$2,734
5	\$5,569	-\$2,621		\$2,948
6	\$5,792	-\$2,621		\$3,171
7	\$6,024	-\$2,621		\$3,403
8	\$6,265	-\$2,621		\$3,644
9	\$6,515	-\$2,621		\$3,894
10	\$6,776	-\$2,621		\$4,155
11	\$7,047	-\$2,621		\$4,426
12	\$7,329	-\$2,621		\$4,708
13	\$7,622	-\$2,621		\$5,001
14	\$7,927	-\$2,621		\$5,306
15	\$8,244	-\$2,621		\$5,623
Total	\$95,328	-\$39,316		\$56,011

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



2117 Chilton

12/1/07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 24 Courtlandt Place.

Category #

Page 1 of 1

Agenda Item#

32

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing

Council Action: Designation Resolution

#96-50 dated 06/12/1996

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 24 Courtlandt Place, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On September 3, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 24 Courtlandt Place, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 1992. The 1991 base year value of the historic structure was \$222,910 and the property owner spent in excess of \$653,000 to restore it, thus qualifying the owner for a 100% exemption on the improvements.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$4,800 the first year of the exemption and a total loss of approximately \$72,000 for the full 15-year period of the exemption ($15 \times \$4,800 = \$72,000$).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa

Other Authorization:

24 Courtlandt Place

HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria

1991 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$267,800	\$222,910	\$653,636	\$472,560	\$751,642

Projected Annual Tax Gain / (Loss)

(Based upon 100% of Improvements)

Year	Land	Structure		Net
1	\$3,042	-\$4,839		-\$1,797
2	\$3,164	-\$4,839		-\$1,675
3	\$3,290	-\$4,839		-\$1,548
4	\$3,422	-\$4,839		-\$1,417
5	\$3,559	-\$4,839		-\$1,280
6	\$3,701	-\$4,839		-\$1,138
7	\$3,849	-\$4,839		-\$989
8	\$4,003	-\$4,839		-\$835
9	\$4,163	-\$4,839		-\$675
10	\$4,330	-\$4,839		-\$509
11	\$4,503	-\$4,839		-\$336
12	\$4,683	-\$4,839		-\$156
13	\$4,871	-\$4,839		\$32
14	\$5,065	-\$4,839		\$227
15	\$5,268	-\$4,839		\$429
Total	\$60,914	-\$72,580		-\$11,667

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



24 Courtland Place

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 3325 Inwood Drive.

Category #

Page 1 of 1

Agenda Item#

33

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing

Council Action: Designation Resolution #2007-3 dated 1/03/2007

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 3325 Inwood Drive, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On October 15, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 3325 Inwood Drive, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2006. The 2005 base year value of the historic structure was \$1,007,400 and the property owner spent in excess of \$1,015,600 to restore it, thus qualifying the owner for a 100% exemption.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$11,200 the first year of the exemption and a total loss of approximately \$168,000 for the full 15-year period of the exemption (15 x \$11,200 = \$168,000).

Since the property has been designated a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa, Jr.

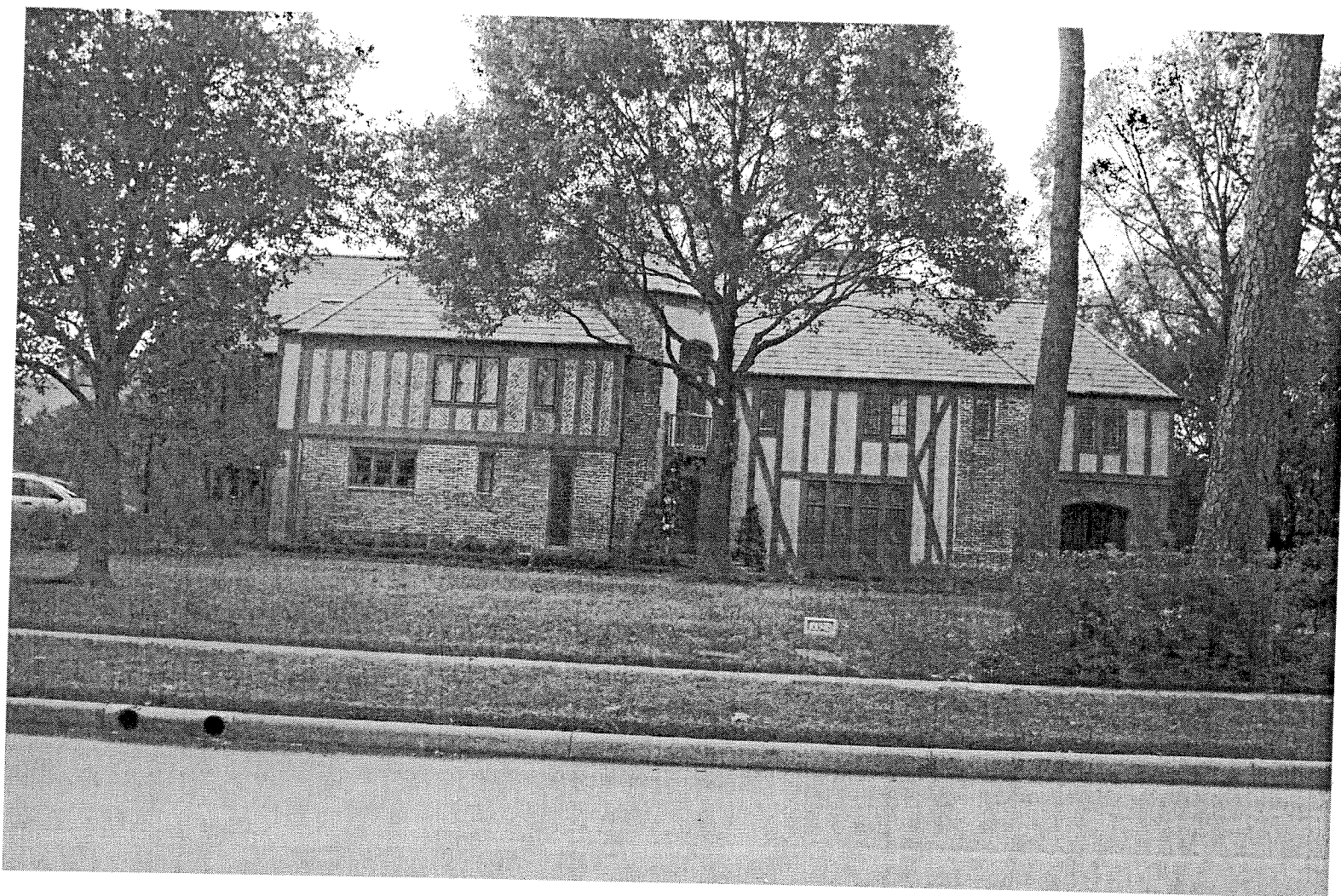
Other Authorization:

3325 Inwood Drive
HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2005 Values (base yr.)		R&P	2007 Values	
Land	Structure	Expenditures	Land	Structure
\$1,417,600	\$1,007,400	\$1,015,607	\$1,705,550	\$1,740,950

Projected Annual Tax Gain / (Loss)				
Year	Land	Structure		Net
1	\$10,979	-\$11,207		-\$228
2	\$11,419	-\$11,207		\$211
3	\$11,875	-\$11,207		\$668
4	\$12,350	-\$11,207		\$1,143
5	\$12,844	-\$11,207		\$1,637
6	\$13,358	-\$11,207		\$2,151
7	\$13,893	-\$11,207		\$2,685
8	\$14,448	-\$11,207		\$3,241
9	\$15,026	-\$11,207		\$3,819
10	\$15,627	-\$11,207		\$4,420
11	\$16,252	-\$11,207		\$5,045
12	\$16,902	-\$11,207		\$5,695
13	\$17,578	-\$11,207		\$6,371
14	\$18,282	-\$11,207		\$7,074
15	\$19,013	-\$11,207		\$7,806
Total	\$219,849	-\$168,110		\$51,738

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



3325 Inwood

12/1/07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 3376 Inwood Drive

Category #

Page 1 of 1

Agenda Item#

34

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing

Council Action: Designation Resolution #2007-3 dated 01/09/2007

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 3376 Inwood Drive which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On September 24, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 3376 Inwood Drive, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2001. The 2000 base year value of the historic structure was \$104,000 and the property owner spent in excess of \$175,000 to restore it, thus qualifying the owner for a 100% exemption on the improvements.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$2,000 the first year of the exemption and a total loss of approximately \$30,000 for the full 15-year period of the exemption (15 x \$2,000 = \$30,000).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa, Jr.

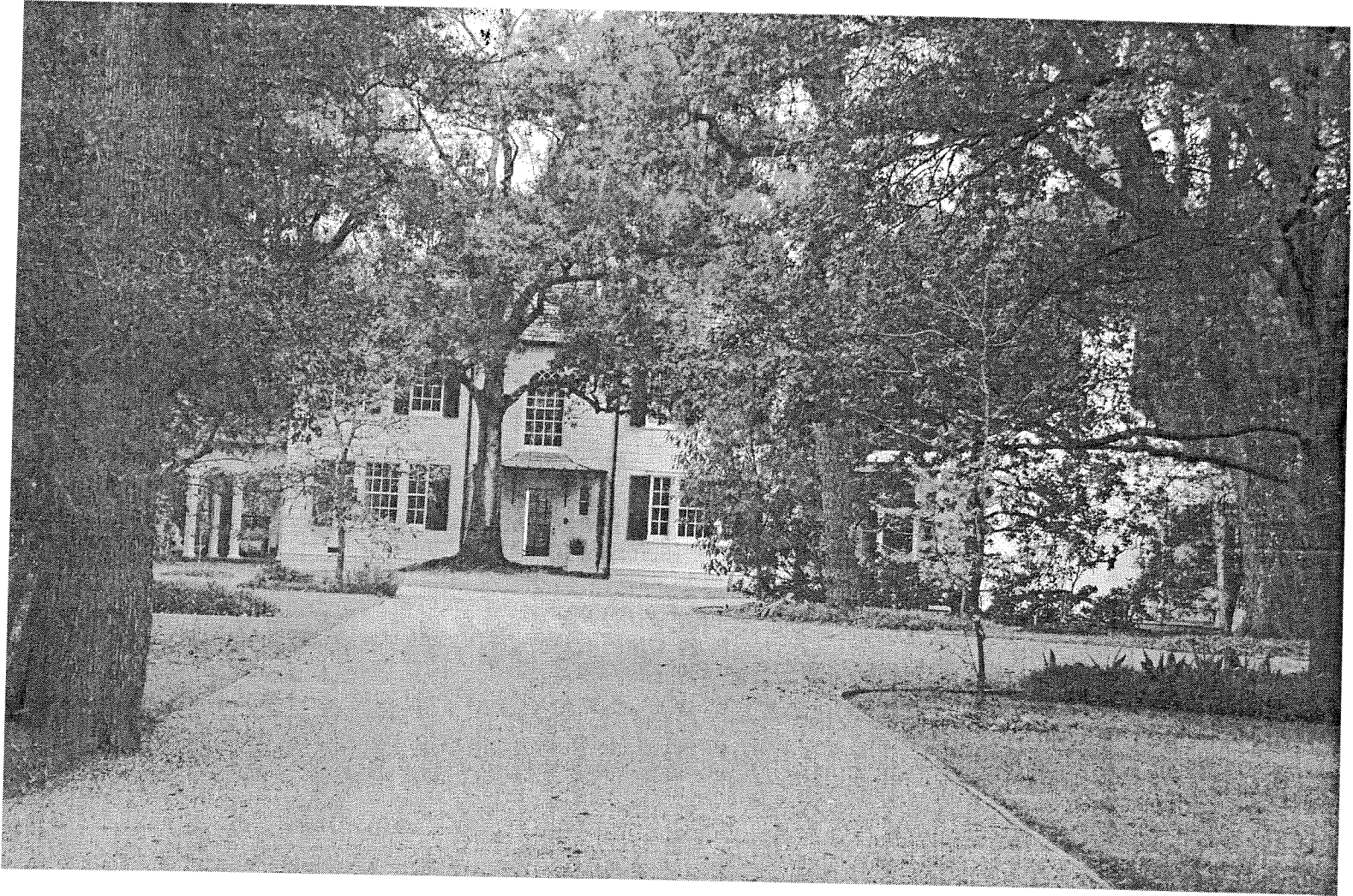
Other Authorization:

3376 Inwood Drive
HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2000 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$2,172,800	\$104,000	\$175,500	\$4,966,400	\$311,471

Projected Annual Tax Gain / (Loss)				
(Based upon 100% of Improvements)				
Year	Land	Structure		Net
1	\$31,971	-\$2,005		\$29,966
2	\$33,250	-\$2,005		\$31,245
3	\$34,580	-\$2,005		\$32,575
4	\$35,963	-\$2,005		\$33,958
5	\$37,402	-\$2,005		\$35,397
6	\$38,898	-\$2,005		\$36,893
7	\$40,454	-\$2,005		\$38,449
8	\$42,072	-\$2,005		\$40,067
9	\$43,755	-\$2,005		\$41,750
10	\$45,505	-\$2,005		\$43,500
11	\$47,325	-\$2,005		\$45,320
12	\$49,218	-\$2,005		\$47,213
13	\$51,187	-\$2,005		\$49,182
14	\$53,234	-\$2,005		\$51,229
15	\$55,364	-\$2,005		\$53,359
Total	\$640,178	-\$30,076		\$610,102

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



3376 Inwood

12/1/07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 3379 Inwood Drive.

Category #

Page 1 of 1

Agenda Item # 35

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson *Marlene Gafrick*

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing Council Action: Designation Resolution #2007-3 dated 01/09/2007

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 3379 Inwood Drive, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On September 30, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 3379 Inwood Drive, which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2005. The 2004 base year value of the historic structure was \$721,100 and the property owner spent in excess of \$1,273,000 to restore it, thus qualifying the owner for a 100% exemption on the improvements.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the improvements are approximately \$10,780 the first year of the exemption and a total loss of approximately \$161,700 for the full 15-year period of the exemption (15 x \$10,780 = \$161,700).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa, Jr.

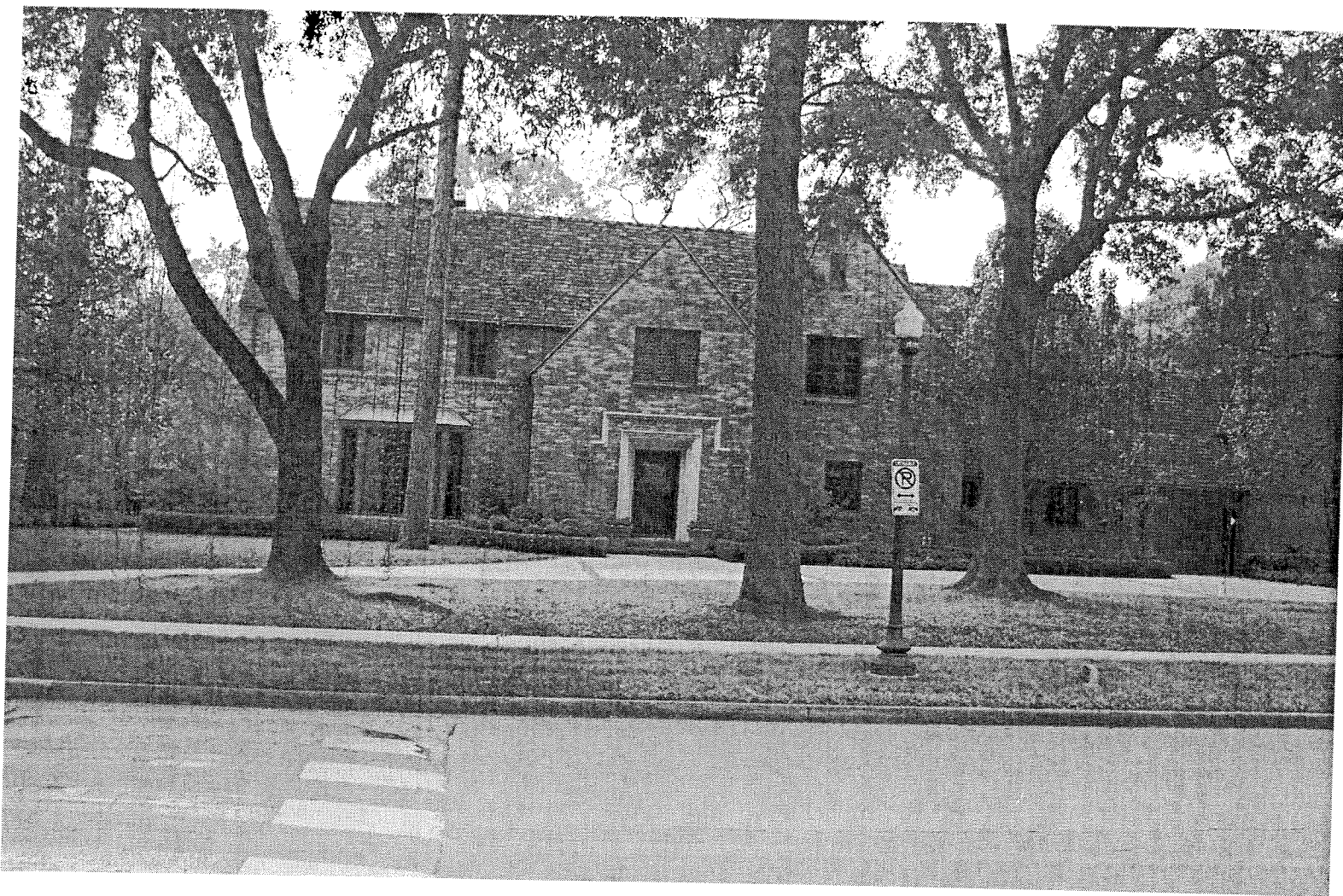
Other Authorization:

3379 Inwood Drive
HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS

Initial Exemption Criteria				
2004 Values (base yr.)		R&P	2007 Values	
Land	Structure	Expenditures	Land	Structure
\$1,624,400	\$721,100	\$1,273,283	\$2,017,400	\$1,674,600

Projected Annual Tax Gain / (Loss)				
(Based upon 100% of Improvements)				
Year	Land	Structure		Net
1	\$12,987	-\$10,780		\$2,207
2	\$13,506	-\$10,780		\$2,726
3	\$14,047	-\$10,780		\$3,267
4	\$14,609	-\$10,780		\$3,828
5	\$15,193	-\$10,780		\$4,413
6	\$15,801	-\$10,780		\$5,020
7	\$16,433	-\$10,780		\$5,652
8	\$17,090	-\$10,780		\$6,310
9	\$17,774	-\$10,780		\$6,993
10	\$18,485	-\$10,780		\$7,704
11	\$19,224	-\$10,780		\$8,444
12	\$19,993	-\$10,780		\$9,213
13	\$20,793	-\$10,780		\$10,012
14	\$21,624	-\$10,780		\$10,844
15	\$22,489	-\$10,780		\$11,709
Total	\$260,047	-\$161,704		\$98,343

Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.



3379 INWOOD

12/1/07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Consideration of a Historic Site Tax Exemption for the property located at 1400 South Blvd.

Category #

Page 1 of 1

Agenda Item #

36

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Marlene Gafrick, Director
Planning and Development

Origination Date

November 28, 2007

Agenda Date

DEC 12 2007

DIRECTORS' SIGNATURES:

Judy Gray Johnson

Marlene Gafrick

Council Districts affected:

All

For additional information contact:

Tom C. Mesa, Jr.

Phone: 837-9857

Keith R. Phillips

Phone: 837-0610

Date and identification of prior authorizing Council Action: Designation Resolution #2007-17 dated 04/17/2007

RECOMMENDATION: (Summary) That City Council grant a Historic Site Tax Exemption for the property located at 1400 South Blvd., which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

Amount of Funding: No funding required

F&A Budget:

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

SPECIFIC EXPLANATION:

Section 44-5 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for historic sites. The only statutory prerequisite to granting a historic site tax exemption is prior City Council designation of the property as a historic site. If the tax exemption is granted, the property owner must then demonstrate to the Director of Finance and Administration that sufficient qualifying restoration and preservation expenditures were made within the time frames prescribed in the Ordinance, before the tax exemption may go into effect.

On July 13, 2007, a sworn application for a Historic Site Tax Exemption was submitted by the owner of the property located at 1400 South Blvd., which meets the criteria set out in the Code of Ordinances. The Restoration and Preservation (R&P) work began in 2002. The 2001 base year value of the historic structure was \$805,300 and the property owner has spent in excess of \$523,000 to restore it, thus qualifying the owner for an exemption equivalent to the ad valorem taxes levied on the amount of qualifying R&P expenditures on the historic structure.

Based on HCAD's 2007 property valuation and the City's current property tax rate, the taxes foregone on the site will be approximately \$3,370 the first year of the exemption and a total loss of approximately \$50,550 for the full 15-year period of the exemption ($15 \times \$3,370 = \$50,550$).

Since the property has been designated as a historic site, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Tom C. Mesa, Jr.

Other Authorization:

1400 South Blvd.**HISTORIC SITE TAX EXEMPTION
15 YEAR ANALYSIS****Initial Exemption Criteria**

2001 Values (base yr.)		R&P Expenditures	2007 Values	
Land	Structure		Land	Structure
\$894,200	\$805,300	\$523,510	\$1,490,400	\$642,600

Projected Annual Tax Gain / (Loss)**(Based upon the actual R&P expenditures)**

Year	Land	Structure		Net
1	\$9,594	-\$3,370		\$6,224
2	\$9,978	-\$3,370		\$6,608
3	\$10,377	-\$3,370		\$7,007
4	\$10,792	-\$3,370		\$7,422
5	\$11,224	-\$3,370		\$7,854
6	\$11,673	-\$3,370		\$8,303
7	\$12,140	-\$3,370		\$8,770
8	\$12,626	-\$3,370		\$9,256
9	\$13,131	-\$3,370		\$9,761
10	\$13,656	-\$3,370		\$10,286
11	\$14,202	-\$3,370		\$10,832
12	\$14,770	-\$3,370		\$11,400
13	\$15,361	-\$3,370		\$11,991
14	\$15,975	-\$3,370		\$12,605
15	\$16,614	-\$3,370		\$13,244
Total	\$192,115	-\$50,551		\$141,564


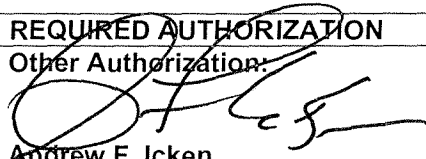
Assumes a 4% increase in land value each year. The tax exemption for the improvements remains the same after the first year pursuant to the ordinance.

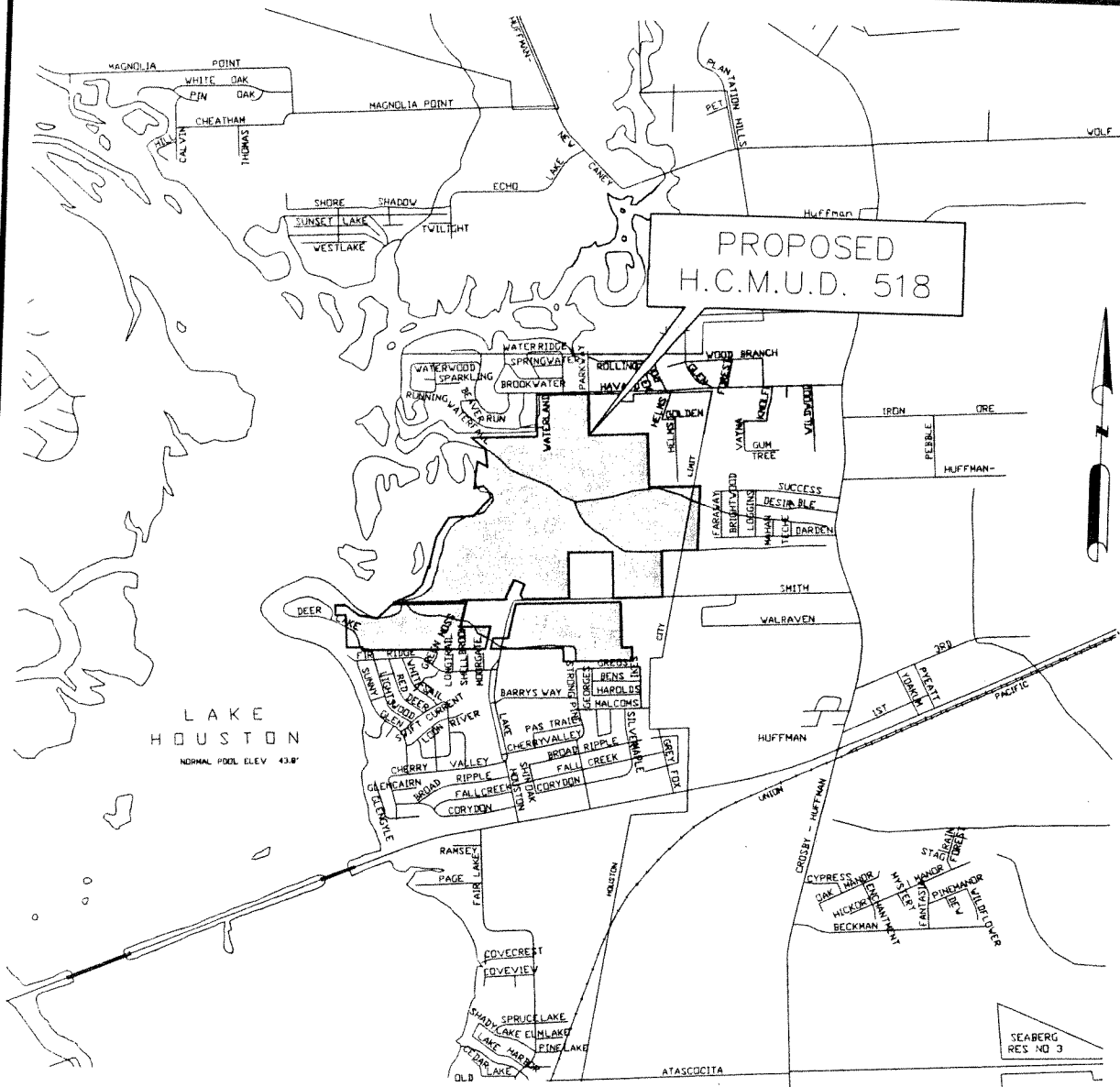


1400 South Blvd

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the creation of three (3) tracts of land totaling 450.372 acres as Harris County Municipal Utility District No. 518 (Key Map No.338-M)		Category #	Page 1 of 1	Agenda Item # 37
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 12/7/07	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: "E"		
For additional information contact: Jun Chang, P.E. Senior Assistant Director Phone: (713) 837-0433		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) The petition for the creation of 450.372 acres of land as Harris County Municipal Utility District No. 518 be approved.				
Amount of Funding: NONE REQUIRED			F & A Budget:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: The owners of 450.372 acres of land, located in both the corporate limits of Houston and the city's extraterritorial jurisdiction, have petitioned the City of Houston for consent to create a new district. The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services. The district is located in the vicinity of FM 1960, Luce Bayou, Lake Houston, and FM 2100. The district will consist of 450.372 acres. The proposed district will be served by the Cedar Bayou Wastewater Treatment Plant that is owned and operated by the City of Houston. The nearest major drainage facility for Harris County Municipal Utility District No. 518 is Lake Houston which flows into the San Jacinto River and then into the Houston Ship Channel. Potable water will be provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction. The Utility District Review Committee recommends that the subject petition be approved. Attachments cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky Bill Zrioka Waynette Chan Deborah McAbee Gary Norman				
F & A Director		REQUIRED AUTHORIZATION 20JZC368		
		Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.		
		Other Authorization:		



HARRIS COUNTY KEY MAP # 338 M
GIMS # 6069 C
ZIP CODE 77336

EXHIBIT B

VICINITY MAP

PRELIMINARY ENGINEERING REPORT
FOR THE CREATION OF HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 518

A&S ENGINEERS, INC.

municipal engineering services
10377 Stella Link Rd., Houston, TX 77025
Phone: (713) 942-2700 Fax: (713) 942-2799
Scale: NTS

OCTOBER, 2007



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the ☒ creation/ ☐ addition of 450.372 acres to Harris County MUD No. 518 under the provisions of Chapters 49 and 54, Texas Water Code.

11/15/07 [Signature]
Attorney for the District

Attorney: Steve Robinson, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-864-6408

Engineer: A&S Engineers, Inc.

Address: 10377 Stella Link Road, Houston, TX Zip: 77025

Phone: 713-942-2723

Owners: Arete Real Estate & Development Company

Address: 340 N. Sam Houston Pkwy. E., Suite 100, Houston, TX Zip: 77060

Phone: 281-272-6134

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

LOCATION

INSIDE CITY ☒

OUTSIDE CITY ☒

NAME OF COUNTY (S) HARRIS

Survey John Merry & Gilbert Brooks

Abstract A-49 / A-6

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

North of: FM 1960

East of: Lake Houston

South of: Luce Bayou

West of: FM 2100

WATER DISTRICT DATA

Total Acreage of District: 450.372

Existing Plus Proposed Land _____

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

Single Family Residential 100

Multi-Family Residential _____

Commercial _____

Industrial _____

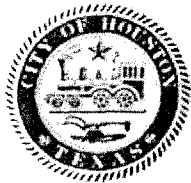
Institutional _____

Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Cedar Bayou (CoH)

NPDES/TPDES Permit No: _____

TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): _____

Ultimate Capacity (MGD): _____

Size of treatment plant site: _____ square feet/acres.

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

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

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

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: NA

Water Treatment Plant Address: _____

Well Permit No: _____

Existing Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Ultimate Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Size of Treatment Plant Site: _____

square feet/acres.

Comments or Additional Information: X

The proposed MUD 518 will be served by existing City of Houston utility infrastructure

in accordance with the request designated as CoH Availability Letter No. 0000585-002.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 6.7733 acres of land to West Harris County Municipal Utility District No. 1 (Key Map No. 410-S)	Category #	Page 1 of <u>1</u>	Agenda Item # 38
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 11-29-07	Agenda Date DEC 12 2007
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DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE	Council District affected: "ETJ"
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For additional information contact: Jun Chang, P.E. Senior Assistant Director Phone: (713) 837-0433	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 6.7733 acres of land to West Harris County Municipal Utility District No. 1 be approved.

Amount of Funding: NONE REQUIRED	F & A Budget:
--	--------------------------

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

West Harris County Municipal Utility District No. 1 has petitioned the City of Houston for consent to add 6.7733 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

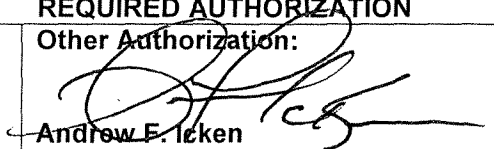
The district is located in the vicinity of US Highway 290, Beltway 8 West Loop, West Little York Road, and Gessner Road. The district desires to add 6.7733 acres, thus yielding a total of 415.1479 acres. The district is served by the White Oak Bayou Regional Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District No. 25, Windfern Forest Utility District, Jersey Village and Baker Oil Tools. The nearest major drainage facility for West Harris County Municipal Utility District No. 1 is Cole Creek which flows to White Oak Bayou and then to Buffalo Bayou and finally into the Houston Ship Channel.

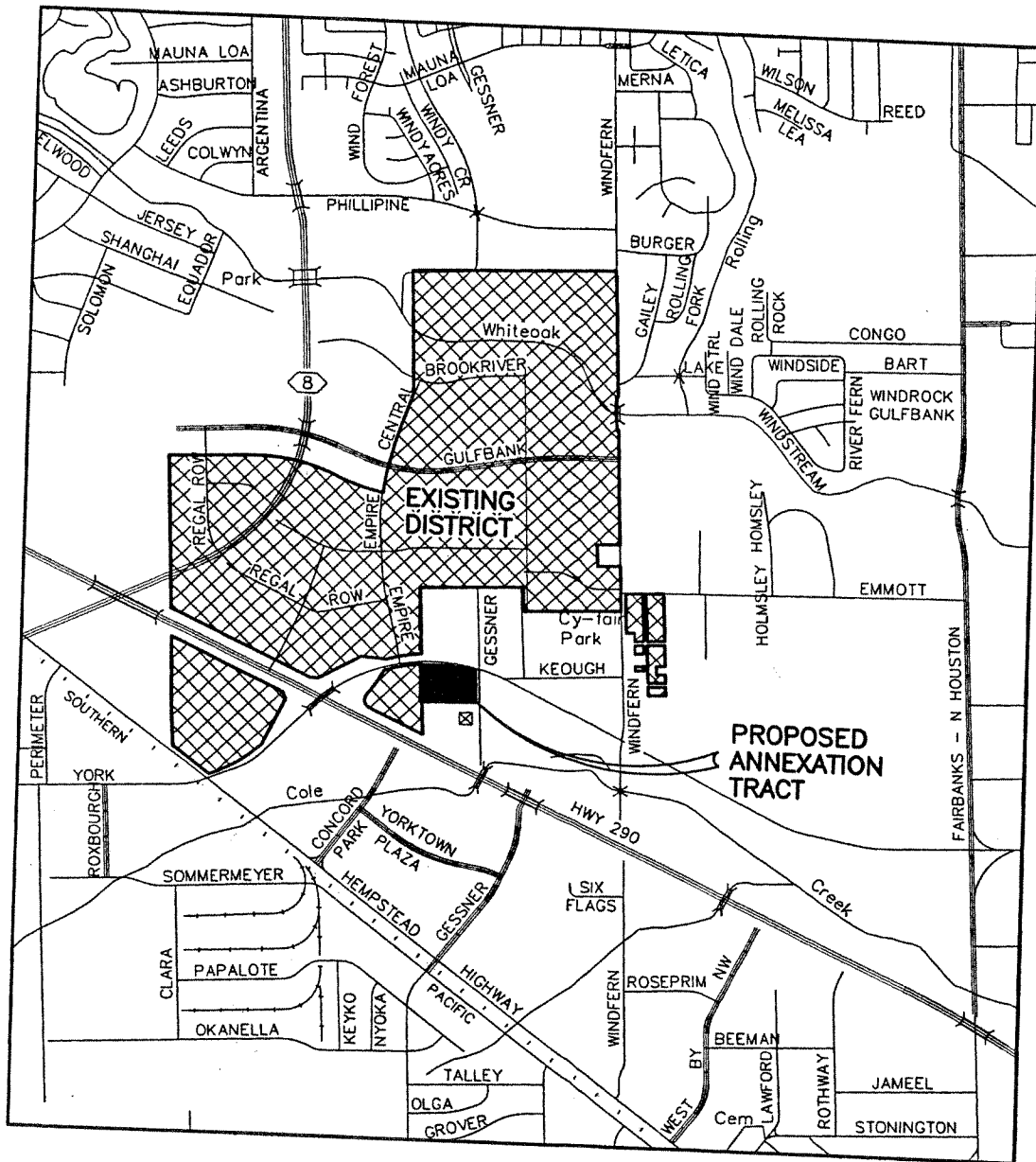
Potable water is provided by Harris County Municipal Utility District No. 25 and West Harris County Municipal Utility District No. 1. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

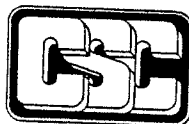
Attachments

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

REQUIRED AUTHORIZATION 20JZC366	
F & A Director	Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.



VICINITY MAP
OF
WEST HARRIS COUNTY MUD No. 1
HARRIS COUNTY, TEXAS
SEPTEMBER 2007



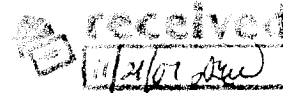
**COTTON SURVEYING
COMPANY**
6335 Gulton, Suite 103
Houston, Texas 77081
Office (713) 981-0275



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 6.7733 acres to West Harris County M.U.D. No 1 under the provisions of Chapters 49 & 54 Texas Water Code.

Orendy E. Wright
Attorney for the District

Attorney: Young & Brooks, L.L.P.

Address: 1415 Louisiana, 5th Floor Houston, Texas

Zip: 77002-7349

Phone: 713-951-0800

Engineer: Jones & Carter, Inc.

Address: 6335 Gulfton, Suite 100 Houston, TX

Zip: 77081

Phone: 713-777-5337

Owners: West Harris County Municipal Utility District No.1

Address: 1415 Louisiana, 5th Floor Houston, Texas

Zip: 77002-7349

Phone: 713-951-0800

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris

Survey W.K. Hamblin Survey

Abstract A-317

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

North of: US Highway 290

East of: Beltway 8 West Loop

South of: West Little York Road

West of: Gessner Road

WATER DISTRICT DATA

Total Acreage of District: 408.3746

Existing Plus Proposed Land 415.1479

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

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

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

Regional Plant ☒

Sewage Treatment Plant Name: White Oak Bayou Regional Wastewater Treatment Fac

NPDES/TPDES Permit No: WQ0011538-001

TCEQ Permit No: WQ0011538-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 3.2

Ultimate Capacity (MGD): 4.5

Size of treatment plant site: 6.4770 acres square feet/acres.

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

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

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

Total permitted capacity: 3.2

MGD of (Regional Plant).

Name of District: West Harris County MUD #1

MGD Capacity Allocation 0.80992

or property owner(s)

Name of District: Harris County MUD #25

MGD Capacity Allocation 0.08992

Water Treatment Plant Name: HCMUD25/WHCMUD1 Joint Water Plant No. 1

Water Treatment Plant Address: 10435 W. Gulf Bank Houston, Texas 77040

Well Permit No: 1759

Existing Capacity:

Well(s): 1,100 GPM

Booster Pump(s): 2,700 GPM

Tank(s): 1.0 MG

Ultimate Capacity:

Well(s): 1,100 GPM

Booster Pump(s): 2,700 GPM

Tank(s): 1.0 MG

Size of Treatment Plant Site: 1.0000 acres square feet/acres.

Comments or Additional Information: The booster pump capacity is based on the largest pump being out of service.

Additional Districts served by the Regional Wastewater Treatment Plant

Name of District: Windfern Forest

MGD Capacity Allocation 0.90016

Name of District: Jersey Village

MGD Capacity Allocation 1.30016

Name of District: Baker Oil Tools

MGD Capacity Allocation 0.09984

0010
TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Ordinance designating the 600 block of West Main Street, south side, between Greely and Jack Streets as a Special Building Line Requirement Area	Category #	Page 1 of _____	Agenda Item # 39
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 09/28/2007	Agenda Date DEC 12 2007
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DIRECTOR'S SIGNATURE: 	Council District affected: D
---	--

For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
--	---

RECOMMENDATION: (Summary) Approval of an ordinance designating the 600 block of West Main Street, south side, between Greely and Jack Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.

Amount and Source of Funding:	F & A Budget:
--------------------------------------	--------------------------

SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of Tracts 1A, 2A & 3A of the Lockhart Connor & Barziza Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 80% of the area. Notification was mailed to five 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. One written protest was filed. The Houston Planning Commission considered the protest on August 30, 2007 and voted to recommend that the City Council establish the Special Minimum Building Line Requirement Area..

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

MLG:md

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

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
Linda Tarver, Public Works and Engineering
Gary Bridges, Public Works and Engineering

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
----------------------------	-----------------------------	-----------------------------

KIM G. YELTON, PC

**Kim G. Yelton
Attorney at Law**

**1714 California
Houston, Texas 77006**

Phone: 713.942.8575

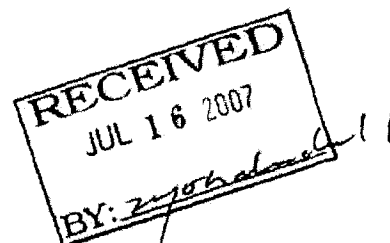
Fax: 713.533.0388

**Board Certified, Residential Real Estate Law
Texas Board of Legal Specialization**

July 16, 2007

via messenger delivery
and email: mohdudul.huq@cityofhouston.net

City of Houston Planning and Development Department
Attn: Mohdudul Huq
611 Walker, 6th Floor
Houston, Texas 77002



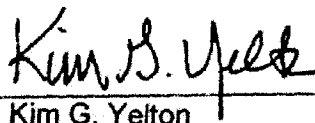
Re: Protest of Special Minimum Lot Size Area and
Special Building Line Requirement Area
Application
600 block of West Main Street, South side
between Greely and Jack Streets

Dear Mr. Huq:

I represent Jessie M. Young, Jr., who is the owner of the West ½ of Lots 9 and 10 and the adjoining West ½ of the North 20 feet of Lot 8, Block 7 of the Lockhart, Connor and Barziza Addition, in Harris County, Texas, according to the map recorded in Volume 1, Page 42 of the Map Records of Harris County, Texas. Mr. Young has received notice of a Special Minimum Lot Size Area and Special Building Line Requirement Area Application (the "Application") described above.

This letter is a protest of the Application and request that a hearing be scheduled before the Houston Planning Commission to contest the application. At the hearing Mr. Young will establish that the Application (1) is incomplete and/or (2) does not satisfy the criteria required by Chapters 42-163 and 42-194 of the City of Houston Code of Ordinances and that his property should not be affected by the Application.

Sincerely,



Kim G. Yelton

cc: Jessie M. Young, Jr.

Special Building Line Requirement Area No. 119

Planning Commission Approval

Planning Commission Evaluation:

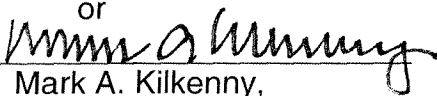
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 600 block of West Main Street, south side.</p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>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 80% 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 20ft exists on five (5) properties in the blockface.</p>
X		<p>The proposed SBLRA has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</p> <p>The subdivision was platted in 1902, and most of the houses were constructed in the 1920's. The housing style was developed primarily with Prairie and Craftsman architectural influence. The Prairie style of architectural was popularized by the Chicago School of Architects like Frank Lloyd Wright and Louis Sullivan. This style was very popular throughout America from 1900 to 1925. In Houston, the style was a hallmark of the City's newer "streetcar suburbs" developed in the Montrose area neighborhoods like Avondale, Courtland Place, Audubon Place, etc. There is no recent platting activity. The proposed METRO rail alignment along Richmond Street will have an impact on the neighborhood.</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>Five (5) out of five (5) developed properties (representing 100% of the application area) have a building line of at least twenty (20) feet.</p>		

The Special Building Line Requirement Area meets the criteria.

Carol Lewis, Chair

Date

or





Mark A. Kilkenny,
Vice-Chair

Date

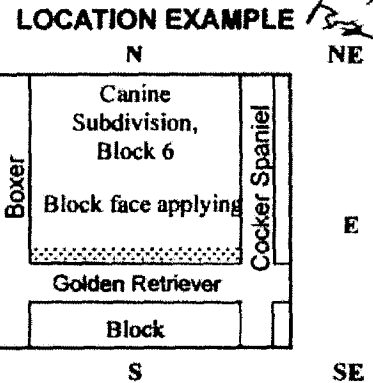
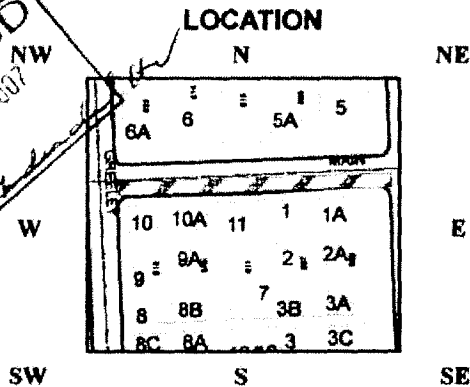
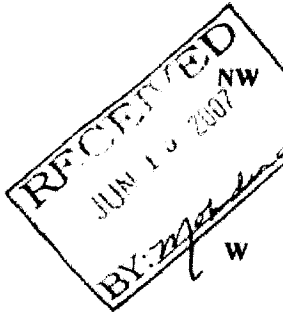
CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

COMBINED SPECIAL MINIMUM LOT SIZE & SPECIAL MINIMUM BUILDING LINE APPLICATION

To expedite this application, please complete entire application form.



1. BOUNDARY:

Block # Block 7
 Lot #'s All Lots on South Side of 600 Block of W Main St
 Subdivision Name Lockhart Connor & Barziza
 Street Name & Side (s) South side of W Main St.
 Lot (s) Address 600 Block of WQ Main St.
 Odd/Even Addresses Odd Addresses

BOUNDARY EXAMPLE:

Block # Block 6
 Lots 1-5
 Subdivision Name Canine Subdivision
 Street Name & Side (s) North side of Golden Retriever Ln.
 Lot (s) Address 800 Block Golden Retriever Ln.
 Odd/Even Addresses Odd Addresses

2. CONTACTS:

Applicant Stephen Longmire Phone # 713-523-5165
 Address 603 W Main St. E-mail [redacted] Fax # 713-523-5165
 City Houston State Texas Zip 77006
 Other _____ Phone # _____
 Address _____ E-mail _____ Fax # _____
 City _____ State _____ Zip _____

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

File # MLS # 259
MBL # 119
 Lambert # 5356
 Census Tract 4107
 City Council District D
 Key Map # 4935
 Super Neighborhood 24
 TIRZ _____

FIRST MONTROSE COMMONS, INC.

NEIGHBORHOOD ASSOCIATION

ESTABLISHED 1994


"A COMMON EFFORT FOR AN UNCOMMON NEIGHBORHOOD"

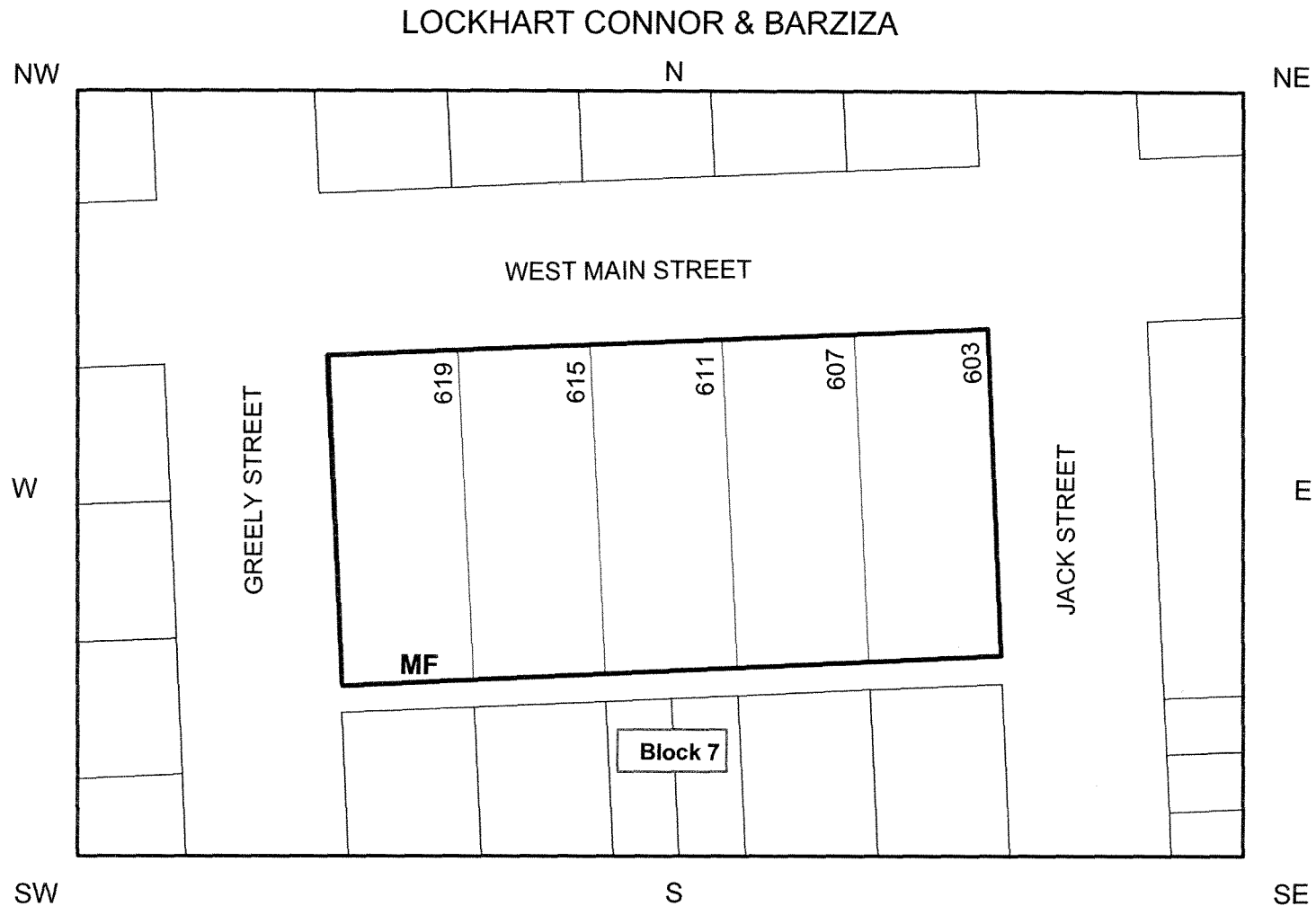


PETITION

June 8, 2007



I (We), Stephen Longmire, owner(s) of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block 7, Lot (TRS 1A 2A & 3A), of Lockhart Connor & Barziza, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-163 and 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes and building lines for Block 7, Lot(s) (TRS 1A 2A & 3A), (TRS 1 2 & 3B), (TR 11), (TRS 8B 9A & 10A), AND (TRS 8 9 & 10) in Lockhart Connor & Barziza through the application of and creation of a Special Minimum Lot Size and Special Minimum Building Line Requirement area.

 6/8/2007
Stephen Longmire, DATE SIGNED




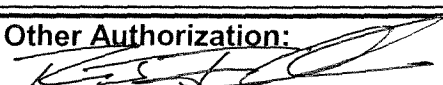
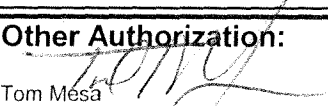
**20' Special Building Line
MAP/SKETCH**

SBLRA No. 119

- | | |
|---|--|
|  | 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: Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #3 (Main St. Market Square Zone) and an ordinance to approve a Fourth Amendment to the Zone Project and Financing Plan.		Category # 1	Page 1 of <u>1</u>	Agenda Item # <u>40+40A</u>
FROM: (Department or other point of origin): Finance & Administration		Origination Date November 30, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council Districts affected: 1		
For additional information contact: Robert Fiederlein Phone: 713.437.6491 Tom Mesa Phone: 713.837.9857		Date and identification of prior authorizing Council Action: Ord. 95-1323, 12/13/95; Ord. 96-911, 9/11/96; Ord. 98-1205, 12/16/98; Res. 99-39, 6/30/99; Ord. 99-828, 8/11/99; Ord. 05-1050, 9/14/05		
RECOMMENDATION: (Summary) Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #3 (Main St. Market Square Zone) and an ordinance to approve a Fourth Amendment to the Zone Project and Financing Plan.				
Amount and Source of Funding: No Funding Required			F & A Budget	
Specific Explanation: <p>City of Houston Tax Increment Reinvestment Zone #3 (Main St. Market Square Zone) was created by Ordinance 1995-1323 on December 13, 1995. Subsequently, City Council approved a Project and Financing Plan (the "Plan") for the Zone (Ord. 1996-911, September 11, 1996) and created the Main St. Market Square Redevelopment Authority to help implement the Plan (Res. 1999-39, June 30, 1999). The Zone expires on December 31, 2025. The Zone was subsequently expanded and the plan amended in both 1998 and 2005.</p> <p>It is recommended that several blocks containing public facilities and parks be annexed to the Zone (see Exhibit 38). These blocks include City Hall and City Hall Annex, the Julia Ideson and Jones Buildings of the Central Library and Herman Square and Sam Houston Parks. The Julia Ideson Building is in need of rehabilitation/refurbishment and expansion to properly carry out its library and archive functions. The City has entered into a partnership with the Julia Ideson Library Preservation Partners to accomplish the rehabilitation and expansion. The JILPP will raise from private sources the majority of the funds required to carry out the project and the Zone will make a funding contribution. Improvements to the parks are also needed including security lighting improvements.</p> <p>The proposed Fourth Amendment to the Zone Project and Financing Plan (the "Amended Plan") incorporates the territory recommended for annexation into the plan and revises and expands upon the projects to be accomplished by the Zone. The Amended Plan was approved by the board of directors of the Zone and the Main St. Market Square Redevelopment Authority on November 8, 2007, and forwarded to the City for its consideration.</p> <p>The Amended Plan makes adjustments to both Parts B and C of the Plan by decreasing funding for the Buffalo Bayou Partnership and increasing funding for affordable housing. The new Part D details projects relative to promoting residential and retail development downtown, improvements to parks and plazas, improvements to institutional facilities including the previously discussed Julia Ideson Building project, rehabilitation of historic structures and the acquisition of property in support of the above projects.</p> <p>Attachment</p> <p>cc: Marty Stein, Agenda Director Deborah McAbee, Senior Assistant City Attorney Anna Russell, City Secretary Arturo Michel, City Attorney</p>				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:  Robert Fiederlein		Other Authorization:  Tom Mesa

Part D: Project Plan and Reinvestment Zone Financing Plan, Reinvestment Zone Number Three (Main Street Market Square), City of Houston, Texas

Overview

Reinvestment Zone Number Three, City of Houston, Texas, also known as the Main Street Market Square Tax Increment Reinvestment Zone (TIRZ) was created by Ordinance No. 95-1323 dated December 13, 1995, covering a 9-block area. A Project Plan and Reinvestment Zone Financing Plan (Part A) for the 9-block area was adopted by City Council on September 11, 1996 by Ordinance No. 96-911. On November 11, 1998, the Board of Directors of the TIRZ recommended that the City expand the original zone boundaries by adding approximately 65 blocks primarily along the Main Street corridor, and increase project costs to reflect necessary public improvements to redevelop the enlarged zone. This enlargement of the zone ("1998 Amended Plan") was adopted by City Council on December 16, 1998 by Ordinance 98-1205 (Part B). Together, the 1996 Part A and 1998 Part B TIRZ plan elements highlighted the relevant synergies of development activities to be achieved through the financing of zone-related improvements within the zone and provided the tools needed to alleviate blight, deteriorated street and site conditions, obsolete transit services and facilities, and encourage the sound growth of the Central Business District's residential, retail, hotel and commercial sectors.

Subsequently, by Resolution No. 1999-39, dated June 30, 1999, the Houston City Council approved the creation of the Main Street Market Square Redevelopment Authority. The Authority was established to assist the City and the Zone Board of Directors in implementing the TIRZ Project Plan and Financing Plan and in promoting and developing housing, educational facilities, and the economic development of the Main St. Market Square Zone. Further, on August 9, 1999, the TIRZ Board of Directors recommended to City Council amendments to 1998 Plan ("1999 Second Amended Plan") approved by City Council on August 11, 1999 by Ordinance 1999-828 to increase the Houston Independent School District tax increment participation rate for educational facilities project costs that may be constructed either inside or outside the TIRZ boundaries.

The Third Amended Plan, Part C, was approved by City Council on September 14, 2005 (Ord. 05-1050). Part C of the TIRZ plan provided for an enlargement of the zone by the addition of two city blocks that were in use as surface parking lots. These blocks were bounded by Dallas St. to the north, Polk St. to the south, Fannin St. to the west, and Caroline St. to the east. The purpose of the enlargement of the zone was to facilitate and support the development of the Houston Pavilions Project, a mixed-use retail and office complex aimed at stimulating major investment in the southeastern portion of the Central Business District and a reallocation of project costs as set out in the 1995 Part A and the 1998 Part B elements of the plan.

The Fourth Amended Plan, Part D, approved by the Main Street Market Square Redevelopment Authority and the TIRZ Board of Directors, provides for an enlargement of the zone by the addition of the city blocks that encompass City Hall, the Jones Building and the Julia Ideson Building of the Central Library, City Hall Annex, and Sam Houston Park (see Exhibit 38). In addition, projects costs as set out in the 1998 Part B and the 2005 Part C have been reallocated. The purpose of the enlargement of the zone is to facilitate and support the improvement of the Julia Ideson Building and potentially other institutional facilities. In addition, two new specific projects within the existing zone have been defined. These projects are the financial support of

the Wortham Theater Skybridge, a skybridge connecting the Wortham Theater to the Houston Ballet's new building on Block 36 and the development of an office and/or residential complex on the southwestern portion of the Bayou Place complex. The former project falls under the general project category defined in Part B as "Theater District: Cultural and Public Facility Improvements" and the latter falls under the general project category defined in Part D "Retail/Residential Development".

Overview of Plan Amendments

The Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three, City of Houston, Texas (Market Square TIRZ) sets forth the goals, expectations, plans, programs and financial projections necessary to create and support an environment attractive to private investment around the central business core of the downtown area in a manner that will ensure the long term stability and attractiveness of the entire Central Business District. This Fourth Amendment to the Final Project Plan and Reinvestment Zone Financing Plan is referenced as Part D and describes the changes to the zone project plan, including Parts A, B and C.

Parts A, B, C and D, together, provide the programs and investment strategies to help revitalize the Central Business District, improve infrastructure and alleviate deteriorated street and site conditions, promote transit services through a pedestrian-friendly environment and encourage the sound growth of residential, retail, hotel, office and other commercial development within the area.

Amendments to Part B

Part B Goals remain unchanged. Proposed Improvements for Part B are amended as follows. Resulting projects and budgets are described in Exhibit 39.

1. Buffalo Bayou Improvements: Funding has been reduced to a total of \$2.3 million in Part B. Together with Part A provisions, total funding for Buffalo Bayou is now \$6.3 million.

Amendments to Part C

Part C Goals remain unchanged. Proposed Improvements for Part C are amended as follows. Resulting projects and budgets are described in Exhibit 39.

1. Affordable Housing: Affordable housing for the downtown workforce has emerged as an important public policy goal. The funding for this has been increased to \$15,000,000 to account for increased land acquisition and construction costs.

Part D

Part D encompasses all of the geographic areas of Part A, Part B and Part C plus the proposed expanded area described below.

Proposed Expansion Area Zone Boundaries: The fourth amended zone boundaries (refer to Exhibit 38) reflect the inclusion of blocks roughly bounded by Walker on the north, Smith on the east, Lamar on the south and the existing zone boundary (approximately I-45) on the west. This area is approximately 21 acres and includes City Hall, City Hall Annex, the Jones and Julia Ideson Buildings of the Central Library and Sam Houston and Herman Square Parks.

Part D Improvements

Part D improvements along with the changes to the other parts of the plan are described in Exhibit 39.

1. Residential Site Development \$5,000,000
This would extend to the annexed areas the residential site development project already defined in Part A for the original area. This would provide for utilities and developer reimbursements for residential development in the entire zone. A subproject included within this would be the development of a residential project associated with the Bayou Place tract owned by the city.
2. Parks, Plazas and Streetscapes \$20,000,000
This would provide for the development or redevelopment of parks and plazas within the expanded zone such as Market Square Park. Other potential projects include improvements to Hermann Square Park in front of City Hall and Sam Houston Park. Additionally, this would fund public streetscape improvements such as brick pavers, street furniture, and landscaping along the public right-of-way in the expanded zone.
3. Retail/Residential Development \$14,000,000
The Authority desires to promote the development of street-level retail and residential development within the Central Business District. This could be done through developer agreements for such projects that would provide for public right-of-way improvements and could also entail the use of economic development grants similar to that utilized for the Houston Pavilions project. Such a use would require the development of a project-specific economic development program and approval by City Council. Such a program would require careful evaluation of costs and benefits to be achieved. A defined project within this category is the development of an office and/or residential complex on the southwestern portion of the Bayou Place complex.
4. Institutional Facilities \$19,500,000
The Authority will partner with a private philanthropic fundraising effort to expand and restore the Julia Ideson Building of the Central Library. Additional institutional projects may include other City of Houston facilities included in the expanded boundaries of the zone such as City Hall and City Hall Annex.
5. Property Acquisitions \$10,000,000
To promote further redevelopment within the zone, the Authority will acquire as opportunities arise properties for redevelopment. Multiple properties may be assembled over time to facilitate redevelopment.

6. Acquisition/Rehabilitation of Historic Structures \$5,000,000
To promote further redevelopment, the Authority will acquire and/or support the restoration or rehabilitation of historic structures within the zone.

Other Project Plan Provisions

Reinvestment Zone Duration: When initially created by City Council on December 13, 1995, the term of the zone was established at 30 years. No change is proposed to the zone duration.

Estimated Bonded Indebtedness: In addition to bonds issued in FY 2002, additional bond issues are projected. A financial analysis of the zone's present capacity indicates that approximately \$38 million in bonds could be issued in FY 2009 (see Tables 40 and 41). The Authority will seek as required per its Tri-Party Agreement with the city authorization for any specific issuance.

Project Plan Impacts: No displacement or relocation of residents is anticipated based on the public land use of the blocks to be annexed.

Municipal Ordinances: No changes to city codes or ordinances are proposed in this Part D amendment to the TIRZ plan.

Taxing Jurisdiction Participation: As noted previously, all the land to be annexed to the zone in Part D is publicly owned and is not presently taxed. Neither of the participation agreements with Harris County or with HISD will be affected by this Part D amendment.

MAIN STREET MARKET SQUARE
REDEVELOPMENT AUTHORITY
TAX INCREMENT REINVESTMENT
ZONE (TIRZ)
NUMBER THREE



2007 Proposed COH Expansion

(TYPICAL) 405

EXHIBIT 39

Project Cost Amendments: The following table includes the approved project costs for Parts A, B and C and the changes made to those through this Part D

Part A	Estimated Costs: 1999 Plan	Estimated Costs: 2005 Plan	Estimated Costs: 2007 Plan	Change 2005 to 2007
Buffalo Bayou Riverwalk	\$4,000,000	\$4,000,000	\$4,000,000	\$0
Affordable Housing	\$5,000,000	\$5,000,000	\$5,000,000	\$0
Rice Hotel Financial Asst.	\$18,750,000	\$18,750,000	\$18,750,000	\$0
Acquisition/Rehabilitation of Historic Structures	\$1,500,000	\$1,500,000	\$1,500,000	\$0
Sub-Total for Part A	\$29,250,000	\$29,250,000	\$29,250,000	\$0
Part B				
Streetscape Enhancements, Related Roadways and Parks	\$11,675,000	\$7,100,000	\$7,100,000	\$0
Transit Streets	\$16,000,000	\$10,000,000	\$10,000,000	\$0
Retail Parking Facilities	\$15,000,000	\$0	\$0	\$0
Transit Improvements	\$6,750,000	\$2,500,000	\$2,500,000	\$0
Acquisition/Rehabilitation of Historic Structures	\$15,000,000	\$12,000,000	\$12,000,000	\$0
Educational Facilities (Educational Facilities paid directly to HISD (\$82,541,820))	\$82,541,820	\$82,541,820	\$82,541,820	\$0
Buffalo Bayou Improvements (Bayou to be extended from Original Zone as a riverwalk and park area)	\$6,000,000	\$6,000,000	\$2,300,000	(\$3,700,000)
Theater District, Cultural & Public Facility Improvements	\$11,500,000	\$11,500,000	\$11,500,000	\$0
Sub-Total for Part B	\$164,466,820	\$131,641,820	\$127,941,820	(\$3,700,000)
Part C				
Economic Development Grant: For projects that provide parking that is accessible to the public	\$0	\$8,800,000	\$8,800,000	\$0
Economic Development Grant: For projects that provide pedestrian access improvements	\$0	\$5,500,000	\$5,500,000	\$0
Public Parking Facilities	\$0	\$3,100,000	\$3,100,000	\$0
Transit Streets and Transit Center	\$0	\$5,500,000	\$5,500,000	\$0
Affordable Housing	\$0	\$2,375,000	\$15,000,000	\$12,625,000
Sub-Total for Part C	\$0	\$25,275,000	\$37,900,000	\$12,625,000
Part D				
Residential Site Development	\$0	\$0	\$5,000,000	\$5,000,000
Parks, Plazas & Streetscapes	\$0	\$0	\$20,000,000	\$20,000,000
Retail/Residential Development	\$0	\$0	\$14,000,000	\$14,000,000
Institutional Facilities	\$0	\$0	\$19,500,000	\$19,500,000
Property Acquisitions/Land Assemblage	\$0	\$0	\$10,000,000	\$10,000,000
Acquisition/Rehabilitation of Historic Structures	\$0	\$0	\$5,000,000	\$5,000,000
Sub-Total for Part D	\$0	\$0	\$73,500,000	\$73,500,000
Estimated Financing Costs (The Rice excluded)	See Note 1	\$21,650,000	\$10,650,000	(\$11,000,000)
Estimated Administration Costs	\$1,891,000	\$1,891,000	\$6,750,000	\$4,859,000
PROJECT PLAN TOTAL	\$195,607,820	\$188,057,820	\$275,341,820	\$87,284,000

Note 1: The 1999 Amended Plan did not include Part B financing costs. This plan includes an estimate of these costs beginning in FY 2006. Because of interest rates and other variables, it is not possible to provide exact projections of those costs. This estimate does not include payments for The Rice or for FY 2002 bonds, but it does include \$2,000,000 specifically budgeted for Part A for financing costs not yet incurred as of the date of the Third Amended Plan.

Note 2: In addition to direct project costs, additional costs attributable to developer reimbursements and bonds in FY 2009 that could partially fund developer reimbursements are included in the "Financing Costs" line.

EXHIBIT 40

PROJECTION OF TAX INCREMENT FUND CASH FLOWS

Main Street / Market Square Redevelopment Authority Reinvestment Zone Number Three - City of Houston, Texas Projection of Future Growth

Fiscal Year Ending Jun. 30	Original Area						Annexed Area						Less: Net Debt Service Requirements	Less: Payments on Public Safety	Less: TIRZ Admin. Expenses	Interest Earnings @ 4.0%	Reserve Fund Earnings @ 4.0%	Annual Surplus/ (Deficit)	Fiscal Year Ending Jun. 30
	Projected City Net Tax Collections	Projected County Net Tax Collections	Projected HISD Net Tax Collections	Projected Total Net Tax Collections	Less: HHFC Rice Hotel Payments	Original Area Net Cash Flow	Projected City Net Tax Collections	Projected County Net Tax Collections	Projected HISD Net Tax Collections	Projected Total Net Tax Collections									
	(a)	(a)	(a)				(a)	(a)	(a)										
2008	322,390	316,226	410,000	1,048,615	750,000	298,615	3,149,153	26,610	1,834,220	5,009,984	1,084,504	550,000	300,000	134,964	43,424	3,552,484	2008		
2009	349,904	346,316	410,000	1,106,220	750,000	356,220	4,511,437	34,243	1,834,220	6,379,900	1,081,164	250,000	300,000	204,198	43,424	5,352,579	2009		
2010	363,900	360,169	410,000	1,134,069	750,000	384,069	4,691,895	35,613	1,890,220	6,617,728	1,080,858	250,000	300,000	214,838	43,424	5,629,201	2010		
2011	378,456	374,575	410,000	1,163,031	750,000	413,031	5,769,394	405,416	2,146,220	8,321,029	1,083,123	250,000	300,000	284,038	43,424	7,428,400	2011		
2012	1,034,267	1,026,479	439,020	2,499,767	750,000	1,749,767	7,067,958	337,427	2,237,260	9,642,644	1,083,025	250,000	300,000	390,375	43,424	10,193,166	2012		
2013	1,075,638	1,067,539	439,020	2,582,196	750,000	1,832,196	7,350,676	350,924	2,237,260	9,938,860	1,081,095	250,000	300,000	405,598	43,424	10,588,984	2013		
2014	1,118,663	1,110,240	439,020	2,667,923	750,000	1,917,923	7,644,703	364,961	2,237,260	10,246,924	1,082,156	250,000	300,000	421,308	43,424	10,997,423	2014		
2015	1,163,410	1,154,650	447,084	2,765,144	750,000	2,015,144	7,950,491	379,559	2,363,340	10,693,390	1,080,710	250,000	300,000	443,113	43,424	11,564,361	2015		
2016	1,209,946	295,582	447,084	1,952,612	750,000	1,202,612	8,268,511	394,741	2,363,340	11,026,592	1,081,550	250,000	300,000	423,906	43,424	11,064,955	2016		
2017	1,256,344	0	447,084	1,705,428	750,000	955,428	8,599,251	410,531	2,363,340	11,373,122	1,084,326	250,000	300,000	427,769	43,424	11,165,417	2017		
2018	1,308,678	0	447,084	1,755,762	750,000	1,005,762	8,943,221	426,952	2,363,340	11,733,514	1,083,815	250,000	300,000	444,218	43,424	11,593,103	2018		
2019	1,361,025	0	447,084	1,808,109	750,000	1,058,109	9,300,950	444,030	2,394,380	12,139,361	1,085,004	250,000	300,000	462,499	43,424	12,068,389	2019		
2020	1,415,466	0	447,084	1,862,550	750,000	1,112,550	9,672,988	461,792	2,394,380	12,529,160	1,082,316	250,000	300,000	480,376	43,424	12,533,194	2020		
2021	1,472,085	0	447,084	1,919,169	750,000	1,169,169	10,059,908	480,263	2,426,380	12,966,551	1,080,769	250,000	300,000	500,198	43,424	13,048,573	2021		
2022	1,530,968	0	447,084	1,978,052	750,000	1,228,052	10,462,304	499,474	2,433,420	13,395,198	1,080,844	250,000	300,000	519,696	1,129,033	14,641,135	2022		
2023	1,592,207	0	447,084	2,039,291	750,000	1,289,291	10,880,796	519,453	2,529,420	13,929,669	0	250,000	300,000	586,758	0	15,255,718	2023		
2024	1,655,895	0	447,084	2,102,979	750,000	1,352,979	11,316,028	540,231	2,529,420	14,385,679	0	250,000	300,000	607,546	0	15,796,204	2024		
2025	1,722,131	0	447,084	2,169,215	750,000	1,419,215	11,768,669	561,840	2,529,420	14,859,929	0	250,000	300,000	629,166	0	16,359,310	2025		
Total	20,333,372	6,051,776	7,874,984	34,260,131		20,760,131	147,408,335	6,674,059	41,106,840	195,189,233	16,235,257	4,800,000	5,400,000	7,580,564	1,736,974	198,831,646			

(a) Assumes 3% delinquencies and 5% City of Houston administration fee. HISD has an administration fee of \$25,000. Assumes 4% growth and City of Houston buildout assumptions.

Assumes taxes are collected at beginning of fiscal year after they are levied.

(b) Source: Estimate taken from City of Houston projections.

(c) Earnings are estimated for the purpose of illustration.

NOTE: This is a projection of cash flows based on various assumptions, current market conditions, and a flow of funds that allows for the accumulation of reserves.

These cash flows will change based on actual revenues and expenses, as well as market conditions at the time of the sale of the bonds. There are usually differences in estimated and actual revenues and expenses because events and circumstances frequently do not occur as expected, and such differences may be material.

EXHIBIT 41

PROJECTION OF SOURCES AND USES OF FUNDS

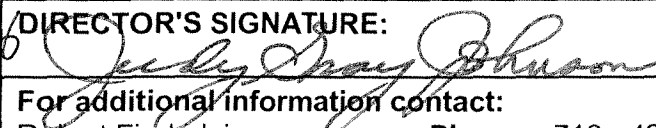
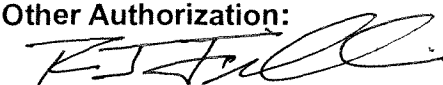

Main Street / Market Square Redevelopment Authority Reinvestment Zone Number Three - City of Houston, Texas Projection of Future Bond Sales Based on Growth

	Series <u>2002A</u>	Series <u>2009</u>	Series <u>2011</u>	Series <u>2013</u>	<u>Total</u>
<u>Sources of Funds:</u>					
Par Amount of Bonds	12,785,000	38,435,000	14,120,000	2,980,000	68,320,000
Original Issue Discount	(93,179)				(93,179)
Other Funds	0	0	0	0	0
Total Sources of Funds	12,691,821	38,435,000	14,120,000	2,980,000	68,226,821
<u>Uses of Funds:</u>					
Costs of Issuance (a)	705,511	2,306,100	847,200	178,800	4,037,611
Reserve Fund Deposit (b)	1,085,609	4,121,130	1,777,977	573,243	7,557,958
Capitalized Interest (c)	413,873	1,056,963	388,300	81,950	1,941,086
Payments to HHFC (Rice Hotel)	1,698,623				1,698,623
Metro Super Stop Project	2,500,000				2,500,000
Available for Reimbursement	6,288,206	30,950,808	11,106,523	2,146,007	50,491,544
Total Uses of Funds	12,691,821	38,435,000	14,120,000	2,980,000	68,226,821

- (a) Estimated at 6% of the par amount of the Bonds, except for Series 2002A Bonds which are based on line-item estimates.
- (b) Estimated at 100% of maximum annual debt service.
- (c) Represents 6 months of interest on the Bonds.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance amending the FY 2008 Operating Budget of the Main St. Market Square Redevelopment Authority (TIRZ #3)	Category # 1	Page 1 of 1	Agenda Item # 41
FROM: (Department or other point of origin): Finance & Administration	Origination Date December 5, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 	Council Districts affected: 1		
For additional information contact: Robert Fiederlein Phone: 713 - 437 - 6491 Tom Mesa Phone: 713 - 837 - 9857	Date and identification of prior authorizing Council Action: Ord. 2007-0736, 6/27/07; Ord. 2007-1118, 10/10/07		
RECOMMENDATION: (Summary) Approval of an ordinance amending the FY 2008 Operating Budget of the Main St. Market Square Redevelopment Authority (TIRZ #3)			
Amount and Source of Funding: None Required		F & A Budget	
Specific Explanation: On December 6, 2007, the board of directors of the Main St. Market Square Redevelopment Authority approved an amendment to its FY 2008 Operating Budget to add \$500,000 for historic façade preservation agreements. Previously, no amount had been budgeted in FY 2008 for this line item. Such agreements are part of the Project and Financing Plan for Tax Increment Reinvestment Zone (TIRZ) #3 that the Main St. Market Square Redevelopment Authority administers on behalf of the city. The Authority has entered into historic façade preservation agreements previously (e.g. Humble Oil Building) and has pending requests for such funding for the present fiscal year that it is evaluating. The Authority requests that City Council approve an amendment to its budget that would allow it to enter into such agreements this year.			
Attachment			
cc: Marty Stein, Agenda Director Anna Russell, City Secretary		Deborah McAbee, Senior Assistant City Attorney Arturo Michel, City Attorney	
REQUIRED AUTHORIZATION			
F&A Director:	Other Authorization: 	Other Authorization: 	

CITY OF HOUSTON
FINANCE & ADMINISTRATION
FISCAL YEAR 2008 TIRZ PROFILE
SECOND AMENDED

Fund Summary

Fund Name: **Main Street Redevelopment Authority**

TIRZ: **#03**

Department Name: **Finance & Administration**

Fund Number: **7551/65**

P R O F I L E	Base Year:	Created in 1995, expanded in 1998, and 2005
	Base Year Taxable Value:	\$ 215,971,440
	Project Plan Taxable Value (TY2007):	\$ 669,362,643
	Current Taxable Value (TY2007):	\$ 905,189,053
	Acres:	280
	Administrator (Contact):	Vicki Rivers
	Contact Number:	713-526-7577

N A R R A T I V E	Zone Purpose:
	Main Street/Market Square TIRZ was created originally in 1995 to stimulate new residential development in the 9 block area around Rice Hotel (Part A). In 1998, the Zone was expanded (Part B) to include Main Street and northern blocks of the Central Business District along Buffalo Bayou; primarily to create pedestrian and transit amenities, to catalyze new investment, and enhance connections between eastern and western portions of downtown. In 2005, two blocks were added (Part C) for a new mixed use retail and entertainment project. The Zone provides tools needed to alleviate blight, deteriorated street and site conditions, obsolete transit services and facilities, while encouraging sound growth of residential, retail, hotel and commercial development. Through partnerships, leveraging and incentives, the Zone's purpose is to create an environment conducive to liveability, residential infill, pedestrian functionality, multimodal public transportation systems, public open spaces and parks.
	Accomplishments in FY07 (Projects Underway):
	Completed installation of public amenities (bike racks and benches). Assisted in funding of installation of historic plaques on light standards along Texas Ave. Developer broke ground on Pavilions project in early calendar year 2007. Entered into agreement with Buffalo Bayou Partnership to co-fund improvements to Buffalo Bayou. Initiated engineering studies to address east/west streets not previously improved by METRO or City. Held place making workshops for potential redesign of Market Square Park. Paid off substantial bank loan from available resources.

		Total Plan	Cumulative Expenses (to FY07)	Variance
P R O J E C T	Capital Projects:			
	Buffalo Bayou Riverwalk & Improvements	\$ 10,000,000	\$ 462,000	\$ 9,538,000
	Residential Development Sites	\$ 5,000,000	\$ -	\$ 5,000,000
	Rice Hotel Financial Assistance	\$ 18,750,000	\$ 8,250,000	\$ 10,500,000
	Acquisition/Rehabilitation of Historic Structures	\$ 13,500,000	\$ 5,201,652	\$ 8,298,348
	Street Scape Enhancements, Related Roadways & Parks	\$ 7,100,000	\$ 490,600	\$ 6,609,400
	Transit Streets, Improvements & Center	\$ 18,000,000	\$ 13,053,486	\$ 4,946,514
	Retail/Economic Development	\$ 14,300,000	\$ -	\$ 14,300,000
	Theater District	\$ 11,500,000	\$ -	\$ 11,500,000
	Parking Facilities	\$ 3,100,000	\$ -	\$ 3,100,000
P	Total Capital Projects	\$ 101,250,000	\$ 27,457,738	\$ 73,792,262
L	Affordable Housing	\$ 2,375,000	\$ -	\$ 2,375,000
A	Education Facilities	\$ 82,541,820	\$ 17,456,288	\$ 65,085,532
N	Financing Costs	\$ 21,650,000	\$ 17,335,763	\$ 4,314,237
	Administration Costs	\$ 1,891,000	\$ 2,259,429	\$ (368,429)
	Creation Costs	\$ -	\$ 231,816	\$ (231,816)
	Total Project Plan	\$ 209,707,820	\$ 64,741,034	\$ 144,966,786

D E B T	Additional Financial Data	2007 Budget	2007 Projection	2008 Budget
	Debt Service	\$ 995,095	\$ 1,080,966	\$ 1,084,503
	Principal	\$ 420,000	\$ 475,000	\$ 500,000
	Interest	\$ 575,095	\$ 605,966	\$ 584,503
		Balance as of 6/30/06	Balance as of 6/30/07	Balance as of 6/30/08
	Year End Outstanding			
	Bond Debt	\$ 11,460,000	\$ 10,985,000	\$ 10,485,000
	Bank Loan	\$ 3,944,723	\$ -	\$ -
	Developer Agreement	\$ 14,429,578	\$ 14,429,578	\$ 10,620,000
	Other (Rice Hotel)	\$ 11,250,000	\$ 10,500,000	\$ 9,750,000

CITY OF HOUSTON
FINANCE & ADMINISTRATION
FISCAL YEAR 2008 BUDGET
SECOND AMENDED

Fund Summary
Fund Name: **Main Street Redevelopment Authority**
TIRZ: **#03**
Department Name: **Finance & Administration**
Fund Number: **7551/65**

TIRZ Budget Line Items	2007 Budget	2007 Projection	2008 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,165,322	\$ 2,165,322	\$ 2,165,322
Unrestricted Fund Balance	\$ 6,212,331	\$ 6,212,351	\$ 5,085,547
Total Beginning Fund Balance	\$ 8,377,653	\$ 8,377,673	\$ 7,250,869
TIRZ Revenues			
City	\$ 3,647,835	\$ 3,624,075	\$ 4,321,131
ISD	\$ 5,474,279	\$ 5,525,047	\$ 5,463,763
County	\$ 331,091	\$ 351,147	\$ 522,052
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 9,453,205	\$ 9,500,268	\$ 10,306,946
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ 46,800	\$ 153,994	\$ 150,000
Total Available Resources	\$ 17,877,658	\$ 18,031,935	\$ 17,707,815
Fund Transfers			
Affordable Housing			
City of Houston - Increment	\$ -	\$ -	\$ -
City of Houston - Debt Issue	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 3,311,601	\$ 3,342,312	\$ 3,278,258
Municipal Services - Public Safety	\$ 300,000	\$ 300,000	\$ 250,000
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 182,392	\$ 181,204	\$ 216,057
Harris County Admin	\$ 16,555	\$ 17,557	\$ 26,103
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
Other (HHFC Payment)	\$ 750,000	\$ 750,000	\$ 750,000
Total Fund Transfers	\$ 4,585,547	\$ 4,616,073	\$ 4,545,417
Funds Available for Project Costs	\$ 13,292,111	\$ 13,415,862	\$ 13,162,398
Project Costs			
Administrative Staff	\$ 188,000	\$ 184,422	\$ 214,271
Administrative Consultant	\$ -	\$ -	\$ -
Legal - General Counsel	\$ 15,000	\$ 15,000	\$ 15,000
Accounting/Audit	\$ 24,700	\$ 19,700	\$ 19,800
Program / Project Consulting	\$ 21,500	\$ 20,740	\$ 17,000
Administrative Operating Expenses	\$ 93,750	\$ 93,423	\$ 63,225
Capital Expenditures (See CIP for details)	\$ 387,000	\$ 161,600	\$ 526,000
Developer / Project Reimbursements	\$ 4,243,000	\$ 413,000	\$ 6,880,000
Debt Issuance Costs	\$ -	\$ -	\$ -
Debt Service			
Principal	\$ 420,000	\$ 475,000	\$ 500,000
Interest Expense	\$ 575,095	\$ 605,966	\$ 584,503
Refinance / Pre-Payments	\$ 3,943,823	\$ 4,176,142	\$ -
Total Project Costs	\$ 9,911,868	\$ 6,164,993	\$ 8,819,799
Total Budget	\$ 14,497,415	\$ 10,781,066	\$ 13,365,216
Planned Ending Fund Balance:	\$ 3,380,243	\$ 7,250,869	\$ 4,342,599
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,165,322	\$ 2,165,322	\$ 2,165,322
Unrestricted Fund Balance	\$ 1,214,921	\$ 5,085,547	\$ 2,177,277

CITY OF HOUSTON
 FINANCE & ADMINISTRATION
 FISCAL YEAR 2008 BUDGET TEMPLATE BY LINE ITEMS
 FOR TIRZ ADMINISTRATORS
SECONDED AMENDED

Fund Summary
 Fund Name: **Main Street Redevelopment Authority**
 TIRZ: **#03**
 Department Name: **Finance & Administration**
 Fund Number: **7551/65**

TIRZ Budget Line items	2007 Budget	2007 Projection	2008 Budget
RESOURCES			
Beginning Fund Balance			
RESTRICTED Funds - Bond Debt Service Reserve	\$ 2,165,322	\$ 2,165,322	\$ 2,165,322
UNRESTRICTED Funds	6,212,331	6,212,351	5,085,547
Total Beginning Fund Balance	\$ 8,377,653	\$ 8,377,673	\$ 7,250,869
Interest Income	\$ 46,800	\$ 153,994	\$ 150,000
Other interest income (8223)	\$ 46,800	\$ 153,994	\$ 150,000
Sale of other assets (8533)	\$ -	\$ -	\$ -
Miscellaneous revenue (8855)	\$ -	\$ -	\$ -
City tax revenue	\$ 3,647,835	\$ 3,624,075	\$ 4,321,131
ISD tax revenue	5,474,279	5,525,047	5,463,763
County tax revenue	331,091	351,147	522,052
Incremental property tax (6001)	\$ 9,453,205	\$ 9,500,268	\$ 10,306,946
Developer Advances (8906)	\$ -	\$ -	\$ -
Revenue bond proceeds (8905)	\$ -	\$ -	\$ -
Special assessment bond proceeds (8911)	\$ -	\$ -	\$ -
Tax increment bond proceeds (8912)	\$ -	\$ -	\$ -
Proceeds from bank loan (8930)	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 17,877,658	\$ 18,031,935	\$ 17,707,815

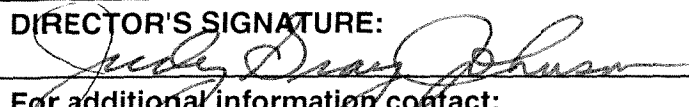
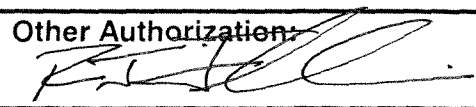
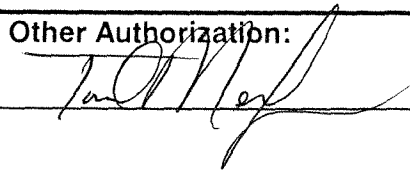
CITY OF HOUSTON
 FINANCE & ADMINISTRATION
 FISCAL YEAR 2008 BUDGET TEMPLATE BY LINE ITEMS
 FOR TIRZ ADMINISTRATORS
SECONDED AMENDED

Fund Summary
 Fund Name: **Main Street Redevelopment Authority**
 TIRZ: **#03**
 Department Name: **Finance & Administration**
 Fund Number: **7551/65**

TIRZ Budget Line items	2007 Budget	2007 Projection	2008 Budget
EXPENSES			
TIRZ Administration and Overhead			
Administration (Salaries + Benefits)	\$ 188,000	\$ 184,422	\$ 214,271
Office Expenses/Consolidation	90,750	90,223	59,825
Insurance	3,000	3,200	3,400
Accounting (George Baugh CPA)	10,200	5,200	5,300
Audit (Mir, Fox & Rodriguez)	9,500	9,500	9,500
Financial Advisor (First SW)	7,000	9,500	3,500
Bond Services (Chase)	4,500	4,240	4,500
Taxroll Advisor (ITM)	5,000	5,000	5,000
Subtotal - TIRZ Administration and Overhead	317,950	311,285	305,296
TIRZ Program and Project Consultants			
Legal (Vinson & Elkins)	15,000	15,000	15,000
Engineer (Swayzer Engineering)	5,000	1,000	2,000
Architects (M2L Associates)		1,000	2,000
Construction Audits	5,000	5,000	5,000
Subtotal - Program and Project Consultants	25,000	22,000	24,000
Management consulting services (3335)	\$ 342,950	\$ 333,285	\$ 329,296
See CIP Summary	\$ 387,000	\$ 161,600	\$ 526,000
TIRZ Capital Expenditures (5646)	\$ 387,000	\$ 161,600	\$ 526,000
Development Agreements	\$ -		
Developer Agreement - Masterworks Development Corporation	-		
Developer Agreement - Houston Pavilions	2,080,000		3,680,000
Historic Preservation - Façade Agreements	250,000	-	500,000
Metro Project Costs	-	-	
Buffalo Bayou	413,000	413,000	
Intermodal Right of Way Acquisition	-	-	
Theater District Improvements	1,500,000		1,500,000
Affordable Housing - 1414 Congress			1,200,000
Developer / Project Reimbursements	\$ 4,243,000	\$ 413,000	\$ 6,880,000
Debt Service (Bonds)			
Bond Principal	\$ 420,000	\$ 475,000	\$ 500,000
Bond Interest	575,095	605,966	584,503
Chase Loan (Metro) debt service			
Loan Principal	3,943,823	3,944,723	
Loan Interest	231,419	231,419	
System debt service (5706)	\$ 5,170,337	\$ 5,257,108	\$ 1,084,503
TOTAL PROJECT COSTS	\$ 10,143,287	\$ 6,164,993	\$ 8,819,799
Payment/transfer to ISD--educational facilities	\$ 3,311,601	\$ 3,342,312	\$ 3,278,258
Administration Fee (City of Houston 5% of TIRZ revenue)	182,392	181,204	216,057
Administration Fee (Harris County 5% of TIRZ revenue)	16,555	17,557	26,103
Administration Fee (HISD)	25,000	25,000	25,000
Municipal Services - Special Operations Transfer to City of Houston	300,000	300,000	250,000
HHFC payment (Main Street Market Square pays HHFC directly)	750,000	750,000	750,000
Administration Fees/Affordable Housing & ISD transfers (5650)	\$ 4,585,547	\$ 4,616,073	\$ 4,545,417
TOTAL BUDGET	\$ 14,728,835	\$ 10,781,066	\$ 13,365,216
Planned Ending Fund Balance:			
RESTRICTED Funds - Bond Debt Service Reserve	\$ 2,165,322	\$ 2,165,322	\$ 2,165,322
UNRESTRICTED Funds	983,501	5,085,547	2,177,277
Total Ending Fund Balance	\$ 3,148,823	\$ 7,250,869	\$ 4,342,599
TOTAL EXPENSE + ENDING FUND BALANCE	\$ 17,877,658	\$ 18,031,935	\$ 17,707,815

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance amending the FY 2008 Operating Budget for the Greater Greenspoint Redevelopment Authority (TIRZ No. 11).		Category # 1	Page 1 of 1	Agenda Item # 42
FROM: (Department or other point of origin): Finance & Administration		Origination Date November 16, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council Districts affected: B		
For additional information contact: Tom Mesa Phone: 713 - 437 - 6491 Robert Fiederlein Phone: 713 - 837 - 9661		Date and identification of prior authorizing Council Action: Ord. 07-770, 06/27/07		
RECOMMENDATION: (Summary) That City Council approve an ordinance amending the FY 2008 Operating Budget of the Greater Greenspoint Redevelopment Authority (TIRZ No. 11) to appropriate funds for Aldine ISD Early Childhood Development Center, reallocate CIP funds, and remove STEP Funding from Grant Proceeds.				
Amount and Source of Funding: No Funding Required			F & A Budget	
Specific Explanation: <p>The Board of Directors of the Greater Greenspoint Redevelopment Authority convened in regular session on November 13, 2007 and passed and approved a Resolution requesting the submittal of an amended FY2008 Budget to the TIRZ and City Council for approval. The requested budget changes include:</p> <ul style="list-style-type: none">• Request for developer reimbursement specific to Aldine ISD Early Childhood Development Center. This item was originally included in the adopted FY2007 budget.• Increase CIP project T-1110 - Land Acquisition to \$3.025 million for possible acquisition of land required for construction of a community services center, cultural arts center, and parks in the Airline Corridor and Greenspoint areas.• Removal of \$265,600 of TxDOT STEP funds from Grant Proceeds. Associated project will be funded and constructed by Greater Greenspoint Municipal Management District. <p>A proposed amended budget, certificate of resolution, and resolution approving amendment to the FY2008 budget is attached.</p> <p>cc: Marty Stein, Agenda Director Anna Russell, City Secretary Deborah McAbee, Senior Assistant City Attorney Arturo Michel, City Attorney</p>				
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization: 		Other Authorization: 	

CITY OF HOUSTON
FINANCE AND ADMINISTRATION
FISCAL YEAR 2008 TIRZ PROFILE

Fund Summary
Fund Name: **Greater Greenspoint Redevelopment Authority**
TIRZ: **#11**
Department Name: **Finance and Administration**
Fund Number: **7559/65**

AMENDED

A	Base Year:	1998
M	Base Year Taxable Value:	\$ 533,228,330
E	Project Plan Taxable Value (TY2007):	\$ 1,151,253,424
N	Current Taxable Value (TY2007):	\$ 903,056,897
D	Acres:	3500
E	Administrator (Contact):	Sally Bradford
D	Contact Number:	281-877-9952

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Zone Purpose	To facilitate the development/redevelopment of residential and commercial properties through the financing of redevelopment projects; streets; parks and trails system; landscaping/streetscapes; conference/convocation center; retail development and parking facilities. The City created the Zone to establish the basis and mechanism essential for the attraction of private investment that otherwise would not occur in the reasonably foreseeable future.		
Accomplishments in FY 07 (Projects Underway)			
2.5 Mile Hike & Bike Trail	Design	Public Plaza - Aldine	Construction complete
Public Plaza - Mall	Final Design	Streetscape	Final Design
Erosion Control - Cost Share with TXDOT	Agreement Preparation with TXDOT; Final Design	Greenspoint Bridge	Final Design
Aldine ISD Early Childhood Development Center	Preliminary Land Acquisition by AISD	Greenspoint Street Improvements	Preliminary Design
Greens Crossing - Sidewalks, Lighting, Trees	Construction Complete	Buckboard Park	Land acquired; Preliminary Design
IDI Development Agreement - Streets; sidewalks; trees; lighting; landscaping	Construction; Site Prep	Reduce Admin Costs	On-going

P R O J E C T	Capital Projects (Non Education):	Total Plan	Cumulative Expenses (to FY07)	Variance
	Street/Bridge Projects	\$ 25,400,000	\$ 4,845,530	\$ 20,554,470
	Sidewalks; lighting ; landscaping	19,525,710	3,998,644	15,527,066
	Greens Bayou Flood Control	12,000,000	-	12,000,000
	Parks and Recreation Facilities	22,400,000	11,822,567	10,577,433
	Off Street Hike and Bike Trails	3,300,000	2,233,629	1,066,371
	Public Parking Garage & Transportation Facility	16,500,000	-	16,500,000
	Land Acquisition	20,000,000	435,273	19,564,727
	Education Facilities	67,313,452	2,758,984	65,769,408
		Total Capital Projects	\$ 186,439,162	\$ 26,094,627
P L A N	Affordable Housing	-	-	-
	Education Facilities Set-Aside	60,000,000	1,544,044	57,241,016
	Financing Costs	12,282,002	12,282,002	-
	Administration Costs	3,550,000	3,250,796	299,204
	Creation Costs	300,000	280,000	20,000
		Total Project Plan	\$ 262,571,164	\$ 43,451,469

D E B T	Additional Financial Data	2007 Budget	2007 Projection	2008 Budget
	Debt Service	\$ 1,577,112	\$ 1,577,112	\$ 1,579,194
	Principal	\$ 705,000	\$ 705,000	\$ 735,000
	Interest	\$ 872,112	\$ 872,112	\$ 844,194
	Year End Outstanding	Balance as of 6/30/06	Balance as of 6/30/07	Balance as of 6/30/08
	Bond Debt	\$ 18,700,000	\$ 18,020,000	\$ 17,315,000
	Bank Loan	\$ -	\$ -	\$ -
	Developer Agreement	\$ -	\$ 12,025,000	\$ 6,525,000
	Other	\$ -	\$ -	\$ -

CITY OF HOUSTON
FINANCE AND ADMINISTRATION
FISCAL YEAR 2008 BUDGET

AMENDED

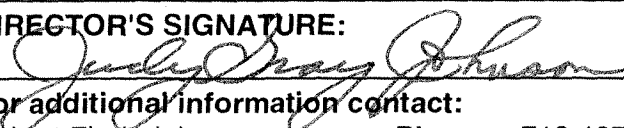
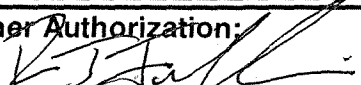
Fund Summary
Fund Name: **Greater Greenspoint Redevelopment Authority**
TRKZ: **#11**
Department Name: **Finance and Administration**
Fund Number: **7559/65**

AMENDED	2007 Budget	2007 Projection	2008 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ 12,445,772	\$ 12,445,772	\$ 11,189,085
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 3,157,606	\$ 3,157,606	\$ 3,157,606
Unrestricted Fund Balance	\$ 7,555,897	\$ 7,555,897	\$ 11,718,000
Total Beginning Fund Balance	\$ 23,159,275	\$ 23,159,275	\$ 26,064,790
TRZ Revenues			
City	\$ 2,217,338	\$ 2,470,604	\$ 2,605,967
ISD	\$ 2,956,451	\$ 3,151,264	\$ 3,507,549
County	\$ 687,306	\$ 732,596	\$ 807,516
Community College	\$ 378,150	\$ 403,069	\$ 444,428
Total Revenues	\$ 6,239,245	\$ 6,757,533	\$ 7,365,460
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ 875,000		\$ 414,605
Other			\$ 485,000
Interest on Fund Balances	\$ 200,000	\$ 755,151	\$ 872,112
Total Available Resources	\$ 30,473,520	\$ 30,671,959	\$ 35,201,967
Fund Transfers			
Affordable Housing			
City of Houston - Increment	\$ -	\$ -	\$ -
City of Houston - Debt Issue	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 796,487	\$ 945,379	\$ 956,935
Municipal Services - Public Safety*	\$ 300,000	\$ 300,000	\$ 350,000
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 110,867	\$ 123,530	\$ 132,667
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 50,000	\$ 50,000	\$ 50,000
Other - College District	\$ 18,907	\$ 20,153	\$ 24,641
Total Fund Transfers	\$ 1,276,261	\$ 1,439,062	\$ 1,514,243
Funds Available for Project Costs	\$ 29,197,259	\$ 29,232,897	\$ 33,687,724
Project Costs			
Personnel Costs	\$ 150,000	\$ 179,401	\$ 155,000
Professional Service	\$ 10,000	\$ 24,999	\$ 10,000
Legal	\$ 15,000	\$ 15,000	\$ 18,000
Accounting/Audit	\$ 22,700	\$ 22,802	\$ 20,600
Consulting	\$ 66,000	\$ 70,875	\$ -
Administrative Operating Expenses	\$ 35,056	\$ 21,230	\$ 26,700
Capital Expenditures (See CIP for details)	\$ 2,869,000	\$ 1,236,687	\$ 9,326,000
Developer Reimbursements	\$ 3,499,000	\$ 20,000	\$ 2,760,000
Debt Issuance Costs	\$ -	\$ -	\$ -
Debt Service			
Principal	\$ 705,000	\$ 705,000	\$ 735,000
Interest Expense	\$ 872,112	\$ 872,113	\$ 844,193
Debt Payments (Refinance)	\$ -	\$ -	\$ -
Total Project Costs	\$ 8,243,868	\$ 3,168,107	\$ 13,895,493
Total Budget	\$ 9,520,129	\$ 4,607,169	\$ 15,409,736
Resources Less Transfer and Expenses	\$ 20,953,391	\$ 26,064,790	\$ 19,792,231
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ 6,077,772	\$ 11,189,085	\$ 8,100,000
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 3,157,606	\$ 3,157,606	\$ 3,157,606
Unrestricted Fund Balance	\$ 11,718,013	\$ 11,718,099	\$ 8,534,625

*To be used specifically for public safety in Police District 6, included in the Zone

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #14 (Fourth Ward Zone) and an ordinance to approve a First Amendment to the Zone Project and Financing Plan.		Category # 1	Page 1 of <u>1</u>	Agenda Item # <u>43-43A</u>
FROM: (Department or other point of origin): Finance & Administration		Origination Date November 30, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council Districts affected: D and I		
For additional information contact: Robert Fiederlein Phone: 713.437.6491 Tom Mesa Phone: 713.837.9857		Date and identification of prior authorizing Council Action: Ord. 99-565, 6/9/99; Ord. 99-818, 7/28/99, Res. 99-69, 12/21/99		
RECOMMENDATION: (Summary) Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #14 (Fourth Ward Zone) and an ordinance to approve a First Amendment to the Zone Project and Financing Plan.				
Amount and Source of Funding: No Funding Required			F & A Budget	
Specific Explanation: <p>City of Houston Tax Increment Reinvestment Zone #14 (Fourth Ward Zone) was created by Ordinance 1999-565 on June 9, 1999. Subsequently, City Council approved a Project and Financing Plan (the "Plan") for the Zone (Ord. 1999-818, July 28, 1999) and created the Fourth Ward Redevelopment Authority to help implement the Plan (Res. 1999-69, December 21, 1999). The Zone expires on December 31, 2029.</p> <p>It is recommended that approximately 13.8 acres be annexed to the Zone at this time (see Exhibit 1 of attached). This area is comprised of a PW&E fleet maintenance facility and San Felipe Park. The fleet maintenance facility would require significant improvements to retain cost-effective functionality and the facility is known to be contaminated. The City intends to offer the facility for sale for redevelopment and will be replaced by a new facility at another location. Presently, San Felipe Park is closed to public use due to contamination. Inclusion into the Zone will allow for remediation and improvement of the park.</p> <p>The proposed First Amendment to the Zone Project and Financing Plan (the "Amended Plan") incorporates the territory recommended for annexation into the plan and revises and expands upon the projects to be accomplished by the Zone. The Amended Plan was approved by the board of directors of the Zone and the Fourth Ward Redevelopment Authority on November 15, 2007, and forwarded to the City for its consideration. The fundamental goal of promoting the redevelopment of the Fourth Ward into a vibrant community that retains its unique historical character is retained. The attached Amended Plan details the projects to be accomplished through this amendment. Improvements will be made to the general infrastructure of the area and to three parks within the expanded zone, historical sites will be acquired and restored or rehabilitated, and the Zone will financially support the City's Gregory School African American Archives project.</p> <p>It is intended that many of the projects will in part be funded by a unique partnership the City and Zone are pursuing with the Federal Reserve Bank, an entity within the current Zone. The Federal Reserve Bank is offering to prepay its property taxes due to the City and ultimately the Zone. This will accelerate the Zone's ability to accomplish many of the projects in the proposed Amended Plan. The City and Zone hope to conclude negotiations on the agreement with the Federal Reserve in early calendar year 2008.</p> <p>Attachment</p>				
cc: Marty Stein, Agenda Director Deborah McAbee, Senior Assistant City Attorney Anna Russell, City Secretary Arturo Michel, City Attorney				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:  Robert Fiederlein		Other Authorization: Tom Mesa

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Part B: Project Plan and Reinvestment Zone Financing Plan, Reinvestment Zone Number Fourteen (Fourth Ward), City of Houston, Texas

Overview

Reinvestment Zone Number Fourteen, City of Houston, Texas, also known as the Fourth Ward Tax Increment Reinvestment Zone (TIRZ) was created by Ordinance No. 1999-565 adopted June 9, 1999 for the purposes of development in an 119.8 acre portion of the City generally referred to as the "Fourth Ward". A Project Plan and Reinvestment Zone Financing Plan, was adopted by City Council on July 28, 1999 by Ordinance No. 1999-818. These entities were created to facilitate the revitalization of the Historic Fourth Ward from a blighted and deteriorated neighborhood into a viable residential community with supporting commercial development. Improvements would address existing conditions consisting of substandard or deteriorating structures; inadequate or deteriorated streets, utilities and sidewalks; faulty or obsolete lot layout; safety issues; school improvements; and affordable housing.

Subsequently, by Resolution No. 1999-69, dated December 21, 1999, the Houston City Council approved the creation of the Fourth Ward Redevelopment Authority. The Authority was established to assist the City and the Zone Board of Directors in implementing the TIRZ Project Plan & Financing Plan in promoting and developing affordable housing, infrastructure improvements, educational facilities, parks, property acquisition for the preservation and restoration of historic structures within the Fourth Ward Zone, and which may be amended from time to time.

This Amended Plan, Part B, approved by the Fourth Ward Redevelopment Authority and TIRZ No. Fourteen Board of Directors provides for the enlargement of the zone by the addition of the Hopson Street right-of-way between Gillette and just to the east of Bailey Street, the Bailey Street right-of-way between Hopson and West Dallas, in addition to the annexation of approximately 13.8 acres of City of Houston Property roughly located east of Gillette Street between West Dallas and Allen Parkway (see Part B, Exhibit 1); and the reallocation of project costs as set out in the 1999 Part A Project Plan and Reinvestment Zone Financing Plan. The purpose of the enlargement of the zone is to support and facilitate the implementation of a mixed-used retail and affordable housing development on Gillette Street, the mitigation and repositioning of San Felipe Park, and provide for infrastructure improvements on Gillette, Bailey, Hopson, and West Dallas Streets. In general, the 2007 amendments to Part A are intended to clarify and redefine the goals as set out in the original Fourth Ward Project and Financing Plan, provide updated estimated project costs associated with the public infrastructure needs of the Zone, and allow for the integration of proposed recommendations and initiatives as identified in the

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Freedmen's Town / Fourth Ward TIRZ Plan prepared by Stull and Lee in February 2004. Highlights to the 2007 Part B amendments to Part A are described in the following:

- Better integration of pedestrian improvements and enhanced street lighting with proposed roadway and storm sewer improvements. Target streets identified for conversion into enhanced pedestrian corridors include Crosby between Cleveland and Allen Parkway, Gillette between West Gray and Allen Parkway, and Andrews between Heiner and Gillette.
- More flexibility for expenditures for use on Cultural/Public Facilities including the rehabilitation of the Gregory School site into an African-American Library and Archive.
- A renewed focus on Historic Preservation including the targeting of specific historical elements. These elements may include historical church façades, the community museums and associated structures, shotgun houses typical of the 4th Ward and the creation of a Historic and Preservation Restoration Grant Program.
- Remediation of environmental contamination and enhancement of San Felipe Park and the development of a new park on Webster at Gillette. In addition, enhancements and updating of Wiley Park.
- Redevelopment of a former City of Houston public works facility into a potentially mixed-income, mixed-use facility.

Plan Amendment Highlights

The Part A Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward TIRZ) was to set forth the goals, expectations, plans, programs and financial projections necessary to create and support an environment attractive to private investment in the Fourth Ward and adjacent areas in a manner that will ensure the long term stability and attractiveness of the Fourth Ward. The Zone has undertaken a limited number of projects in furtherance of its Project Plan. Most notable was the agreement the board approved in 2005 with Camden for the Bagby Apartments project. The project consists of approximately 600 apartment units of which 444 are located within the boundaries of the Zone. In addition to the Bagby Apartment project, Urban Lofts and Perry Homes have also constructed new housing developments both within and adjacent to the Zone. In 2000, the 500 unit Historic Oaks of Allen Parkway Village, located directly north of the Fourth Ward TIRZ was completed and the Housing Authority of the City of

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Houston (HACH) completed a 100-unit development on the three blocks bounded by Victor, Cleveland, Wilson and Genessee.

Despite some improvements undertaken since its creation, the Zone still presents a visibly deteriorated face with the significant amounts of deficient infrastructure and limited amenities. Additionally, public safety concerns continue to be voiced by the populace.

Currently factors still impacting the development of the Zone include:

- Poor image and appearance;
- The predominance of unusually narrow dedicated street right-of-ways have combined with public civility issues to create the perception of inadequate “safety;”
- Decayed and inadequate infrastructure; and
- Lack of green space and other public amenities.

This amendment to the Final Project Plan and Reinvestment Zone Financing Plan is referenced to as Part B and describes the changes to the zone project plan, including Part A. Proposed amendments to the Part A Project Plan include:

Crosby Outfall – A major storm sewer outfall travels underneath Crosby Street north to Buffalo Bayou. Public Works has identified it as requiring upsizing. The drainage watershed covers the 4th Ward and portions of Midtown and Neartown. Joint project between 4th Ward TIRZ, Midtown TIRZ and City of Houston.

Eastside Streets – Public Works Pavement Maintenance and Management Program database has identified several streets in the eastern portion of the TIRZ as candidates for reconstruction. Portions of Arthur, Crosby, Saulnier, Robin, and Ruthven are to be reconstructed.

Gillette Street Pedestrian Improvements – Gillette from W. Gray north to Allen Parkway would be improved for pedestrian traffic including improved sidewalks, street lighting, street furniture, etc. This will connect the western portion of the 4th Ward to the improved San Felipe Park and to the Buffalo Bayou trails complex.

Andrews Street Pedestrian Improvements – Andrews Street, because of its historic brick streets and central location, is one of the most significant streets in the Fourth Ward. Public Works, with Federal support, has designed a reconstruction of the street in keeping with its historic character.

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

Gregory School/African American Archives/School Facility – The present funding designated for the rehabilitation of the Gregory School and its transformation into an African-American Library and Archive is approximately \$2 million short of present design and construction estimates. To close this gap in funding, \$2 million will be programmed for this purpose.

San Felipe Park – Presently, San Felipe Park is closed due to environmental contamination at the site. Funds programmed for this park would remediate the park and provide for enhanced park facilities including a ball field, playground area and a dog run. San Felipe Park is in the territory to be added to the existing TIRZ as described previously.

West Webster Park – This is currently an undeveloped tract of land. The preliminary design of this park includes a pavilion, playground area and dog run.

Wiley Park – This existing park requires upgrading and repair of playground and waterpark equipment.

Preservation of Historic Structures – Specific historical elements are targeted for preservation. These include historic church façades, community museums and associated structures, and shotgun houses typical of the 4th Ward. Each would be preserved and rehabilitated as appropriate and incorporated into a historical walking/biking/driving tour of the 4th Ward/Historic Freedman's Town.

Rehabilitation Grant Program – As presently envisioned, this grant program would provide limited public funds to owners of historic 4th Ward structures that wished to rehabilitate them and apply for Historic Landmark Designation per the city's present ordinance.

Projected TIRZ Project Costs

The amended Projected TIRZ Project Costs are detailed in Part B, Exhibit 2.

Financing Methods and Revenue Sources for Project Costs

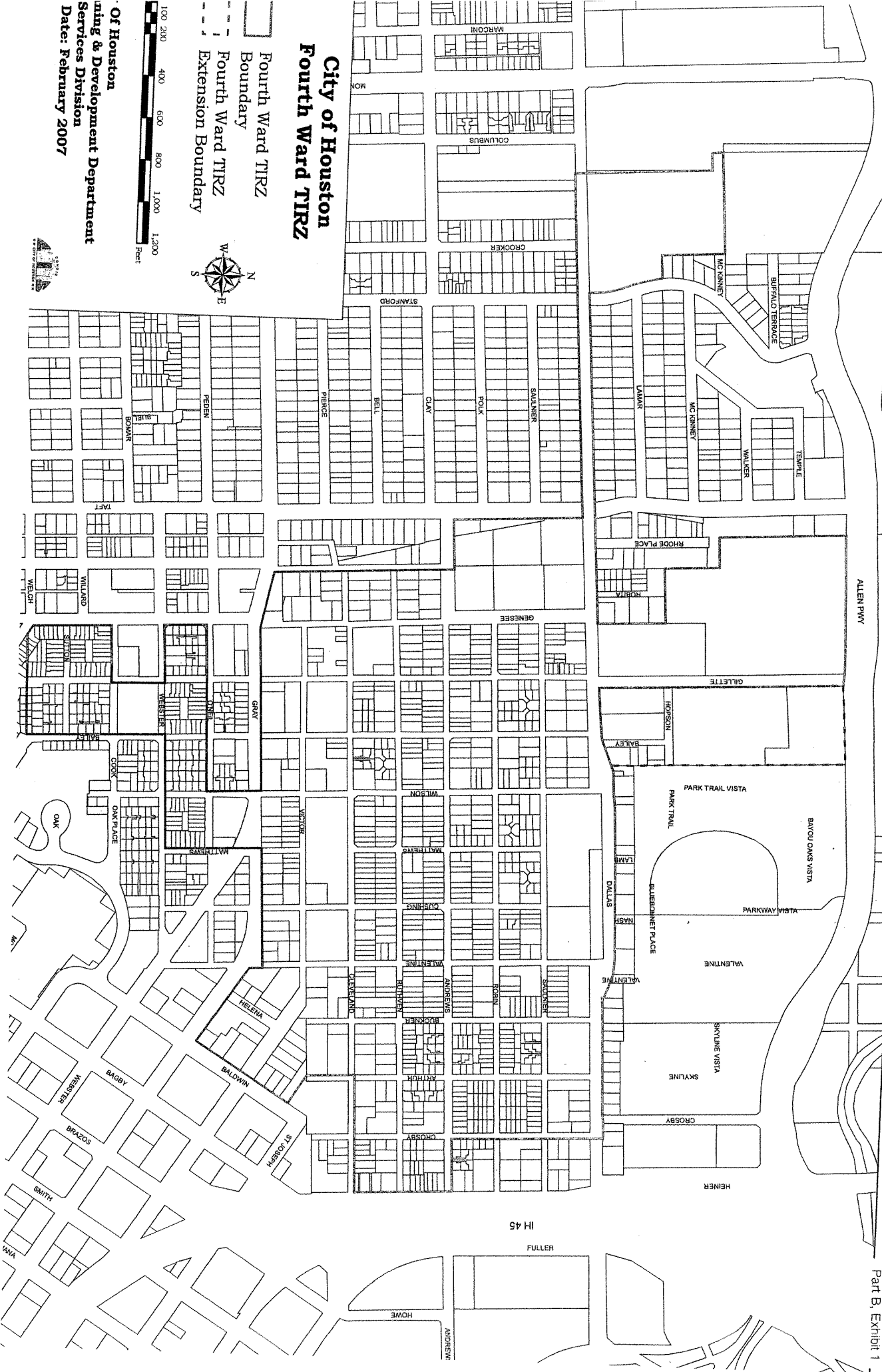
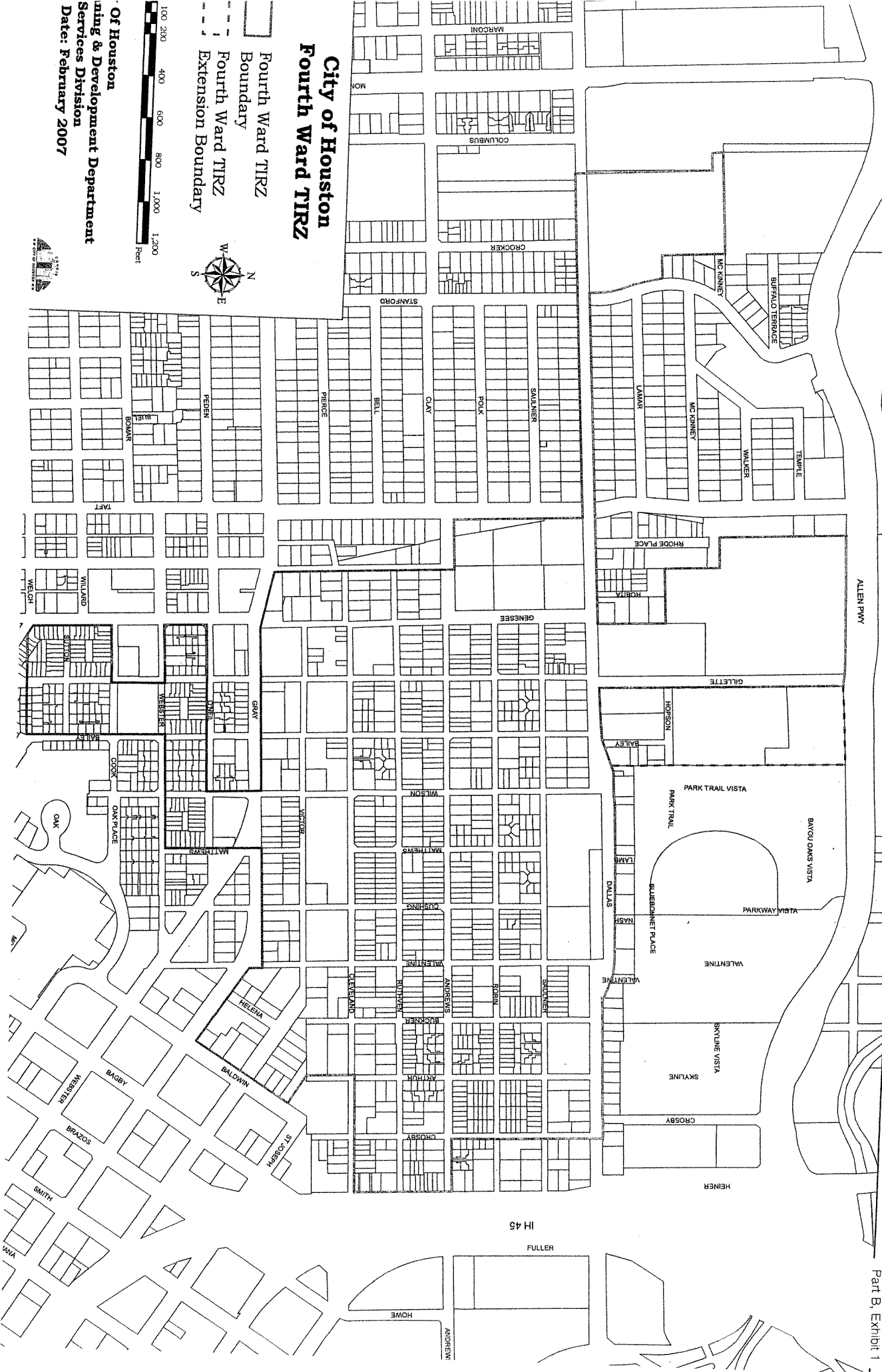
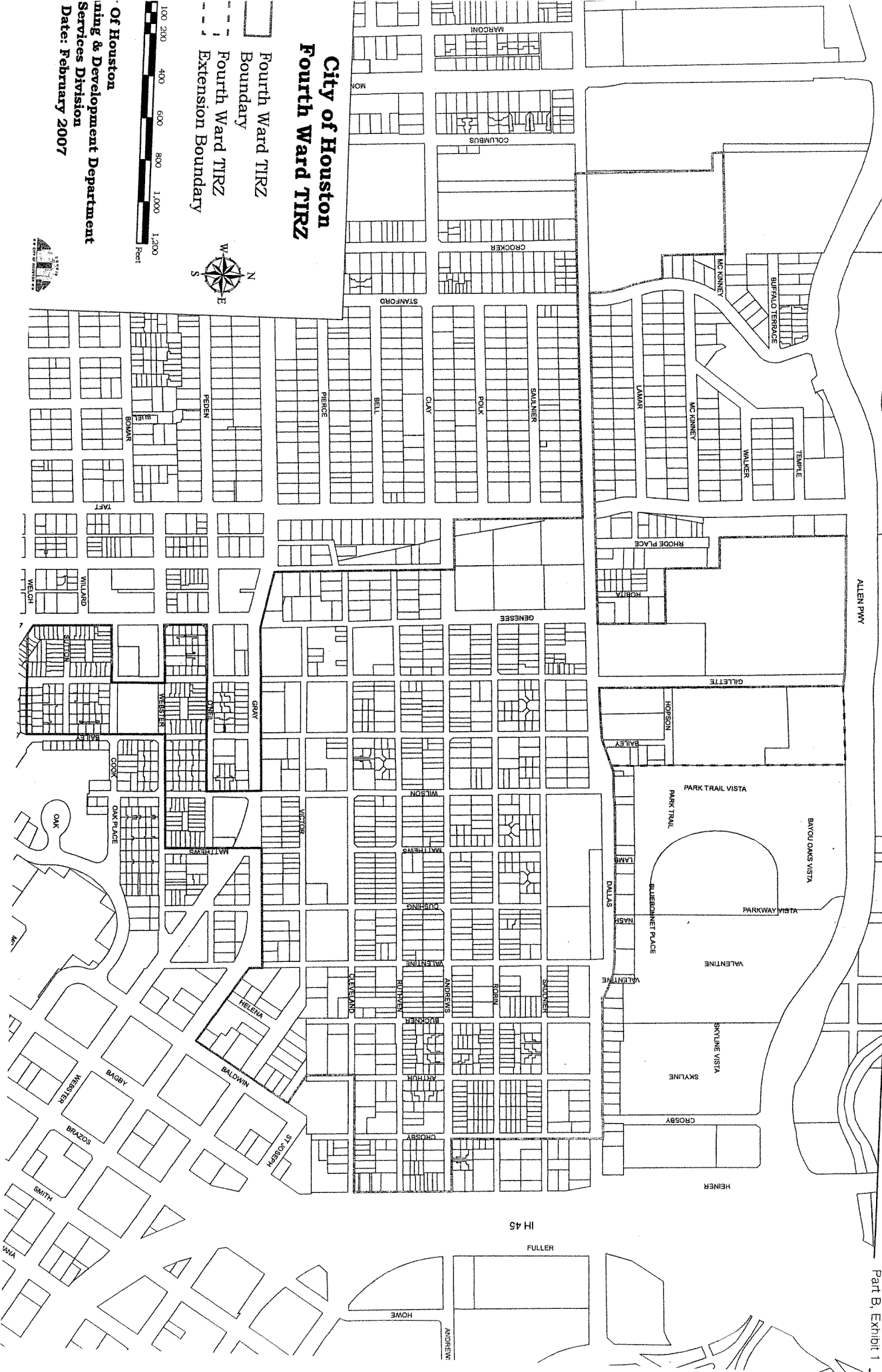
Projected revenues for the duration of the life of the TIRZ are detailed in Part B, Exhibit 3. The development which has occurred within the TIRZ since its creation and future projected development provide sufficient projected TIRZ revenues to finance the projects detailed in this Part B amendment to the Plan.

In accordance with Sec. 311.015 of the Tax Increment Financing Act, the City-created Fourth Ward Redevelopment Authority may issue tax increment bonds,

Tax Increment Reinvestment Zone Number Fourteen
Fourth Ward Redevelopment Authority
Plan B – Amendment 2007

notes or other obligations payable from tax increment revenue. Proceeds from such issuances may be used to pay eligible projects costs on behalf of the Zone.

The City will participate in the expanded zone at a level sufficient to support the economic development program approved by the TIRZ and the City. The participation agreement with HISD will not be affected by this Part B amendment.

[illegible]

Part B, Exhibit 2

Project Cost Amendments: The following table includes the approved project cost for Part A and Part B and the changes made to those budgets through this Part B amendment:

	Estimated Costs 1999 Plan	Estimated Costs 2007 Plan	Increase(Decrease)
Infrastructure Improvements:			
Public Utilities - Part A			
Storm & Sanitary Sewer general	\$ 3,189,100	\$ 3,500,000	\$ 310,900
Storm & Sanitary Sewer extensions	\$ 3,000,000		\$ (3,000,000)
Paving Street Reconstruction	\$ 4,118,500	\$ 7,000,000	\$ 2,881,500
Demolition	\$ 846,000	\$ -	\$ (846,000)
Public Utilities - Part B			
Crosby Street (Outfall)	\$ -	\$ 2,000,000	\$ 2,000,000
Eastside Streets (portions of Aurthur, Crosby, Saulinier, Robin, Ruthven)	\$ -	\$ 2,340,000	\$ 2,340,000
Gillette Street	\$ -	\$ 1,800,000	\$ 1,800,000
Total Public Utilities - Parts A & B	\$ 11,153,600	\$ 16,640,000	\$ 5,486,400
Roadway and Sidewalk Improvements - Part A & B			
Streetscape	\$ 3,552,400	\$ 5,762,000	\$ 2,209,600
Streetlights	\$ 934,000	\$ -	\$ (934,000)
Total Roadway and Sidewalk Improvements - Parts A & B	\$ 4,486,400	\$ 5,762,000	\$ 1,275,600
Parks - Part A			
Parks	\$ 1,501,000	\$ -	\$ (1,501,000)
Parks - Part B			
San Felipe	\$ -	\$ 3,072,000	\$ 3,072,000
West Webster	\$ -	\$ 605,000	\$ 605,000
Wiley Park		\$ 500,000	
Total Parks - Parts A & B	\$ 1,501,000	\$ 4,177,000	\$ 2,176,000
Entry Features & Focal Points:			
Entry Features & Focal Points - Parts A & B	\$ 256,000	\$ -	\$ (256,000)
Total Entry Features & Focal Points - Parts A & B	\$ 256,000	\$ -	\$ (256,000)
Total Infrastructure Improvements - Parts A & B	\$ 17,397,000	\$ 26,579,000	\$ 8,682,000
Other Project Costs:			
Historic Preservation - Part A & Part B			
Historic Preservation	\$ 3,750,000	\$ 4,100,000	\$ 350,000
Total Historic Preservation - Parts A & B	\$ 3,750,000	\$ 4,100,000	\$ 350,000

Part B, Exhibit 2 (cont.)

Cultural & Public Facilities Improvements:

Cultural & Public Facilities Improvements - Part A

Cultural & Public Facilities	\$	-	\$	-	\$	-
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Cultural & Public Facilities Improvements - Part B

Gregory School Facility	\$	-	\$	2,000,000	\$	2,000,000
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Total Cultural & Public Facilities Improvements - Parts A & B	\$	-	\$	2,000,000	\$	2,000,000
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TIRZ Creation & Management:

TIRZ Creation & Management - Parts A & B	\$	800,000	\$	3,500,000	\$	2,700,000
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Total TIRZ Creation & Management - Parts A & B	\$	800,000	\$	3,500,000	\$	2,700,000
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Educational Facilities Improvements:

Education Facilities Project Costs - Parts A & B	\$	15,300,000	\$	15,300,000	\$	-
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Total Educational Facilities Improvements - Parts A & B	\$	15,300,000	\$	15,300,000	\$	-
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Affordable Housing Improvements:

Affordable Housing Improvements Project Costs - Parts A & B	\$	32,900,000	\$	42,700,000	\$	9,800,000
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Total Affordable Housing Improvements - Parts A & B	\$	32,900,000	\$	42,700,000	\$	9,800,000
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PROJECT PLAN TOTAL


\$	70,147,000	\$	94,179,000	\$	23,532,000
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Part B Exhibit 3
Fourth Ward TIRZ - Net Revenue
Page 2

Tax Year	COH Gross Rev	HISD Gross Rev	COH Aff Housing	HISD Aff Housing	HISD Set Aside	Admin	FRB Debt Service	COH Admin	Muni Service Charge	Gregory & Parks O&M	Net Rev	COH Net	HISD Net	Total Net	Cum Net
2007	\$1,332,661	\$1,758,064	\$444,220	\$586,021	\$586,021	\$153,000	\$347,432	\$69,422	\$150,000	\$0	\$754,608	\$168,587	\$586,021	\$754,608	\$754,608
2008	\$1,459,804	\$1,865,338	\$486,601	\$621,779	\$621,779	\$156,060	\$361,329	\$73,660	\$153,000	\$192,000	\$658,933	\$37,153	\$621,779	\$658,933	\$1,413,540
2009	\$1,576,829	\$1,960,926	\$525,610	\$653,642	\$653,642	\$159,181	\$375,782	\$77,561	\$156,060	\$195,840	\$740,436	\$86,795	\$653,642	\$740,436	\$2,153,977
2010	\$1,836,178	\$2,098,557	\$612,059	\$699,519	\$699,519	\$162,365	\$390,814	\$86,206	\$159,181	\$199,757	\$925,315	\$225,796	\$699,519	\$925,315	\$3,079,292
2011	\$2,202,876	\$2,160,016	\$734,292	\$720,005	\$720,005	\$165,612	\$406,446	\$98,429	\$162,365	\$203,752	\$1,151,985	\$431,980	\$720,005	\$1,151,985	\$4,231,277
2012	\$2,487,267	\$2,239,960	\$829,089	\$746,653	\$746,653	\$168,924	\$422,704	\$107,909	\$165,612	\$207,827	\$1,331,854	\$585,201	\$746,653	\$1,331,854	\$5,563,131
2013	\$2,642,262	\$2,272,365	\$880,754	\$757,455	\$757,455	\$172,303	\$439,612	\$113,075	\$168,924	\$211,984	\$1,413,064	\$655,609	\$757,455	\$1,413,064	\$6,976,196
2014	\$2,756,533	\$2,300,301	\$918,844	\$766,767	\$766,767	\$175,749	\$457,197	\$116,884	\$172,303	\$216,223	\$1,466,099	\$699,332	\$766,767	\$1,466,099	\$8,442,295
2015	\$2,875,375	\$2,324,885	\$958,458	\$774,962	\$774,962	\$179,264	\$475,485	\$120,846	\$175,749	\$220,548	\$1,519,987	\$745,025	\$774,962	\$1,519,987	\$9,962,282
2016	\$2,998,970	\$2,340,017	\$999,657	\$780,006	\$780,006	\$182,849	\$494,504	\$124,966	\$179,264	\$224,959	\$1,572,778	\$792,772	\$780,006	\$1,572,778	\$11,535,060
2017	\$3,127,509	\$2,340,017	\$1,042,503	\$780,006	\$780,006	\$186,506	\$514,284	\$129,250	\$182,849	\$229,458	\$1,622,664	\$842,659	\$780,006	\$1,622,664	\$13,157,724
2018	\$3,261,190	\$2,372,609	\$1,087,063	\$790,870	\$790,870	\$190,236	\$534,856	\$133,706	\$186,506	\$234,047	\$1,685,645	\$894,776	\$790,870	\$1,685,645	\$14,843,370
2019	\$3,400,219	\$2,387,741	\$1,133,406	\$795,914	\$795,914	\$50,000	\$556,250	\$138,341	\$190,236	\$238,728	\$1,889,172	\$1,093,258	\$795,914	\$1,889,172	\$16,732,541
2020	\$3,544,808	\$2,387,741	\$1,181,603	\$795,914	\$795,914	\$50,000	\$578,500	\$143,160	\$194,041	\$243,502	\$1,949,916	\$1,154,002	\$795,914	\$1,949,916	\$18,682,457
2021	\$3,695,181	\$2,387,741	\$1,231,727	\$795,914	\$795,914	\$50,000	\$601,640	\$148,173	\$197,922	\$248,372	\$2,013,261	\$1,217,347	\$795,914	\$2,013,261	\$20,695,718
2022	\$3,851,569	\$2,387,741	\$1,283,856	\$795,914	\$795,914	\$50,000	\$625,705	\$153,386	\$201,880	\$253,340	\$2,079,315	\$1,283,401	\$795,914	\$2,079,315	\$22,775,032
2023	\$4,014,212	\$2,387,741	\$1,338,071	\$795,914	\$795,914	\$50,000	\$650,734	\$158,807	\$205,918	\$258,407	\$2,148,190	\$1,352,276	\$795,914	\$2,148,190	\$24,923,222
2024	\$4,183,361	\$2,387,741	\$1,394,454	\$795,914	\$795,914	\$50,000	\$676,763	\$164,445	\$210,036	\$263,575	\$2,220,002	\$1,424,088	\$795,914	\$2,220,002	\$27,143,224
2025	\$4,359,276	\$2,387,741	\$1,453,092	\$795,914	\$795,914	\$50,000	\$703,833	\$170,309	\$214,237	\$268,846	\$2,294,872	\$1,498,958	\$795,914	\$2,294,872	\$29,438,096
2026	\$4,542,228	\$2,387,741	\$1,514,076	\$795,914	\$795,914	\$50,000	\$731,987	\$176,408	\$218,522	\$274,223	\$2,372,926	\$1,577,012	\$795,914	\$2,372,926	\$31,811,022
2027	\$4,732,497	\$2,387,741	\$1,577,499	\$795,914	\$795,914	\$50,000	\$761,266	\$182,750	\$222,892	\$279,708	\$2,454,296	\$1,658,382	\$795,914	\$2,454,296	\$34,265,318
2028	\$4,930,378	\$2,387,741	\$1,643,459	\$795,914	\$795,914	\$50,000	\$791,717	\$189,346	\$227,350	\$285,302	\$2,539,118	\$1,743,204	\$795,914	\$2,539,118	\$36,804,436

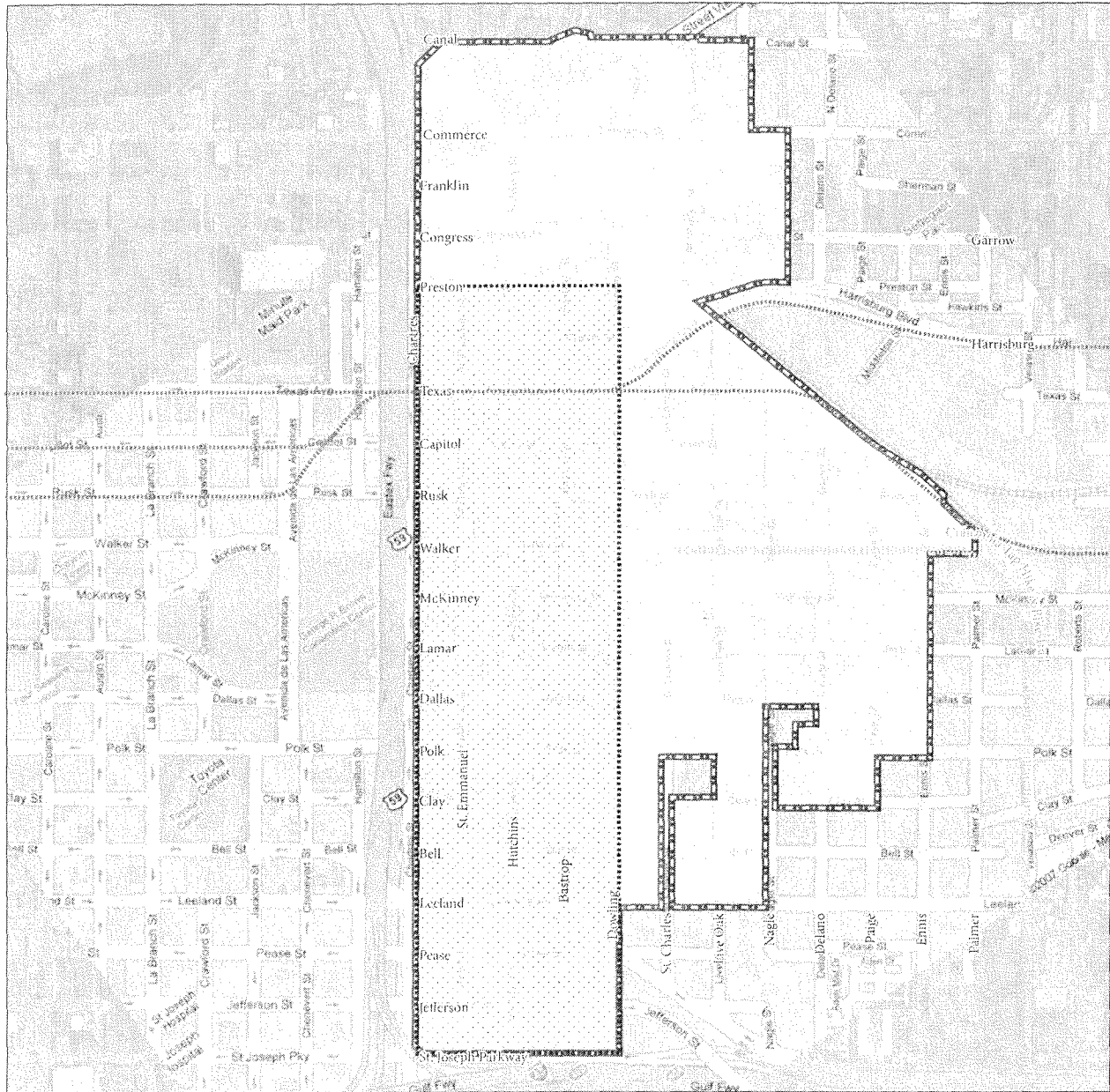
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #15 (East Downtown Zone).	Category # 1	Page 1 of 1	Agenda Item # 44
FROM: (Department or other point of origin): Finance & Administration	Origination Date November 30, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 	Council Districts affected: H and I		
For additional information contact: Robert Fiederlein Phone: 713.437.6491 Tom Mesa Phone: 713.837.9857	Date and identification of prior authorizing Council Action: Ord. 99-708, 7/7/99; Ord. 99-757, 7/20/99; Res. 00-27, 6/6/00		
RECOMMENDATION: (Summary) Approval of an ordinance to annex additional territory into Tax Increment Reinvestment Zone #15 (East Downtown Zone).			
Amount and Source of Funding: No Funding Required		F & A Budget	
Specific Explanation: <p>City of Houston Tax Increment Reinvestment Zone #15 (East Downtown Zone) was created by Ordinance 1999-708 on July 7, 1999. Subsequently, City Council approved a Project and Financing Plan (the "Plan") for the Zone (Ord. 1999-757, July 20, 1999) and created the East Downtown Redevelopment Authority to help implement the Plan (Res. 2000-27, June 6, 2000). The Zone expires on December 31, 2029.</p> <p>It is recommended that approximately 422 acres be annexed into the Zone (see attached map). The proposed expansion of the TIRZ would allow the financing of a major economic redevelopment project that could raise property values throughout the expanded TIRZ boundaries. In order to be effective, given the mixed and industrial character of this area, the project would have to have large scale and attract massive private investment. One example of that could be a large professional soccer stadium with construction financed by private funds.</p> <p>The TIRZ should be expanded now because the announcement of the project itself could result in some tax increment throughout the boundaries of the Zone. If, during 2008, the City is unable to secure a major project financed largely through private investment, then the administration may propose to contract the boundaries of the TIRZ to those that currently exist. If the City did secure private commitments for a privately funded project, then the City would request participation in the TIRZ by Harris County and present to City Council a revised project plan with the details of that development. A vote to extend the boundaries does not represent an endorsement for any particular project.</p>			
Attachment			
cc: Marty Stein, Agenda Director Anna Russell, City Secretary		Deborah McAbee, Senior Assistant City Attorney Arturo Michel, City Attorney	
REQUIRED AUTHORIZATION			
F&A Director:	Other Authorization: Robert Fiederlein	Other Authorization: Tom Mesa	

EAST DOWNTOWN TIRZ

Proposed Annexation



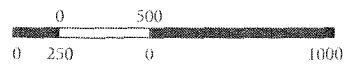
Proposed TIRZ Expansion



existing TIRZ

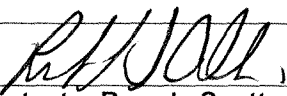



Possible GRT Alignments



SITE: EAST DOWNTOWN

Draft December 4, 2007

SUBJECT: An Ordinance approving an amendment to the 2007 Consolidated Action Plan for the Community Development Block Grant (CDBG) to reallocate funds under the Public Facilities and Improvements Budget Activity and the HOME Investment Partnerships (HOME) Grant to make scope revisions.		Category # 1,2	Page 1 of 2	Agenda Item # 45
FROM (Department or other point of origin): Richard S. Celli, Housing and Community Development Department		Origination Date November 15, 2007	Agenda Date (Proposed) December 12, 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Brenda Scott Phone: 713-868-8484		Date and identification of prior authorizing Council action: Ordinance No. 2007-648 dated June 12, 2007		
RECOMMENDATION: (Summary) The Housing and Community Development Department recommends City Council's approval of an Ordinance approving amendments to the CDBG and HOME Budgets for program year 2007 to reallocate funds, change project locations and revise project descriptions.				
Amount of Funding: No Additional Funding Required			F&A Budget: 	
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: The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the CDBG and HOME Budgets under the 2007 Consolidated Action Plan. The details of the amendment are included in the attached Public Notice (Notice). Following is a recap of the Notice. The 2007 Consolidated Action Plan for the CDBG Grant is amended as follows: <ul style="list-style-type: none">Decrease funds allocated to Public Facilities and Improvements/Fire Station 24 in the amount of \$2,400,000Add new projects (to be identified) under Public Facilities and Improvements/Neighborhood Facilities in the amount of \$1,805,000Add Emancipation Park as a new project under Public Facilities and Improvements/Park/SPARK Improvements in the amount of \$200,000Add Tidwell Park as a new project under Public Facilities and Improvements/Park/SPARK Improvements in the amount of \$395,000The added projects sum to \$2,400,000 The \$2,400,000 allocation for Fire Station 24 will be restored in the 2008 Consolidated Action Plan. <ul style="list-style-type: none">Delete funds allocated to Public Facilities and Improvements/Multi-Service Center-Kashmere Gardens in the amount of \$3,053,000Add a new project, Public Facilities and Improvements/Multi-Service Center-Magnolia in the amount of \$3,053,000 Improvements to Kashmere Multi-Service Center will be financed using non-federal funds. Both the Magnolia and the Kashmere Multi-Service Centers will be improved.				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization:

Subject: An Ordinance approving an amendment to the 2007 Consolidated Action Plan for the Community Development Block Grant (CDBG) to reallocate funds under the Public Facilities and Improvements Budget Activity and the HOME Investment Partnerships Grant to make scope revisions.	Category # 1,2	Page 2 of 2	Agenda Item #
--	---------------------------	------------------------	------------------------------

The 2007 Consolidated Action Plan for the HOME Grant is amended to reallocate projects as follows:

This amendment authorizes a revision to the project description on Page 71 of the 2007 Consolidated Action Plan under the Single-Family Housing/Rehabilitation/Remediation/New Construction Activity to reflect in the project scope/description that funds in the amount \$1,000,000 will be provided to finance New Construction of Single-Family Housing and funds in the amount of \$500,000 will be allocated to fund Multi-Family Housing Acquisition/Rehabilitation/New Construction/Relocation.

The total amount of reprogramming proposed for the 2007 CDBG is \$5,453,000. The total amount of reprogramming proposed for the 2007 HOME Grant is \$1,500,000.

In accordance with HUD regulations, the City is required to amend components of the Grant Agreement when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity.

By this amendment, fund reallocations are decreased and others increased by more than 25%, projects are added and deleted and purposes and locations are changed.


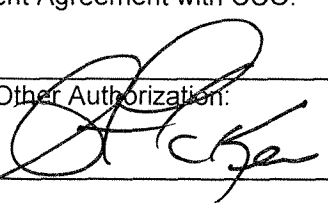
Through a Notice published in the Houston Chronicle on Friday, November 2, 2007, the public was notified of these proposed amendments. The public has thirty (30) days to comment on these proposed amendments. The thirty-day period extends from Friday, November 2, 2007 through Monday, December 3, 2007. Following the citizen review period, this amendment and any selected projects are being presented to City Council for approval. Projects not yet selected will be presented to City Council for approval when selected.

This item is scheduled to be on the agenda for the Housing and Community Development Committee on December 11, 2007.

RC: GV/BS

cc: City Secretary
Legal Department
Mayor's Office
Finance and Administration

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving Compromise and Settlement Agreement with Clear Channel Outdoor, Inc. and Ordinance amending Chapter 46 of the City of Houston Building Code relating to off-premise signs		Category	Page	Agenda Item #46-46A
FROM (Department or other point of origin): Public Works and Engineering Department		Origination Date: December 6, 2007		Agenda Date: DEC 12 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE, Director		Council District affected: ALL		
For additional information contact: Andy Icken, Deputy Director 713-837-0510 Larry Schenk, Assistant City Attorney 713-247-2770		Date and identification of prior authorizing Council action:		
RECOMMENDATION: Adopt ordinance approving and authorizing a Compromise and Settlement Agreement with Clear Channel Outdoor, Inc. and ordinance amending Chapter 46 of the Houston Building Code, relating to off-premise signs				
Amount and source of funding: N/A				F&A Budget:
EXPLANATION: <p>After many years of dispute and litigation dating back to 1987, the City has come to an agreement with billboard operator Clear Channel Outdoor, Inc. (CCO), the primary operator of small and medium sized billboard structures in the City. The agreement will remove 881 billboard structures consisting of 100% of the 8-sheet and 39% of the 30-sheet poster structures. This consists of two-thirds (66%) of its existing 1,347 small and medium sized billboard structures, which will be permanently removed at CCO's expense within 180 days of the effective date of the agreement. The 881 billboards to be removed are distributed across all Council Districts.</p> <p>This agreement does not address the large bulletin billboards predominantly found on our highways and freeways. The Federal Highway Beautification Act limits the City's ability to remove most of these structures. The agreement meets criteria defined by the stakeholders prior to the negotiations and includes:</p> <ul style="list-style-type: none">• A quick, dramatic reduction in the number of billboards;• Specific focus on removals in neighborhoods and residential areas;• A ban from relocation of billboards into designated corridors and within existing Scenic Districts;• A balanced representation of takedowns throughout the City, including the removal of 43% of the structures that are in Scenic Districts; <p>Under terms of the agreement, remaining boards would have to meet or be upgraded to certain standards and would be required to maintain operating licenses and safety and maintenance requirements as detailed in the Sign Code. Permitted billboards could be relocated, with certain restrictions, but only twice during the next 20 years.</p> <p>Since taking office in 2004 one of the Administration's key objectives has been to reduce billboard blight in the City of Houston. A first monumental step is this proposed agreement that requires that significantly fewer billboards would exist almost immediately. In fact, by agreeing to settle this dispute, over 200 more billboard structures will be removed in the next 180 days than would be required to be removed if the City waited until 2013 and tried to enforce the removal schedule.</p> <p>Also proposed are amendments to the Sign Code that would establish an Off-Premise Sign Reduction Program. These provisions would allow other billboard companies to participate in a removal program for small and medium sized structures with terms similar to the proposed Compromise and Settlement Agreement with CCO.</p>				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization: 

46
DEC 12 2007

City of Houston Ordinance No. _____

AN ORDINANCE APPROVING AND AUTHORIZING A COMPROMISE AND SETTLEMENT AGREEMENT BETWEEN THE CITY OF HOUSTON AND CLEAR CHANNEL OUTDOOR, INC. TO SETTLE OUTSTANDING DISPUTES AND CONTROVERSIES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, the City Council of the City of Houston finds and determines that certain Off-Premise Signs having a sign face of 100 square feet or less, known as "8-sheets", are especially prevalent in the more established neighborhoods of the city; and

WHEREAS, the City Council finds and determines that an arrangement whereby such 8-sheet signs would be removed without the opportunity for reconstruction would significantly enhance local property values, decrease visual blight, and generally improve the character of those neighborhoods where such signs are currently located; and

WHEREAS, the City Council finds and determines that the reduction of the number of larger Off-Premise Signs having a sign face of more than 100 square feet and no more than 300 square feet, known as "30-sheets", would also positively impact surrounding properties and decrease nearby visual blight; and

WHEREAS, Clear Channel, Inc., has under permit from the City of Houston the preponderance of 8-sheet and 30-sheet Off-Premise Signs located in the city and its extraterritorial jurisdiction; and

WHEREAS, for many years Clear Channel Outdoor, Inc. and the City of Houston were parties to litigation over the Houston Sign Code (the "Sign Code") and its application to Clear Channel's Off-Premise Signs in Houston, which litigation (the "Litigation") concluded in 2003; and

WHEREAS, Clear Channel and the City acknowledge that bona fide disputes and controversies exist between them regarding the application of the judgment in the Litigation and the Sign Code to Clear Channel's UL ("Useful Life") Signs; and

WHEREAS, to resolve these disputes and controversies and to avoid the substantial expense and distraction of future litigation, Clear Channel and the City engaged in arm's-length discussions to resolve their disputes over Clear Channel's UL Signs; and

WHEREAS, pursuant to those discussions Clear Channel and the City agree to a compromise and settlement pertaining to Clear Channel's 8-sheet and 30-sheet Off-Premise Signs and to set forth the terms of their compromise and settlement in a formal Agreement; **NOW THEREFORE**,

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

Section 1. The City Council hereby approves and authorizes the execution of the Compromise and Settlement Agreement, (the *Agreement*), in substantially the form of the

document attached hereto and incorporated herein by reference for all purposes.

Section 2. The Mayor is hereby authorized to execute the *Agreement* and all related documents on behalf of the City of Houston and, in the event of changed circumstances, the Mayor is further specifically authorized to take all actions necessary to effectuate the City's intent and objectives regarding the *Agreement*.

Section 3. The City Secretary is hereby authorized to attest to the Mayor's signature as it shall appear on the *Agreement* and to affix the seal of the City of Houston to the *Agreement*.

Section 4. The City Attorney is hereby authorized to take any and all actions necessary to enforce the *Agreement* without further authorization from Council.

Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 20____.

APPROVED this ____ day of _____, 20____.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept.

Assistant City Attorney

COMPROMISE AND SETTLEMENT AGREEMENT

This Compromise and Settlement Agreement ("Agreement") is made by and between Clear Channel Outdoor, Inc. ("CCO"), a Delaware corporation authorized to do business in the State of Texas, with offices located at 1313 West Loop North, Houston, Texas 77055, and the City of Houston, Texas ("Houston"), a Texas municipal corporation and Home Rule City, with offices located at City Hall, 901 Bagby, Houston, Texas 77002.

Recitals:

WHEREAS, for many years CCO and Houston were parties to litigation over the Houston Sign Code, Chapter 46 of the Houston Building Code (the "Sign Code"), and its application to CCO's off-premise signs in Houston, which litigation concluded in 2003 (the "Litigation"); and

WHEREAS, CCO and Houston acknowledge that bona fide disputes and controversies exist between them regarding the application of the judgment in the Litigation and the Sign Code to CCO's off-premise signs given the "useful life" designation (the "UL Signs"). To resolve those disputes and controversies and to avoid the substantial expense and distraction of future litigation, CCO and Houston engaged in arm's-length discussions and, pursuant to those discussions, CCO and Houston agreed to a compromise and settlement pertaining to CCO's off-premise signs of a size of three hundred (300) square feet or less in sign face and to set forth the terms of their compromise and settlement in this Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, including the recitals set forth above, CCO and Houston agree as follows:

1. Permanent Removal of Certain of CCO's Off-Premise Signs.

A. Definitions. For the purposes of this Agreement, the terms "Off-Premise Sign," "Sign Code Application Area," and "Scenic or Historical Rights-of-Way District" (referred to as "Scenic District") shall be defined as stated in the Sign Code, with the exception that the term "Sign" shall be defined as set forth in Houston City Ordinance No. 2007-1197, adopted October 31, 2007.

B. Signs Removed. On or before 180 days after the Effective Date of this Agreement, CCO shall remove all of its six-foot by twelve-foot Off-Premise Sign structures (also known as "8-sheets") located in the Sign Code Application Area, regardless of the number of sign faces, the total number of which is approximately 585 sign structures. This removal of 8-sheets shall include all signs of whatever configuration of less than 100 square feet per sign face. In addition, on or before 180 days after the Effective Date of this Agreement, CCO shall remove that number of its twelve-foot by twenty-four-foot Off-Premise Sign structures (also known as "30-sheets") located in the Sign Code Application Area, regardless of the number of sign faces, such that, following removal, CCO shall have no more than 466 30-sheet Off-Premise Sign structures, with no more than two (2) faces per structure (one on each side of the sign structure) remaining in the Sign Code Application Area. This removal of 30-sheets shall include any signs of whatever configuration of more than 100 square feet per sign

face and 300 square feet or less per sign face. The total number of CCO's 30-sheet Off-Premise Sign structures to be removed under this Agreement shall be approximately 296. The Off-Premise Sign structures to be removed by CCO pursuant to this Agreement (collectively, the "Removed Signs") shall be removed entirely at CCO's expense and shall not be reconstructed or replaced. CCO's removal obligation set out herein shall apply regardless of whether the message currently appearing on the sign face is commercial or non-commercial.

As used in this Agreement, the term "Effective Date" shall be the date on which all of the following shall have occurred: (1) this Agreement is duly approved and authorized by the Houston City Council by the passage and adoption of an appropriate ordinance; (2) this Agreement is duly executed by the Mayor of Houston; (3) this Agreement is duly countersigned by the City Controller of Houston; and (4) this Agreement is effective in all respects, and is not subject to an order of a court or administrative body enjoining or prohibiting its implementation.

2. Remaining Off-Premise Signs. Following the removal of the Removed Signs, and the relinquishment of the rights under paragraph 3.A of this Agreement, CCO shall have no more than 466 30-sheet Off-Premise Sign structures (the "Remaining Signs") and no 8-sheet Off-Premise Sign structures in the Sign Code Application Area, regardless of whether the messages on the Remaining Signs are commercial or non-commercial. Removal of Signs shall generally comply with the distribution across the City reflected in Exhibit A attached hereto and incorporated herein for all purposes. Except as specifically provided in this paragraph 2 of this Agreement, the Remaining Signs shall not be subject to any removal, relocation, or

reconfiguration by Houston for a period of twenty years commencing from the Effective Date of this Agreement (the "Carry-over Period"). This provision shall in no way restrict or limit the ability of Houston to require the removal of any Remaining Sign when such removal is necessary for and associated with any Houston road, street, or other improvement project. Any sign so removed shall be entitled to be relocated as provided in paragraph 4 of this Agreement, and such relocation shall be in addition to the relocations authorized pursuant to paragraph 4. CCO shall timely obtain operating permits as required under the Sign Code for each Remaining Sign, and CCO shall continuously maintain and repair all Remaining Sign structures in accordance with the maintenance, safety, and structural requirements of sections 4607(a) and (b) and 4609(a), (b), (c), (d), (g), (h) and (o) of the Sign Code. During the Carry-over Period, CCO shall have the right to display commercial and/or non-commercial messages on the Remaining Signs, and Houston shall undertake no effort to restrict CCO from displaying commercial or non-commercial messages on the Remaining Signs. At the conclusion of the Carry-over Period, the Remaining Signs shall be subject to the legal and regulatory scheme applicable to Off-Premise Signs in the Sign Code Application Area existing at that time.

3. Other CCO Off-Premise Signs.

A. Signs Previously Reserved for Relocation. From and after the Effective Date of this Agreement, CCO shall be deemed to waive and forever relinquish any and all rights to reconstruct and/or relocate any and all of its Off-Premise Signs and sign structures of 300 square feet or less per sign face granted by Houston prior to the date of this Agreement. No further action shall be required by CCO or Houston to effect this

waiver, save and except that CCO shall provide any information requested by Houston reasonably necessary to identify such signs.

B. Signs Not Affected by this Agreement. Nothing contained in this Agreement shall affect (1) any of CCO's existing Off-Premise Signs in the Sign Code Application Area of a size greater than 300 square feet in sign face (also known as "bulletins"); (2) any of CCO's rights to reconstruct or relocate any of its bulletin Off-Premise Signs granted by Houston prior to the date of this Agreement in connection with road widening projects funded by the Texas Department of Transportation; or (3) any rights granted to CCO pursuant to Houston City Ordinance No. 2000-949.

4. Relocation and Reconstruction of the Remaining Signs.

A. Relocation. During the Carry-over Period, CCO shall be entitled to relocate the Remaining Signs, or any of them, to locations in the Sign Code Application Area conforming to the requirements in subsections (c), (d), (g), (h), and (i) and Table 4612 of Section 4612 of the Sign Code, and in accordance with Section 4617(a) subsections (3) and (7) of the Sign Code, subject to all of the following limitations: (1) each relocated Sign, even if converted to a steel or masonry structure, shall have the same dimension for the sign face as the sign face being replaced and shall comply with the height limitations in section 4609(e) of the Sign Code; (2) each of the Remaining Signs may be relocated by CCO no more than two times during the Carry-over Period, not including relocations necessitated by acts or requirements of any governmental authority, such as the Texas Department of Transportation, Harris County, Houston, or the Metropolitan Transit Authority; (3) no more than twenty percent (20%) of the Remaining Signs shall be relocated in any calendar year of years one through four of

the Carry-Over Period and no more than ten percent (10%) of the Remaining Signs shall be relocated in any calendar year during years five through twenty of the Carry-over Period, not including relocations necessitated either by acts or requirement of any governmental authority, such as the Texas Department of Transportation, Harris County, Houston, or the Metropolitan Transit Authority; (4) none of the Remaining Signs shall be relocated into or within a Scenic District existing as of the date of this Agreement; and (5) no more than 77% of the Remaining Signs shall be located inside the city limits of the City of Houston at any one time; and (6) a Remaining Sign may be relocated only on the Federal Primary System, the Interstate and Freeway Primary System, the Nonfreeway Primary System, a Major Thoroughfare, a Freeway, or a Highway, as those terms are defined in section 4602 of the Sign Code. Prior to relocating a Remaining Sign pursuant to this Agreement, CCO shall give the Houston Sign Administrator fifteen (15) days written notice of each Remaining Sign to be relocated, its permit number, its existing location, and the location to which it will be moved. CCO shall be solely responsible for the cost of relocating any of the Remaining Signs pursuant to this Agreement. Relocation of a Remaining Sign under this Agreement shall not require a new sign permit or new operating permit from Houston but shall require a construction permit and an electrical permit and the accompanying appropriate fees.

B. Reconstruction. During the Carry-Over Period, CCO may reconstruct or rebuild any of the Remaining Signs destroyed or damaged by act of nature (such as wind or lightning) or by act of a party other than CCO. CCO shall reconstruct the structures of the Remaining Signs currently built on wood poles, as follows: (1) all

Remaining Signs built on wood poles located in any Scenic District existing as of the date of this Agreement shall be converted to either a single steel pole structure or a masonry structure, at CCO's option, within twenty-four (24) months after the Effective Date of this Agreement; and (2) all Remaining Signs built on wood poles not located in a Scenic District existing as of the date of this Agreement shall be converted to either a single steel pole structure or a masonry structure, at CCO's option, in accordance with the following schedule:

- (a) 25% within 24 months after the Effective Date of this Agreement;
- (b) 50% within 30 months after the Effective Date of this Agreement;
- (c) 75% within 36 months after the Effective Date of this Agreement;
- (d) 100% within 42 months after the Effective Date of this Agreement.

Reconstruction of the Remaining Signs shall be at CCO's sole expense and in accordance with the maintenance, safety, and structural requirements of sections 4607(a) and (b) and 4609(a), (b), (c), (d), (g), (h), and (o) of the Sign Code. Prior to reconstructing each Remaining Sign pursuant to this Agreement, CCO shall give the Houston Sign Administrator fifteen (15) days written notice of the Remaining Sign to be reconstructed, its permit number, its location, and a description of the reconstruction to take place. Reconstruction of a Remaining Sign under this Agreement shall not require a new sign permit or new operating permit from Houston but shall require a construction permit and an electrical permit and the appropriate fees.

5. Application of Sign Code. This Agreement shall not be construed to release CCO from compliance with any provision of the Sign Code except as necessary to fulfill the requirements of this Agreement.

6. **Time of Performance.** Time is of the essence in the performance of this Agreement.

7. **Force Majeure.** CCO shall not be held responsible for any delay in or failure of performance hereunder, including, without limitation, removal of the Removed Signs or reconstruction of the Remaining Signs during the time periods provided in this Agreement, to the extent such delay or failure is materially the result of matters outside of CCO's control, including, without limitation, fire, explosion, earthquake, hurricane, windstorm, flood, war, insurrection, riot, labor disputes, or acts of government. CCO shall undertake all reasonable measures to mitigate and avoid the impact of said force majeure. To the extent that factors beyond the control of CCO impede or impair CCO's performance hereunder, CCO shall promptly give notice to Houston of such delays, the reasons therefor, the anticipated amount of time required to complete the removal or reconstruction, and the basis for such estimate of time. Following such notice, Houston shall extend the appropriate time period in this Agreement so affected by the identified cause, but only for the estimated time and no longer.

8. **Ordinance Adopting and Implementing This Agreement.** CCO shall execute this Agreement in accordance with its corporate charter and the laws of the State of Texas and shall present said agreement to Houston for approval. Following receipt thereof, and in accordance with State law, including but not limited to the Texas Open Meetings Act and the provisions of the City Charter, Houston shall take those steps customary and reasonably required to adopt and implement the terms of this Agreement. CCO and Houston shall cooperate with each other toward the enactment of

an ordinance and any other measure incident to the approval and implementation of the terms of this Agreement. Should this Agreement not be approved by the City Council of the City of Houston, and signed by the Mayor and countersigned by the City Controller, then this Agreement shall be null and void and the parties and their respective positions shall be unaffected thereby.

9. Notices. All notices required to be given under this Agreement shall be sent by fax or first class mail and delivered as follows:

To CCO:

Clear Channel Outdoor, Inc.
Attention: President
1313 West Loop North
P.O. Box 542
Houston, Texas 77001
Fax (713) 684-4511

and to:

Clear Channel Outdoor, Inc.
Attention: General Counsel
2201 East Camelback, Suite 500
Phoenix, Arizona 85016
Fax: (602) 381-5782

To Houston:

City of Houston
Sign Administrator-Code Enforcement
Public Works and Engineering Department
2636 South Loop West, Suite 675
Houston, Texas 77054

10. Performance Bond. No later than ten (10) business days following the Effective Date of this Agreement, CCO shall deliver to Houston and shall keep in force and effect after the Effective Date a surety bond in favor of Houston to secure the

compliance by CCO of its obligations under paragraph 1.B of the Agreement (the "Paragraph 1.B Surety Bond"). The foregoing shall be conditioned on the timely satisfactory performance of all terms, conditions, and covenants contained in paragraph 1.B of this Agreement to be performed by CCO and shall stand as security for payment by CCO of all valid claims by Houston in connection therewith. The Paragraph 1.B Surety Bond shall be issued by a sound surety company authorized to do business in the State of Texas and listed on the current list of accepted sureties on federal bonds published by the United States Treasury Department. The Section 1.B Surety Bond shall be in the amount of THREE MILLION AND 00/100 DOLLARS (\$3,000,000.00). Upon expiration of the Paragraph 1.B Surety Bond on its terms, Houston shall return the expired Paragraph 1.B Surety Bond to CCO, provided, however, that upon the expiry date of the Paragraph 1.B Surety Bond it shall be rendered null and void whether or not it is returned to CCO.

Each of CCO and Houston acknowledge and agree that the Paragraph 1.B Surety Bond shall be in a form and substance as the surety company requires and shall include conditions reasonably acceptable to the Parties, including without limitation the following: The Paragraph 1.B Surety Bond shall be payable in immediately available funds, in whole or in part, as required, upon receipt by the surety company of a demand by Houston put forward to the surety company in writing which shall (1) be delivered by registered mail or by hand (with proof of delivery); (2) refer to the number and the date of the Paragraph 1.B Surety Bond; (3) be signed by the Sign Administrator, City Attorney, or other authorized individual; (4) be accompanied by a copy of the notice of default served on CCO specifying the nature of such default under paragraph 1.B of

this Agreement (the "180 Day Notice of Default"), which 180 Day Notice of Default shall (i) describe and identify CCO's failure to remove the relevant Removed Signs, (ii) confirm that such 180 Day Notice of Default was served on CCO and that CCO has failed to cure such default; and (iii) demand that the surety company take prompt appropriate action to remedy the 180 Day Default.

Upon Houston's compliance with the above requirements, the surety company shall be obligated to pay and all of Houston's actual expenses and costs in connection with its actions taken to correct the 180 Day Default, along with any applicable expenses to enforce such actions.

In addition to the Paragraph 1.B Surety Bond, CCO shall increase the performance bond amount required under section 4606(e) of the Sign Code from Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to One Hundred Thousand and 00/100 Dollars (\$100,000.00), as a guaranty, in addition to the compliance requirements under section 4606(e) of the Sign Code, to secure the compliance by CCO of all other obligations under this Agreement. For purposes of the bond referenced herein, the operative provisions applicable to the Paragraph 1.B Surety Bond shall also apply hereto.

11. Remedies. Houston and CCO acknowledge that the subject matter of this Agreement involves real and personal property and that damages caused by either party's failure to comply with the terms of this Agreement, or to timely comply with the terms of this Agreement, are difficult of calculation. For those reasons, Houston and CCO agree that specific performance of the terms of this Agreement is appropriate to remedy a breach of this Agreement by either Houston or CCO. The remedy for

Houston and CCO stated herein is not exclusive but is cumulative of all remedies available to Houston and CCO under the law which exist now or may exist in the future, including but not limited to those administrative remedies available to Houston, and Houston and CCO may pursue such other remedies and relief to which they may be entitled.

12. Miscellaneous.

A. Parties Bound. This Agreement shall be binding upon and shall inure to the benefit of CCO and Houston and their respective parent corporations, subsidiary corporations, representatives, successors, and assigns.

B. Entire Agreement. This Agreement contains the entire Agreement between CCO and Houston and supersedes any and all prior agreements, arrangements, negotiations, discussions, or understandings between them pertaining to the subject matter hereof. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement have been made or relied upon by either CCO or Houston with respect to the subject matter hereof.

C. Disclaimer. It is expressly understood and agreed by and between the parties to this Agreement that this Agreement includes a compromise and settlement of disputed claims, and that the execution of this Agreement does not in any way constitute any admission of liability on the part of any party to this Agreement, but that all parties to this Agreement expressly disclaim any liability concerning the claims being compromised and settled herein.

D. Headings. The headings, captions, and arrangements used in this Agreement are, unless specified otherwise, for convenience only and shall not be

deemed to limit, amplify, or modify the terms of this Agreement, nor to affect the meaning thereof. The captions are not restrictive of the subject matter of any paragraph of this Agreement.

E. Governing Law. This Agreement is being executed and delivered, and is intended to be performed in Houston, Texas; and the Charter and the Ordinances of the City of Houston, Texas, and the laws of the State of Texas and of the United States of America, shall govern the rights and the duties of the parties hereto and the validity, construction, enforcement and interpretation of this Agreement. Venue for any litigation relating to this Agreement shall be exclusively in the courts of Harris County, Texas, for any state court actions and in the courts of the Southern District of Texas for any federal court actions.

F. Non-Waiver. If either party fails to require the other to perform a term of this Agreement, that failure does not prevent the party from later enforcing that term and all other terms. If either party waives the other's breach of a term, that waiver does not waive a later breach of this Agreement.

G. Parties In Interest. This Agreement does not bestow any rights upon any third party, but binds and benefits Houston and CCO only.

H. Written Amendment. Unless otherwise specified elsewhere in this Agreement, this Agreement may be amended only by written instrument executed on behalf of Houston (by authority of an ordinance adopted by the City Council) and CCO.

I. Multiple Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes and all of which constitutes, collectively, one agreement; but, in making proof of this

Agreement, it shall not be necessary to produce or account for more than one such counterpart.

J. Interpretation. This Agreement shall not be construed against or unfavorably to any party because of such party's involvement in the preparation or drafting of this Agreement.

CLEAR CHANNEL OUTDOOR, INC.

By: Michelle Costa

Printed Name: Michelle Costa

Title: President- Houston Division

Date Signed: Dec. 10, 2007

By:

Name:

Title:

CITY OF HOUSTON, TEXAS

Signed by:

City Secretary

Mayor

APPROVED:

COUNTERSIGNED BY:

Director, _____
Department

City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

Assistant City Attorney
L.D. File No.

ACKNOWLEDGMENT

THE STATE OF TEXAS

§
§
§

KNOW ALL BY THESE PRESENTS:

COUNTY OF HARRIS

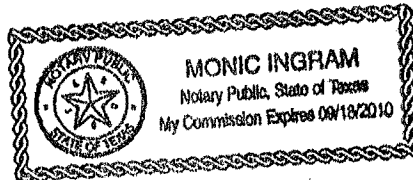
THAT BEFORE ME, the undersigned authority, on this day personally appeared Michelle Costa, President of the Houston Division of Clear Channel Outdoor, Inc. ("CCO"), and who, after having been by me first duly sworn, did depose and state on her oath that she has executed the above and foregoing **"Compromise and Settlement Agreement"** in my presence, as the act and deed of the said Clear Channel Outdoor, Inc. in the capacity stated and for the purposes and considerations expressed therein.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by the said Michelle Costa, President of the Houston Division of Clear Channel Outdoor, Inc. ("CCO") on this the 10 day of December, 2007.

(Seal)



Notary Public, State of Texas



446A
DEC 12 2007

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING THE CITY OF HOUSTON SIGN CODE (CHAPTER 46 OF THE BUILDING CODE, HOUSTON, TEXAS), RELATING TO REDUCTION OF THE NUMBER OF OFF-PREMISE SIGNS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Houston has recognized since the adoption of the Houston Sign Code (Chapter 46 to the Building Code) in 1980 that signs along and adjacent to streets, roads, and highways constitute dangerous distractions to motorists, adversely affect the values of adjacent properties, and generally contribute to visual blight; and,

WHEREAS, in response to said issues, the City Council has adopted prior ordinances intended to reduce the number of off-premise signs and to restrict the proliferation of said signs; and,

WHEREAS, recent scientific studies have confirmed that the proliferation of signs can adversely affect driver attention and driver safety; and,

WHEREAS, the City Council finds and determines that certain off-premise signs having a sign face of no more than 100 square feet, known as "8-sheets", are especially prevalent in the more established neighborhoods of the city; and,

WHEREAS, the City Council finds and determines that the removal of such 8-sheet signs without the opportunity for reconstruction would significantly enhance local property values, decrease visual blight, and generally improve the character of those neighborhoods where such signs are currently located; and,

WHEREAS, the City Council finds and determines that the reduction of the number of larger off-premise signs having a sign face of more than 100 square feet and no more than 300 square feet, known as "30-sheets", would also positively impact surrounding properties and decrease nearby visual blight; and,

WHEREAS, the City Council finds and determines that the adoption of a limited pilot program to encourage off-premise sign permit holders to decrease the number of their 8-sheet and 30-sheet off-premise signs in return for increased flexibility in the use of their remaining 30-sheet signs is a positive step forward to reduce the number of off-premise signs while preserving off-premise signage as a viable means of communication; **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 the City of Houston Sign Code, which is Chapter 46 of that volume of the City of Houston Construction Code known as the Building Code, is hereby amended by adding a new Section 4621 that reads as follows:

"SECTION 4621–OFF-PREMISE SIGN REDUCTION PROGRAM

(a) Program designated. This program shall be designated the Off-Premise Sign Reduction Program.

(b) Purpose. The purpose of this section is to provide a program for the voluntary reduction in the number of 8-sheet and 30-sheet off-premise sign structures within the Sign Code Application Area.

(c) Definitions. The following definitions shall apply to this section:

8-SHEET OFF-PREMISE SIGN shall mean an off-premise sign and the accompanying sign structure that has a current operating permit as required in Section 4604(d) and (e) and is typically 6 feet by 12 feet in size, but may be of whatever configuration with no more than 100 square feet per sign face.

QUALIFIED EXCHANGE SIGNAGE shall mean any combination of 8-sheet and 30-sheet signs as defined herein offered for permit relinquishment under this program.

30-SHEET OFF-PREMISE SIGN shall mean an off-premise sign and the accompanying sign structure that has a current operating permit as required in Section 4604(d) and (e) and is typically 12 feet by 24 feet in size, but may be of whatever configuration with more than 100 square feet and 300 square feet or less per face.

(d) Application. The holder of operating permits for 8-sheet or 30-sheet off-premise signs may request the opportunity to participate in the Off-Premise Sign Reduction Program (the 'Program') by filing an application with the Sign Administrator. To qualify to participate, the permit holder must:

- (1)** Permanently relinquish and voluntarily surrender the permit or permits (and, if applicable, any accompanying state permits)

related to 300 or more square feet of qualified exchange signage located in a Scenic District, or the permits related to 600 or more square feet of qualified exchange signage located anywhere in the Sign Code Application Area;

- (2) Agree to completely remove at the permit holder's expense, within 60 days of approval of the application by the Sign Administrator, any qualified exchange signage and sign structures for which permits have been relinquished (the 'removed sign(s)'); and
- (3) Post a bond in the amount of \$50,000.00 for each sign to be removed, in such form and with such surety as the City Attorney shall determine is appropriate, to guaranty removal of the sign; said bond to be in addition to and not in lieu of any other bond required under this chapter.
- (4) If the permit holder currently retains in inventory 8-sheet or 30-sheet sign structures eligible for relocation under contract with the city, under some other provision of this Code, or under other law, agree that the location for which the permit or permits have been relinquished will not be used by the permit holder for such relocation purposes.

(e) Reserved sign. In return for the relinquishment and removal of the removed sign or signs, the permit holder will be entitled to designate another 30-sheet off-premise sign owned by the permit holder as a 'reserved sign' for (i) each whole multiple of 300 square feet of qualified exchange signage removed from a Scenic District, or for (ii) each whole multiple of 600 square feet of qualified exchange signage removed anywhere in the Sign Code Application Area, subject to the following terms and conditions:

- (1) The reserved sign must be currently and lawfully permitted by the city (and, if required by law, by the State of Texas).
- (2) Except as provided herein, the reserved sign will not be subject to any administrative removal, relocation or reconfiguration by the city for a period of 20 years (the 'carry-over period'), beginning on the date of final removal of the qualified exchange signage. This provision, however, shall in no way restrict or limit the city's ability to require the removal of any reserved sign when such removal is necessary for and associated with any Houston road, street or other improvement project; the permit holder of any sign so removed

for a Houston project shall be entitled to relocate the sign as provided in subsection (f) of this section, and such relocation shall be in addition to the relocations authorized pursuant to subsection (f).

- (3) Within 90 days of the approval of the qualified exchange signage, and the subsequent removal of such signage, the designated reserved sign shall be converted to either a single steel pole structure or a masonry structure, at the permit holder's option, if it is not already so constructed. Following such conversion, any reserved sign destroyed or damaged by an act of nature (such as wind or lightning) or by an act of a party other than the permit holder may be reconstructed. Any such conversion or reconstruction shall be in full conformance with the requirements of this Code; provided further, that such conversion or reconstruction shall not change the dimensions of the face of the reserved sign from that of one of the removed signs, nor shall the sign be converted to an electrical sign, LED sign, electronic message display sign, video display, or other similar sign structure unless specifically authorized under this Section.
- (4) A permit holder must maintain a valid operating permit for the newly designated reserved sign. The reserved sign shall be maintained and repaired in full compliance with all requirements of this Code.

(f) Relocations. During the carry-over period, a reserved sign may be relocated to locations in the Sign Code Application Area conforming to and in accordance with the requirements of subsections (c), (d), (g), (h), and (i) and Table 4612 of Section 4612, and in accordance with items (3), (7), and (9) of subsection (a) of Section 4617, subject to the following limitations:

- (1) Each relocated reserved sign shall, even if converted to a solid steel structure, have the same dimensions of the face as one of the sign faces being replaced; shall comply with the height limitations in section 4609(e) of this Code; and shall maintain the same elevation of the structure above the adjacent roadway as the prior permitted sign structure, unless the sign regulations of the city or the Texas Department of Transportation (whichever would be applicable, depending on the location of the sign) in effect at the time of the relocation would allow or require the height of the structure to be adjusted to account for the elevation of the adjacent roadway, in which

case the height of the sign (but not the size of the face), may be adjusted accordingly.

- (2) A reserved sign may be relocated no more than two times during the carry-over period, not including relocations necessitated by improvement projects of any governmental authority, such as the Texas Department of Transportation, Harris County, the Metropolitan Transit Authority, or the city.
- (3) No reserved sign may be relocated into or within a Scenic District or on a Local Street as those terms are defined in this Code.
- (4) A reserved sign existing in the extraterritorial jurisdiction of the city at the time of its designation as a reserved sign may never be relocated into the city limits under this program. If one or more of the signs used as qualified exchange signage is located in the extraterritorial jurisdiction, the reserved sign may only be relocated to locations inside the city's extraterritorial jurisdiction and not inside the city limits.

(g) Expiration. At the expiration of the carry-over period, any unused right to relocation authorized under this section shall expire, and each remaining sign shall be subject to the legal and regulatory scheme applicable to off-premise signs in the sign code application area existing at that time."

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 failure to comply with this Ordinance shall subject the violator to those penalties and other remedies specified in Chapter 46 of the City of Houston Building Code, including prosecution in municipal court, forfeiture of bond, revocation of permit, and any other enforcement process available under the City of Houston Sign Code, the City of Houston Building Code, or otherwise available under the law. The City Attorney is hereby authorized to take all actions, both legal and equitable, including filing an action in a court of competent jurisdiction for injunctive relief, as is deemed necessary to assure compliance with this Ordinance.

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 _____, 2007.

APPROVED this ____ day of _____, 2007.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept. _____
LWS:asw 11/30/2007 Senior Assistant City Attorney
Requested by
L.D. No.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds to In-House Renovation Revolving Fund for Renovation /Reconstruction of Various City Facilities during FY08
WBS No. C-000122-0006-4

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1 of 2

Agenda Item
47

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

Origination Date
11-28-07

Agenda Date
DEC 12 2007

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District(s) affected:

For additional information contact:

Jacquelyn L. Nisby

Phone: 713-247-1814

Date and identification of prior authorizing Council action:

RECOMMENDATION: Appropriate bond funds to the In-House Renovation Revolving Fund (1003) for renovation/reconstruction projects for various City facilities during Fiscal Year 2008.

Amount and Source of Funding:

\$2,540,000.00 Fire Consolidated Construction Fund (4500)

F&A Budget:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate \$2,540,000.00 out of the Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovation/reconstruction projects completed to date and projects remaining in FY 2008.

GSD's In-House Renovation Group provides labor and expertise to address serious maintenance deficiencies by performing capital improvements to various city facilities and emergency repairs affecting life safety issues.

PROJECT DESCRIPTION AND SCOPE: The renovation/reconstruction projects include fire stations and office build-outs. A typical renovation will involve multiple trades and may include demolition and replacement of walls and doors, painting, installation of electrical wiring and lighting, new plumbing, new flooring, new ceiling, new millwork and replacement of related equipment.

PROJECT LOCATIONS: The FY08 renovation/reconstruction projects are as follows:

Houston Fire Department Projects for FY-08

Fire Projects by GSD In-House Renovation Group (11):

1	Logistics Fuel Depot	1205 Dart St	493G	Dist. H	Moderate Renovation
2	Fire Station No. 45	4910 N. McCarty	455U	Dist. I	Security Light Pole Replacement
3	Fire Station No. 65	11531 FM 1960 East	338R	Dist. E	Security Light Pole Replacement
4	Fire Station No. 73	9640 Wilcrest Dr.	529U	Dist. F	Security Light Pole Replacement
5	Fire Station No. 76	7200 Cook Rd.	529J	Dist. F	Security Light Pole Replacement
6	Fire Station No. 68	8602 Bissonnet	530Q	Dist. F	Slide Pole Replacement
7	Fire Station No. 09	702 Hogan	493D	Dist. H	Major Renovation - FY07 - FY08
8	Fire Station No. 62	1602 Seamist	452S	Dist. A	Major Renovation
9	Logistics Adm. Building	1205 Dart St.	493G	Dist. H	Multiple Office Build Outs
10	HFD Arson Lab	1100 Elder St.	493G	Dist. H	Evidence Storage Room
11	Fire Station No.49	1212 Gessner	450W	Dist. A	Major Renovation

REQUIRED AUTHORIZATION

CUIC ID# 25CONS14

General Services Department:

Houston Fire Department:

Wendy Teas Heger, AIA
Chief of Design and Construction Division

Phil Boriskie
Chief

SUBJECT: Appropriate Funds to In-House Renovation Revolving Fund for
Renovation /Reconstruction of Various City Facilities during FY08
WBS No. C-000122-0006 -4

**Originator's
Initials**
MCP

Page
2 of 2

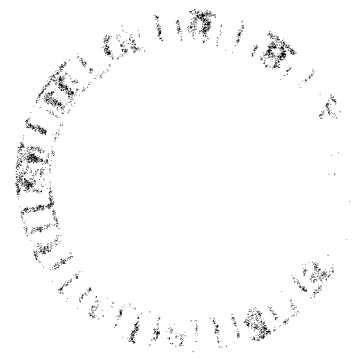
Fire Outsourced Projects managed by GSD In-House Renovation Group (9)*:

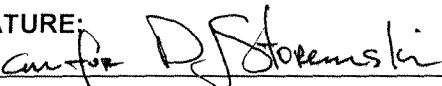
1	Fire Station No. 10	6600 Corporate	529H	Dist. F	Metal Equipment Storage Building
2	Fire Station No. 20	6902 Navigation	494R	Dist. I	Main driveway replacement
3	Fire Station No. 69	1102 W. Belt	489R	Dist. G	Roof Replacement
4	Fire Station No. 32	8614 Tidwell	455C	Dist. B	Shorepower
5	Fire Station No. 38	1120 Silber	451Y	Dist. A	Shorepower
6	Fire Station No. 42	8675 Clinton	495T	Dist. I	Shorepower
7	Fire Station No. 46	3902 Corder	533Q	Dist. D	Shorepower
8	Fire Station No. 66	5800 Teague	450A	Dist. A	Shorepower
9	Fire Station No. 77	10155 Kempwood Dr.	450J	Dist. A	Shorepower

* These projects are designated under various Capital Improvement Project numbers.

IZD:WTH:MCP:JLN:RV:cr

c: Marty Stein, Jacquelyn L. Nisby, Rey Vargas, James Tillman IV, File



SUBJECT: Interlocal Agreement: FY2007 COPS Technology Program Grant		Category	Page 1 of 1	Agenda Item # 48
FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		Origination Date: 12/3/2007	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Cheryl Murray Phone: 713/247-2212		Date and Identification of prior authorizing Council action: 2007-1273 (11/14/2007)		

RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution of an **Interlocal Agreement with Harris County**, a subrecipient of Houston's FY2007 COPS Technology Program grant.

Amount of Funding: n/a

F & A Budget:

SPECIFIC EXPLANATION:

The City of Houston was awarded a grant of \$6,000,000 through the US Department of Justice's COPS Technology Program. This Interlocal Agreement is required to permit the City to give Harris County its share (\$1,126,893.75) of this grant award.

HOUSTON'S MULTI-JURISDICTIONAL APPLICATION

Houston's successful proposal incorporated discrete components of the city's pending radio improvement project, as well as an initiative of the Harris County Regional Radio System that involves the installation of equipment in TxDOT facilities in Austin to improve connectivity with state responders. The total project budget of \$8 million includes the \$6 million grant award and an additional \$2 million in local funds to meet the 25% match requirement.

	HOUSTON	HARRIS	TOTAL
Mandatory Travel	2,630.00	2,525.00	5,155.00
Equipment	5,000,000.00	1,500,000.00	6,500,000.00
Contracts/Consulting	1,494,845.00	0.00	1,494,845.00
TOTAL PROJECT COST	\$6,497,475.00	\$1,502,525.00	\$8,000,000.00
Federal Share (75%)	4,873,106.25	1,126,893.75	\$6,000,000.00
Local Share (25%)	1,624,368.75	375,631.25	\$2,000,000.00

RECOMMEND COUNCIL ACTION

The Mayor's Office of Public Safety & Homeland Security recommends the execution of the proposed Interlocal Agreement with Harris County, as is required to award them their share of this grant.

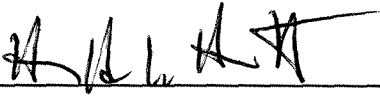
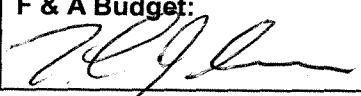
DJS:CFM

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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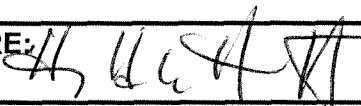

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Interlocal Agreement between the City of Houston and Harris County (FY 2007 Byrne Memorial Justice Assistance Grant)	Category #	Page 1 of 1	Agenda Item # 49
FROM: (Department or other point of origin): Houston Police Department	Origination Date 12/6/07		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: Harold L. Hurtt, Chief of Police 	Council Districts affected: All		
For additional information contact: Joseph A. Fenninger, Deputy Director Office # 713-308-1700	C. T. Davis, Sergeant 713-308-1972		Date and identification of prior authorizing Council Action: August 7, 2007 – 2007-875
RECOMMENDATION: (Summary) Recommend Ordinance executing an Interlocal Agreement between the City of Houston and Harris County under the 2007 Byrne Memorial Justice Assistance Grant.			
Amount of Funding: \$1,669,972 for Houston; \$1,669,971 for Harris County			F & A Budget: 
SOURCE OF FUNDING: Grant Award: \$3,339,943 FY2007 Justice Assistance Grant, US Department of Justice, Bureau of Justice Assistance Local Match: \$0			
SPECIFIC EXPLANATION: The Houston Police Department submitted a joint application to the US Department of Justice, Bureau of Justice Assistance (BJA). The 2007 JAG grant application was approved by Council on August 7, 2007, ordinance 2007-875. On August 29, 2007, the Houston Police Department was awarded \$3,339,943 (50/50 split with Harris County) from the US Department of Justice, Bureau of Justice Assistance (BJA) through the FY2007 Byrne Memorial Justice Assistance Grant (JAG) Program. The Houston Police Department will be the lead applicant and fiscal agent. BJA has established the award start date as October 1, 2006, through September 30, 2010.			
Background The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, with the flexibility to prioritize and place funds where they are most needed.			
Planned Expenditures The Harris County Sheriff's Office intends to use their share on a joint law enforcement/prosecution program that involves the use of new technology and a law enforcement overtime program. HPD's planned expenditures include: <ul style="list-style-type: none">• Salaries and fringe benefits (associated with ten positions that have been funded by the JAG). These positions are primarily technical in nature.• Specialized supplies/equipment (computer crimes and bicycle patrol).• Overtime for Patrol, Anti-Gang, Court, Investigators/Narcotics, Neighborhood Protection (graffiti), Computer Crimes, Rat on a Rat and the Asian Task Force.			
Requested Action The requested Council action authorizes an Interlocal Agreement between the City of Houston and Harris County (Harris County Commissioners approved agreement on 11/06/07.)			
cc: Arturo Michel, City Attorney Mary Stein, Agenda Director Anna Russell, City Secretary			
REQUIRED AUTHORIZATION			
F&A Director:	Other Authorization:	Other Authorization:	



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an Ordinance Authorizing a Third Amendment to Contract #C52180 for Alarm Tracking, Billing and Collection Services for the Houston Police Department		Category # 4	Page 1 of 1	Agenda Item # 50
FROM (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department		Origination Date December 6, 2007		Agenda Date DEC 12 2007
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Ceasar Moore, Captain Phone: 713-308-0989 Approved by:  12/6/07 Joseph A. Fenninger, Deputy Director Phone: 713-308-1708		Date and identification of prior authorizing Council action: Ord. #2000-1113, 12/13/00, Ord. #2003-0222, 3/5/03 and Ord. #2006-0222, 3/1/06		
RECOMMENDATION: (Summary) Approve an ordinance authorizing a third amendment to Contract #C52180 between the City of Houston and Electronic Data Systems Corporation to extend the term from December 21, 2007 to December 20, 2009 for Alarm Tracking, Billing and Collection Services for the Houston Police Department.				
Amount and Source of Funding No Additional Spending Authority Required.		F & A Budget:		
SPECIFIC EXPLANATION: <p>The Chief of Police recommends that City Council approve an ordinance authorizing a third amendment to Contract #C52180 between the City of Houston and Electronic Data Systems Corporation to extend the term from December 21, 2007 to December 20, 2009 for alarm tracking, billing and collection services for the Houston Police Department at no additional cost to the City. The existing services help provide a projected \$3,800,000.00 in revenue annually.</p> <p>This contract was awarded for a seven-year term in the original contract amount of \$6,766,538.00. City Council approved a first amendment on March 5, 2003 which increased the spending authority to \$9,272,638.00. The second amendment approved on March 1, 2006 implemented a software upgrade to a Windows based program which produces better management reports and allows for quicker access to data in response to department inquiries. The Chief of Police may terminate this contract at any time upon 30 days notice to the contractor, should termination become necessary.</p> <p>This contract was awarded with a 24% M/WBE participation goal and Electronic Data Systems Corporation is currently achieving 23.09%.</p> <p>HLH:JAF:tkc</p>				
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization:		Other Authorization:	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Proposed Contract for Legal Services between the City of Houston and the law firm of Epstein Becker Green Wickliff & Hall, P.C.		Category # 9	Page 1 of 2	Agenda Item 51
FROM (Department or other point of origin): Legal Department		Origination Date	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE:  		Council District affected: All		
For additional information contact: Harlan D. Heilman Phone: 713-247-1478		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) That Council adopt an ordinance approving and authorizing a Contract with the law firm of Epstein Becker Green Wickliff & Hall, P.C., to provide Legal Services relating to the City's Workers' Compensation Benefits Program.				
Amount of Funding: \$120,000-Original Allocation - Total Allocation for Five Year Term Inclusive of Original Allocation: \$1,200,000		F & A Budget:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> Other (Specify)				
Workers Compensation (Fund 1011) Revolving Fund				
SPECIFIC EXPLANATION: On December 18, 2002, City Council passed Ordinance No. 2002-1182 , authorizing a contract with the law firm of Epstein Becker Green Wickliff & Hall, P.C., to provide Legal Services relating to the City's Workers' Compensation Benefits Program ("Program"). This contract expires on December 31, 2007. A Request for Proposal ("RFP") was published by the City Attorney to determine the availability of any options that would enhance revenue and decrease operating expenses without reducing the level of services currently provided to the City on the Program. Notice was published in four local publications. While three law firms reviewed the RFP, only two firms, Epstein Becker Green Wickliff & Hall, P.C. and Dean Pappas and Associates, tendered a proposal. The Legal Department recommends the contract be awarded to Epstein Becker Green Wickliff & Hall, P.C. ("Firm"). The proposed contract provides that the Firm will assist the Legal Department in workers' compensation benefits litigation and other matters related to the Program. The attorneys of the Firm are recognized specialists in workers' compensation. All legal services and expenses relating to the Program will be provided by the Firm under the contract at a maximum annual fee of \$240,000. The hourly rates are \$200 for named partners and associates and \$100 for legal assistants. For affirmative workers' compensation subrogation claims, the City will pay up to 25% of any bodily injury subrogation recovery obtained by the Firm depending upon whether the matter is litigated or not.				
REQUIRED AUTHORIZATION				
F&A Director:	Other Authorization:		Other Authorization:	

12/12/06

Date	Subject: Proposed Contract for Legal Services between the City of Houston and the law firm of Epstein Becker Green Wickliff & Hall, P.C.	Originator's Initials	Page <u>2</u> of <u>2</u>
<p>The Firm has offered to award 30% of the value of the contract to a certified minority owned business enterprises to assist the Firm in its representation of the City under the contract. The law firm of Dovalina & Eureste, L.L.P., which is the subcontractor under the current contract, will continue to perform these services.</p> <p>The Legal Department requests that Council approve this request to retain the Firm to provide legal services on the Program for a contract term of three years, with the option to extend two successive one year terms upon the agreement of the Firm, and to authorize approval and execution of the proposed agreement with the Firm.</p>			

Ch 12/6

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7616

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C56026 for a Computer Software Maintenance and Support Services Agreement for the PW & E Dept HC-4-0739-010-20159-A1

Category #
4 & 5

Page 1 of 1

Agenda Item

52

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

September 27, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Gary Bridges Phone: (713) 535-7575
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

Ord. 2004-0526; passed May 26, 2004

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the spending authority for the contract between the City of Houston and ePlus Document Systems, Inc. from \$385,592.50 to \$481,990.63 for a computer software maintenance and support services agreement for the Public Works and Engineering Department.

Maximum Contract Amount Increased By: \$96,398.13

Amala

F & A Budget

[Signature]

\$96,398.13 - Building Inspection Fund (2301)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and ePlus Document Systems, Inc. from \$385,592.50 to \$481,990.63 for computer software maintenance and support services agreement for the Public Works and Engineering Department.

This contract was awarded on May 26, 2004, by Ordinance No. 2004-0526 for a ~~two~~ ^{four}-year term, with two one-year options to extend, for a total ~~four~~ ^{two}-year term, in the amount of \$385,592.50. Expenditures as of September 14, 2007 totaled \$376,694.80. The additional spending authority is needed to sustain the Department through the end of the contract term.

The scope of work requires the contractor to furnish all software upgrades, revisions and modifications necessary to maintain the imaging system. ePlus Document Systems, Inc. is the sole source provider and distributor of Digital Paper XE software, a web-based software solution that provides scanning, storage and secure access to engineering drawings and core business documents of the Public Works and Engineering Department while utilizing minimal bandwidth. The amending ordinance will increase the spending authority by an additional \$96,398.13 and allow the Department to meet its operational needs until contract expiration on November 8, 2008.

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

Buyer: Joyce Hays

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

[Signature]
C.F. SERVICE

Other Authorization:

65 CDW 2790
[Signature]
11/16/07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7580

Subject: Approve an Amending Ord. Authorizing a First Amendment to Contract No. 4600006081 for the Storm Water Quality Management Information System (SWQMIS) for the Public Works & Engineering Dept./TC-6-0737-053-20782-A1

Category #
4 & 5

Page 1 of 1

Agenda Item

53

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

September 27, 2007

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Arthur Kidder, Jr. Phone: (713) 837 7511
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:
Ord. 2006-0954, passed 09/20/06

RECOMMENDATION: (Summary)

Approve an ordinance authorizing a first amendment to Contract No. 4600006081 between the City of Houston and Idea Integration Corporation to add two sites to the contract, require the contractor to enhance the current Storm Water Quality Management Information System (SWQMIS) and to increase the maximum contract amount from \$318,000.00 to \$489,954.00 for the Public Works & Engineering Department.

Maximum Contract Amount Increased By: \$171,954.00

F & A Budget

\$171,954.00 - Storm Water Fund (2302) AT 10-15-07 Re 11/20/07

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a first amendment to Contract No. 4600006081 between the City of Houston and Idea Integration Corporation to add two sites to the contract, require the contractor to enhance the current Storm Water Quality Management Information System (SWQMIS) and to increase the maximum contract amount from \$318,000.00 to \$489,954.00 for the Public Works & Engineering Department. Under this contract, the contractor was required to provide all labor and materials, equipment, supervision and transportation necessary to furnish and install storm water application software. The contractor is also required to provide the City with user licenses, user documentation, software support and manipulation of data.

This contract was awarded by City Council on September 20, 2006 by Ordinance No. 2006-0954 for a three-year term, with two one-year options to extend, for a total five-year term, in an amount not to exceed \$318,000.00. Expenditures as of September 24, 2007 totaled \$200,000.00. Idea Integration Corporation has agreed to honor the original contract price and all other terms and conditions as originally approved by City Council. The Director may terminate this contract at any time upon 30-days written notice to the contractor.

This contract amendment will require the contractor to provide field access to the SWQMIS database through mobile devices with wireless capabilities by supplying two ruggedized field laptops, two GPS devices on the laptops and one handheld device. Additionally, the contractor shall add the Landfill Monitoring/Health Department and Solid Waste Management sites with their storm sewer-related data and forms to the SWQMIS, and shall provide 120 hours per year of free maintenance, for four years, which consists of software fixes, onsite support, issue resolution and ongoing work on the system that does not include building additional functionality. The additional spending authority of \$171,954.00 is needed to cover the cost of the services being added by this contract amendment.

This contract was awarded with a 12% M/WBE goal participation level and the contractor has achieved 8.9% in the first year.

Buyer: Joyce Hays

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Eric L. Hays AD

Charles Hays

65CDW2788

11/20/07

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: The Permanent Improvement of a portion of Wirt Road from Long Point Road to Shoshone Road

Page
1 of 1Agenda Item
54

FROM (Department or other point of origin):

Department of Public Works and Engineering

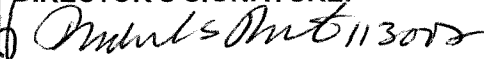
Origination Date

12/6/07

Agenda Date

DEC 12 2007

DIRECTOR'S SIGNATURE:


Michael S. Marcotte, P.E. DEE

Council District affected:

A

For additional information contact:

Reid K. Mersny, P.E. 
Senior Assistant Director Phone: (713) 837-0452

Date and identification of prior authorizing

Council action: 4/27/77; Ordinance No. 77-843
5/9/79; Ordinance No. 79-747**RECOMMENDATION: (Summary)** Approve an ordinance amending Ordinance No. 79-747 and correcting the assessment roll for this project.**Amount and Source of Funding:** N/A**DESCRIPTION/SCOPE:** This project consisted of the construction of two 24-foot wide roadways of 7-inch reinforced concrete pavement with curbs, sidewalks and necessary underground utilities.**LOCATION:** This project area is generally bounded by Kempwood to the north, Westview to the south, Bingle to the west and Antoine to the east. This project is located in Key Map Grids 451P and T.**HISTORY:** This project was initiated by Ordinance 77-843 on April 27, 1977. By Ordinance No. 79-747 dated May 9, 1979, City Council closed the Hearing on Benefits and levied the assessments.**ACTION RECOMMENDED:** It is recommended that Item Nos. 8 and 51 be corrected to reflect No Assessment. In accordance with the Real Estate witness testimony, restricted single-family residences that rear-abut Wirt Road and single-family residences side-abutting Hammerly Boulevard received no benefit from this project. This particular property rear-abuts Wirt Road and side-abuts Hammerly Boulevard and should not have been assessed. Item Nos. 8 and 51 before and after correction:**Before Correction**

Item No. 8

City Tax No. 324-040-00-001-4

Lot 1, Block 1, Springdale

60 ft. @ \$66.47 = \$3,988.20

Item No. 51

City Tax No. 324-040-00-001-4

Lot 1, Block 1, Springdale

139.96 ft. @ \$63.87 = \$8,939.25

MSM:DWK:RKM:MAM:MW:DH

After Correction

Item No.8

HCAD 081-267-000-0001

Lot 1, Block 1, Springdale

60 ft. @ No Benefit = No Assessment

Item No.51

HCAD 081-267-000-0001

Lot 1, Block 1, Springdale

139.96 ft. @ No Benefit = No Assessment

cc: Marty Stein

Craig Foster

File No.: Assessment

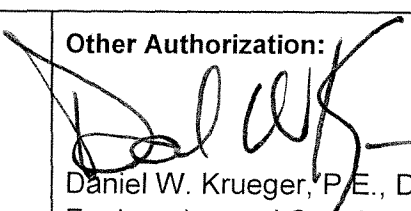
REQUIRED AUTHORIZATION

CUIC I.D. #20DH738

F&A Director:

Other Authorization:

Other Authorization:

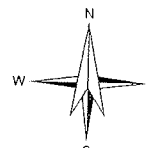

Daniel W. Krueger, P.E., Deputy Director
Engineering and Construction Division

Item No. 8 of 51

Harris County Appraisal District



PUBLICATION DATE:
7/21/2006

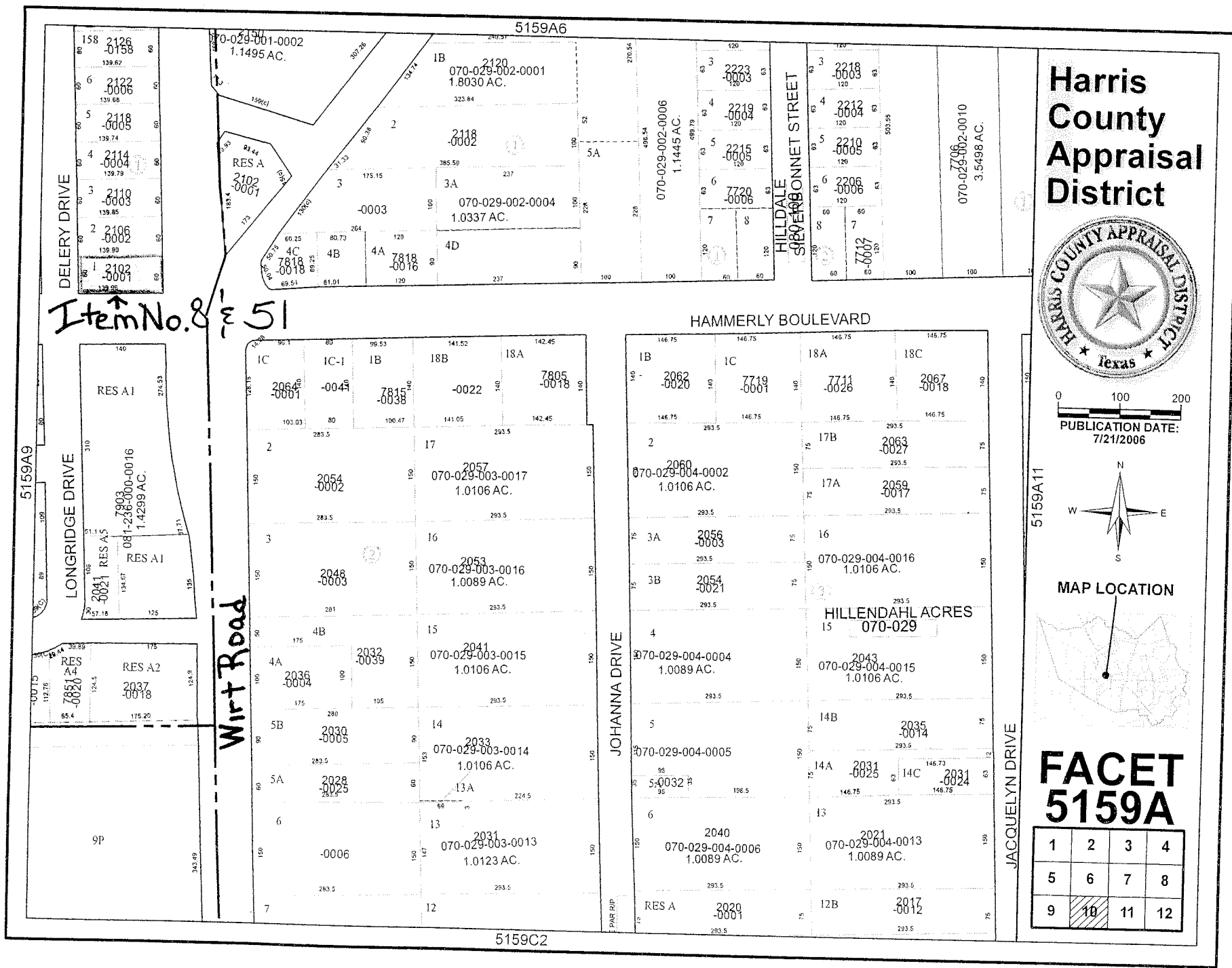


MAP LOCATION



FACET 5159A

1	2	3	4
5	6	7	8
9	10	11	12




TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Extend a Developer Participation Contract between City of Houston and Villas del Parque, L.P. for the construction of water, sanitary sewer and storm sewer lines.	Page 1 of 1	Agenda Item # 55
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12-6-07	Agenda Date DEC 12 2007
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DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director	Council District affected: H
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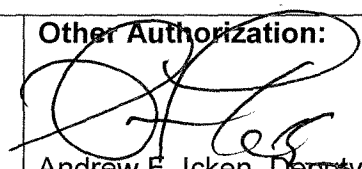
For additional information contact: Jun Chang, P.E. Phone: (713) 837-0433	Date and identification of prior authorizing Council action: 11/22/05 Ord. No. 2005-1270
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Recommendation: (Summary)
Approve an extension of a Developer Participation Contract between the City and Villas del Parque, L.P.

Amount & Source of Funding: NONE REQUIRED

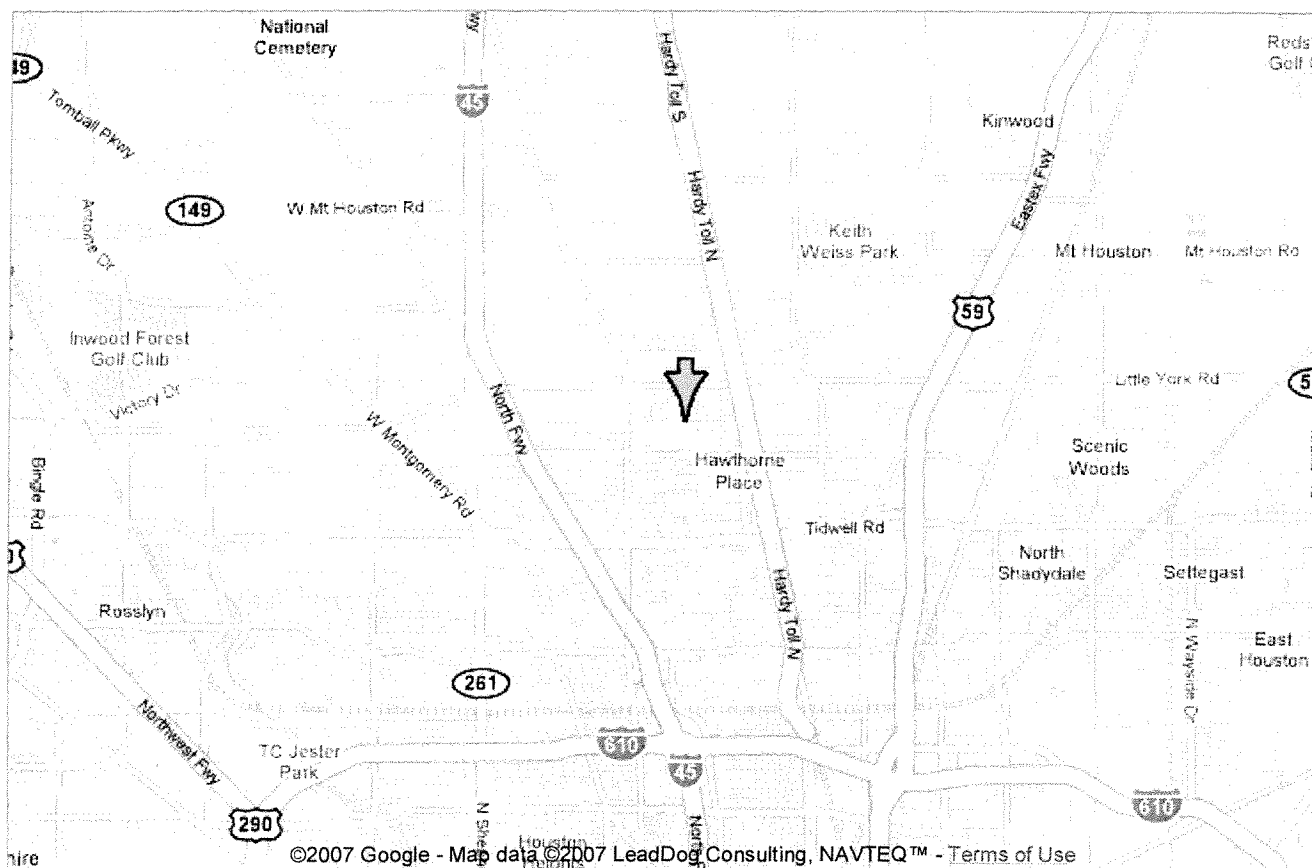
Specific Explanation:
Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

On November 22, 2005 Council approved a Developer Participation Contract between the City and Villas del Parque, L.P. to construct water lines, sanitary sewer lines and storm sewer lines in a 70-lot subdivision, Villas del Parque Rittenhouse. The current Contract is now due to expire on December 8, 2008. However, because of financial market changes and the consequent inability of potential home buyers to secure home loans, the developer is requesting a 15-month extension to construct homes in the subdivision. This will extend the contract expiration date to March 8, 2010.

Required Authorization: CUI# 20JZC348		
F & A Budget:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning & Development Services

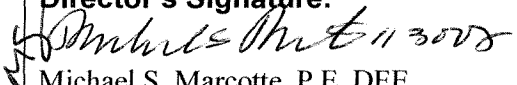


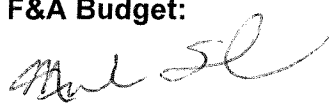
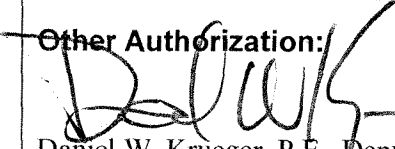


Address **Rittenhouse St**
Houston, TX



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Omega Engineers, Inc. for Negotiated Work Orders for Study of Storm Drainage Systems WBS No. M-000126-00S4-3		Page 1 of 2	Agenda Item # 56
From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/6/07	Agenda Date DEC 12 2007	
Director's Signature:  Michael S. Marcotte, P.E. DEE	Council District affected: (Council District Letter Only) Various		
For additional information contact:  Reid K. Mersny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance #: 2005-391 Dated: April 20, 2005		
Recommendation: (Summary) Appropriate Funds			
Amount and Source of Funding: \$150,000.00 from Drainage Improvements Commercial Paper Series F, Fund No. 4030 \$330,000.00 from Original appropriation of the Storm Water Utility Fund No. 227		 11/21/07	
PROJECT DESCRIPTION/SCOPE: This Contract provides for negotiated work orders to address storm drainage issues citywide.			
LOCATION: The project area is citywide. Locations will be determined as drainage issues are identified and Work Orders are assigned.			
PREVIOUS HISTORY AND SCOPE: The Contract was awarded by Council on April 20, 2005 with a two-year term with two one-year extensions. The first extension was exercised on April 11, 2007. Under the terms of the Contract, the Consultant provided Project Screening (Preliminary Design), Final Design and Construction Phase Basic Services for various Local Drainage Projects. Additional funding is now required for additional nominated Local Drainage Projects.			
SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will accomplish the following tasks: Project Screening (Preliminary Design), Final Design and Construction Phase Basic Services as defined in each Work Order. The Basic Services and Additional Services fee for each Work Order will be defined depending on the extent of services required for each Work Order. Additional Services include, but are not limited to, site assessment, surveying, geotechnical and environmental services.			
The total cost of this supplement is \$150,000.00 to be appropriated as follows: \$135,000.00 for contract services and \$15,000.00 for project management.			
M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The original contract as approved by Ordinance No. 2005-391 totals \$300,000.00. The consultant has been paid \$218,377.86 (72.8%) to date. Of this amount, \$103,587.75 (47.4%) has been paid to M/WBE sub-consultants to date.			
REQUIRED AUTHORIZATION		CUIC ID #20BG06	
F&A Budget: 	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

SUBJECT: Additional Appropriation to Professional Engineering Services
Contract between the City and Omega Engineers, Inc. for
Negotiated Work Orders for Study of Storm Drainage Systems
WBS No. M-000126-00S4-3

**Originator's
Initials**

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**Page
2 of 2**

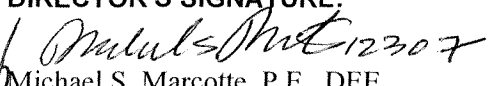
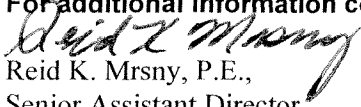


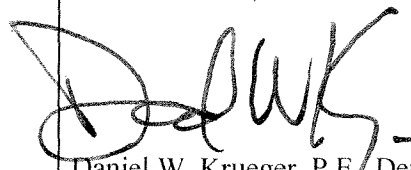
M/WBE INFORMATION CON'T: Assuming approval of the requested additional appropriation, the contract amount will increase to \$435,000.00. The contractor proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE Work		\$103,587.75	23.81%
2. Western Group Consultants	Land Survey	\$ 15,200.00	3.49%
3. Aviles Engineering Corporation	Geotechnical Services	\$ 15,200.00	3.49%
4. B & E Reprographics, Inc.	Reproduction	\$ 2,000.00	0.46%
	TOTAL	\$135,987.75	31.25%

MSM
MSM:DWK:RKM:HJ:BG\klw

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c: Marty Stein
Jeff Taylor
Susan Bandy
Velma Laws
Craig Foster
File No. WBS M-000126-00S4-3 (1.2)

SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City and CLR, Inc. for the Paving Extension of Buffalo Speedway from West Airport Blvd. to Holmes Rd. WBS No. N-000784-0001-3		Page 1 of 2	Agenda Item # 57
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12-6-07	Agenda Date DEC 12 2007	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE	Council District affected: D 5C		
For additional information contact:  Reid K. Mrsny, P.E., Senior Assistant Director Phone: (713) 837-0452	Date and identification of prior authorizing Council action: February 15, 2006; Ordinance No. 2006-0153		
RECOMMENDATION: (Summary) Appropriate additional funds for Professional Engineering Services Contract.			
Amount and Source of Funding: \$1,275,720.00 from the Metro Project Commercial Paper Series E Fund No. 4027. (Original Appropriation of \$441,100.00 from the Street and Bridge Consolidated Construction Fund No. 437)  11/19/07			
DESCRIPTION/SCOPE: This project is part of the Capital Improvement Plan and is required to improve traffic flow/circulation, reduce congestion and eliminate potential hazards. This project consists of the design of two 24 foot-wide concrete roadways with raised median, curbs, sidewalks and necessary underground utilities. This project also provides for the design of a future grade separation spanning Holmes Rd. and the adjacent Union Pacific Railroad tracks.			
LOCATION: The project area is generally bound by Holmes Rd. on the north and West Airport Blvd. on the south. The project is located in Key Map Grids 572 B & 572 F.			
PREVIOUS HISTORY AND SCOPE: City Council approved the original contract by Ordinance No. 2006-0153 on February 15, 2006. The scope of services under the original Contract consisted of Professional Engineering Services for the Paving Extension of Buffalo Speedway from West Airport Blvd. to Holmes Rd. Under the terms of the Contract, the scope of services included Phase I-Preliminary Design, Phase II-Final Design, Phase III-Construction Phase Services and Additional Services for this project. However, only Phase I-Preliminary Design and the Additional Services needed to complete the Preliminary Engineering Report (PER) were appropriated for the Paving Extension of Buffalo Speedway. Additional funds are now necessary to complete Phase II-Final Design, Phase III-Construction Phase Services and Additional Services for the Paving Extension of Buffalo Speedway Project. The Basic Services fees for Phase II and Phase III are based on a negotiated lump sum amount. The total Basic Services additional appropriation is \$769,720.00. The total Additional Services appropriation is \$390,000.00. The total cost of this additional appropriation is \$1,275,720.00 to be appropriated as follows: \$1,159,720.00 for contract services and \$116,000.00 for project management.			
REQUIRED AUTHORIZATION CUIC ID #20SMC21			
F&A Budget: 	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City and CLR, Inc. for the Paving Extension of Buffalo Speedway from West Airport Blvd. to Holmes Rd. WBS No. N-000784-0001-3.	Originator's Initials SMC SC	Page <u>2</u> of <u>2</u>
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	<u>PROJECT</u>	<u>FUNDING</u>
FY06 Amounts	Phase I (FY06)	\$ 111,000.00
	Additional (FY06)	\$ 290,000.00
	Total (FY06) Contract	\$ 401,000.00
	Project Management	\$ 40,100.00
	Total (FY06)	\$ 441,100.00
FY08 Appropriation	Phase II & III Basic (FY08)	\$ 769,720.00
	Phase II & III Add. (FY08)	\$ 390,000.00
	Total Contract (FY08)	\$ 1,159,720.00
	Project Management	\$ 116,000.00
	Total FY08 Appropriation	\$ 1,275,720.00

M/WBE INFORMATION: The M/WBE goal for the Buffalo Speedway Extension project is set at 24%. The original contract amount of \$401,000.00 was approved for this project. The Consultant has been paid \$226,759.28 (56.55%) to date. Of this amount, \$49,778.31 (12.41%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$1,560,720.00. The Consultant has proposed the following firms to achieve this goal.

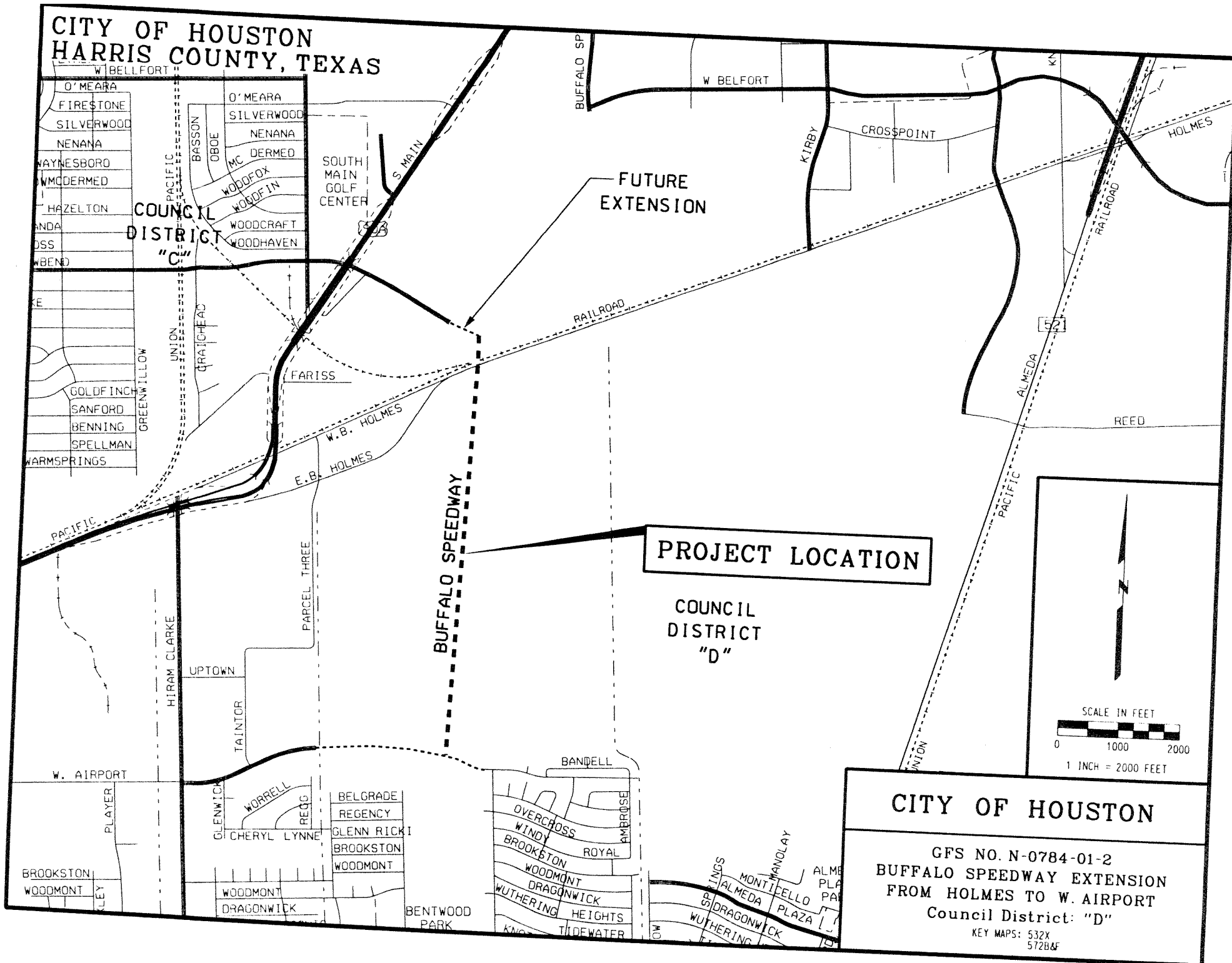
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior MWBE Work	Various Services	\$49,778.31	3.19%
2. Kuo & Associates, Inc.	Topographic & ROW Survey	\$231,280.00	14.82%
3. Gunda Corporation, Inc.	TCP/Signals	\$64,800.00	4.15%
4. Tolunay Wong Engineers, Inc.	Geotechnical Services	\$85,882.00	5.50%
5. Berg-Oliver Associates, Inc.	Environmental Services	\$7,900.00	0.51%
6. Aguirre & Fields, LP	Bridge/Retaining Wall Design	\$199,720.00	12.80%
TOTAL		\$639,360.31	40.97%

MSM:DWK:RKM:MR:SC

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c: Marty Stein
Michael K. Ho, P.E.
Susan Bandy
Velma Laws
WBS No. N-000784-0001-3 (PHII DSGN-RCA)

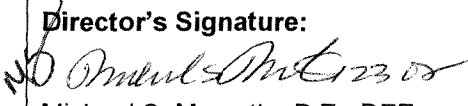

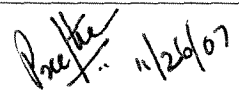

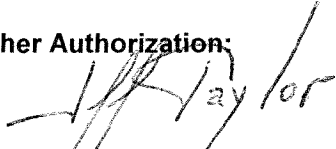
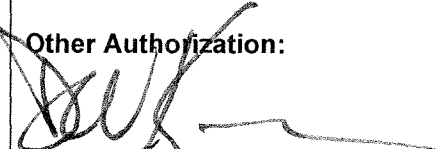
CITY OF HOUSTON
HARRIS COUNTY, TEXAS



CITY OF HOUSTON

GFS NO. N-0784-01-2
BUFFALO SPEEDWAY EXTENSION
FROM HOLMES TO W. AIRPORT
Council District: "D"

KEY MAPS: 532X
572BAF

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Brown & Gay Engineers, Inc. for Westway, Homestead and Chocolate Bayou Wastewater Treatment Plant Improvements. W.B.S. No. R-000265-0031-3		Page 1 of 2	Agenda Item # 58
From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12-6-07	Agenda Date DEC 12 2007	
Director's Signature:  Michael S. Marcotte, P.E., DEE	Council District affected: B A, B, D		
For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director (713) 837-0452	Date and identification of prior authorizing Council action: Ordinance #: 2004-708 Dated: 06/30/2004		
Recommendation: (Summary) Appropriate additional funds.			
Amount and Source of Funding: \$180,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500. Original (previous) appropriation of \$660,000.00 from Water and Sewer System Consolidated Construction Fund No. 755. 			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Wastewater Treatment Plant and Sludge Plant Renewal/Replacement program and is needed at Westway, Homestead and Chocolate Bayou Wastewater Treatment Plants. This program is required to meet process reliability and efficiency for optimum performance and regulatory compliance.			
DESCRIPTION/SCOPE: This project consists of the evaluation of hydraulic and process reliability at various components of the subject Wastewater Treatment Plants.			
LOCATION:			
<u>Facility</u>	<u>Address</u>	<u>Council District</u>	<u>Key Map Grid</u>
Westway Wastewater Treatment Plant	10273 Genard	A	450A
Homestead Wastewater Treatment Plant	5565 Kirkpatrick	B	455N
Chocolate Bayou Wastewater Treatment Plant	9600 Martin Luther King	D	574J
REQUIRED AUTHORIZATION CUIC ID #20BZ72 NOT			
F&A Budget: 	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City and Brown & Gay Engineers, Inc. for Westway, Homestead and Chocolate Bayou Wastewater Treatment Plant Improvements.
W.B.S. No. R-000265-0031-3

**Originator's
Initials**

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**Page
2 of 2**

PREVIOUS HISTORY AND SCOPE: The City Council approved the original contract by Ordinance No. 2004-708 on June 30, 2004. The scope of services under the original contract consisted of Basic Services (i.e., Phase I-Preliminary Design, Phase II-Final Design and Phase III-Construction Phase Services), and Additional Services (i.e., surveying, geotechnical investigation, etc.). After the completion of the Phase I Services and the review by the Technical Review Committee (TRC), the project was structured into three separate final design and construction packages to complete the project scope. Additional funds are needed to complete the Professional Engineering Services identified by the TRC.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will accomplish the following tasks: Basic Services (including phase II and phase III services), and Additional Services. The Basic Services Fee is proposed to be paid on a lump sum basis. Additional Services are proposed to be paid as lump sum and on a reimbursable basis. The total Basic Services fee under this additional appropriation is \$161,905.00. The total Additional Services fee under this additional appropriation is \$1,095.00.

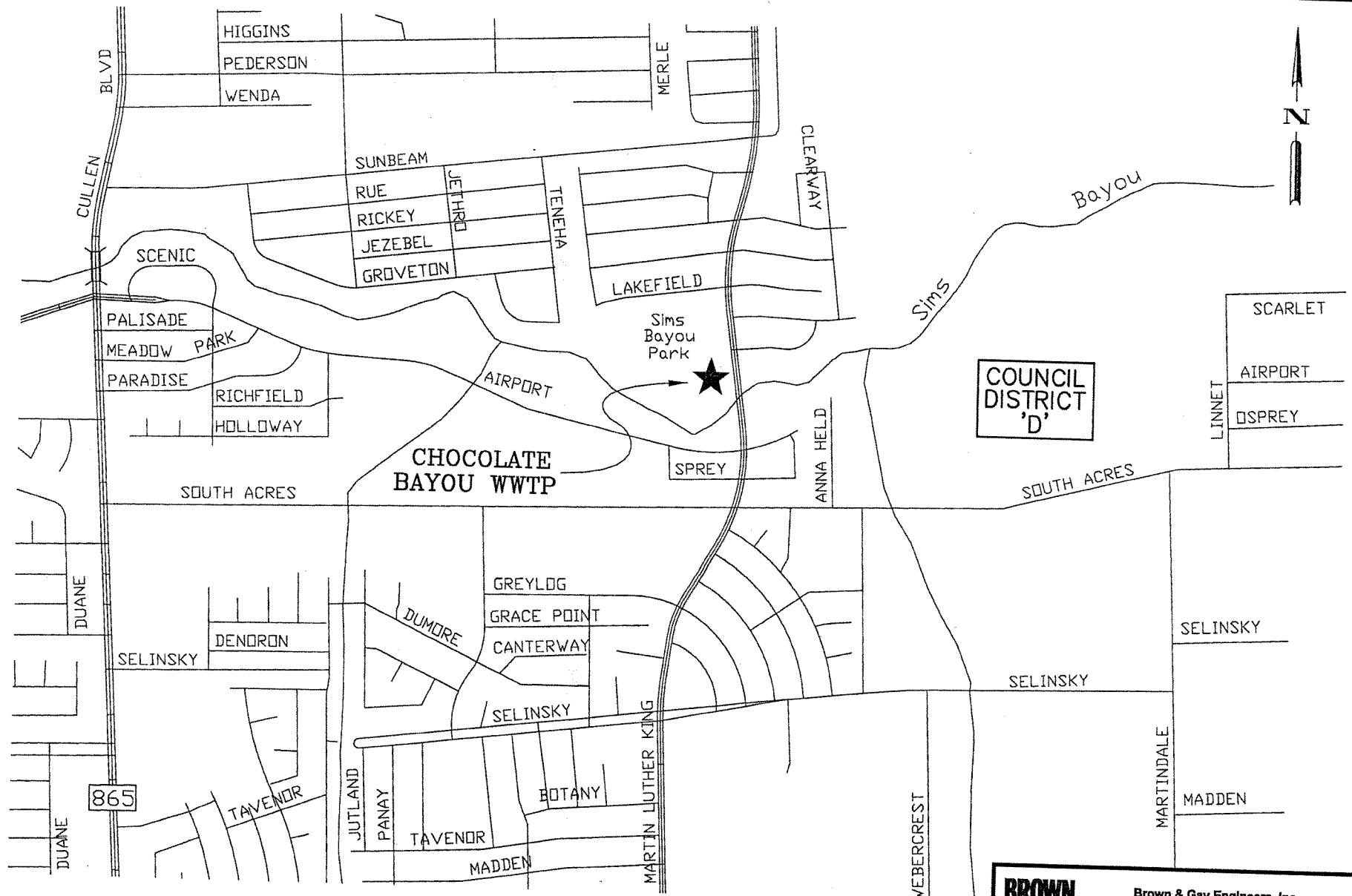
The requested Additional Appropriation is \$180,000.00 to be appropriated as follows: \$163,000.00 for contract services and \$17,000.00 for project management.

M/WBE INFORMATION: The M/WBE goal established for this project is set at 24%. The original Contract amount of \$600,000.00 was approved by Ordinance No. 2004-708. The consultant has been paid \$432,652.22 (72.11%) to date. Of this amount \$131,934.00 (30.49%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$763,000.00. 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>
Prior M/WBE Work		\$131,934.00	17.29%
1. Western Group Consultants	Site Surveying Services	\$ 4,532.00	0.59%
2. Gurrola Reprographics, Inc.	Reprographic Services	\$ 7,700.00	1.01%
3. KIT Professionals, Inc.	CADD & Structural Design Services	\$ 45,200.00	5.92%
TOTAL		\$189,366.00	24.81%

MSM:DWK:RKM:EN:BZ:pa

c: Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.
Craig Foster
File No. R-0265-31-2 (1.2)



LOCATION MAP
CHOCOLATE BAYOU WWTP @ 9600 MLK
 KEY MAP #574 J

**BROWN
& GAY**
 ENGINEERS, INC.

Brown & Gay Engineers, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 Fax: 281-558-8701
 — Civil engineers and surveyors —

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CITY OF HOUSTON

EVALUATION, MODIFICATION, AND IMPROVEMENT
 OF THE TREATMENT PLANT PROCESS AT
 (1) WESTWAY (2) HOMESTEAD AND (3) CHOCOLATE BAYOU

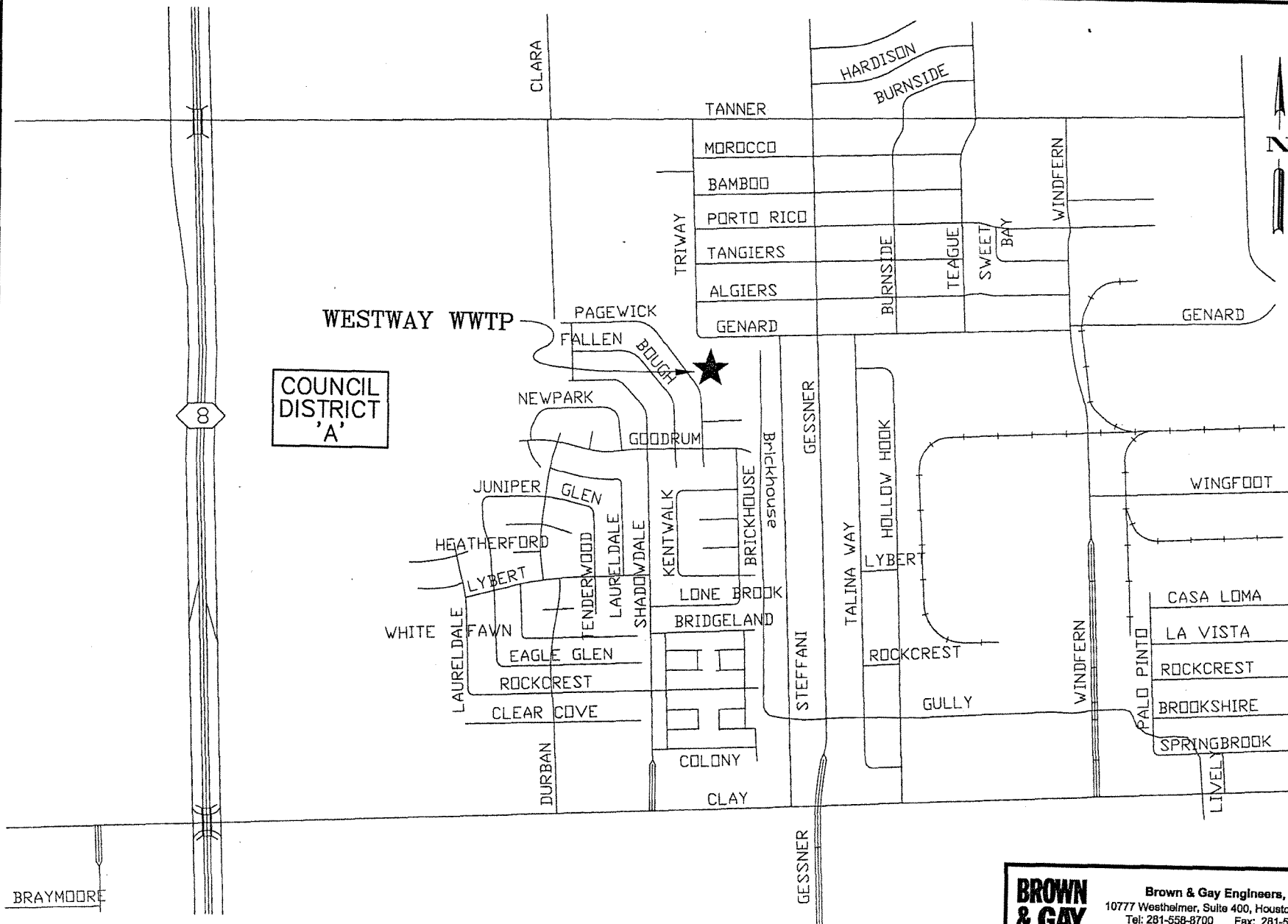
WBS No. R-000265-0031-3

SCALE:
 N.T.S.

JOB #:
 COH16

DATE:
 AUG 2007



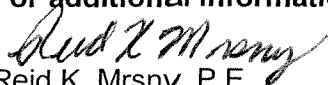
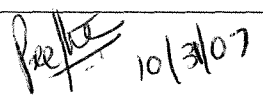

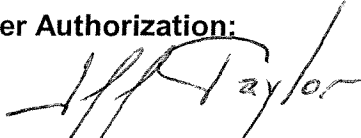
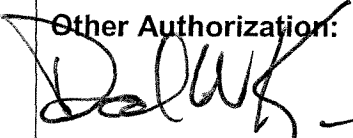
EXHIBIT:
 2 OF 4



LOCATION MAP
WESTWAY WWTP @ 10273 GENARD
 KEY MAP #450 A

BROWN & GAY ENGINEERS, INC. Brown & Gay Engineers, Inc. 10777 Westheimer, Suite 400, Houston, TX 77042 Tel: 281-558-8700 Fax: 281-558-9701 — Civil engineers and surveyors —			
CITY OF HOUSTON			
EVALUATION, MODIFICATION, AND IMPROVEMENT OF THE TREATMENT PLANT PROCESS AT (1) WESTWAY (2) HOMESTEAD AND (3) CHOCOLATE BAYOU			
SCALE: N.T.S.	JOB #: COH16	DATE: AUG 2007	EXHIBIT: 4 OF 4

WBS No. R-000265-0031-3

SUBJECT: Second Amendment to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc. for services associated with the Surface Water Transmission Program. W.B.S. No. S-000900-0002-3		Page 1 of 2	Agenda Item # 59
From: (Department or other point of origin): Department of Public works and Engineering		Origination Date	Agenda Date DEC 12 2007
Director's Signature:  Michael S. Marcotte, P.E. DEE		Council District affected: (Council District Letter Only) A, B, C, D, E, F, G, H, I 	
For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director		Date and identification of prior authorizing Council action: Ordinance Number 2007-0329 (March 21, 2007) Ordinance Number 2006-0277 (March 22, 2006)	
Recommendation: (Summary) Approve Second Amendment with Lockwood, Andrews & Newnam, Inc. and appropriate funds.			
Amount and Source of Funding: \$3,025,000.00 - Water and Sewer System Consolidated Construction Fund No. 8500 First amendment appropriation \$3,025,000.00 - Water and Sewer System Consolidated Construction Fund No. 8500 Original contract appropriation \$3,300,000.00 - Water and Sewer System Consolidated Construction Fund No. 755 			
SPECIFIC EXPLANATION: This contract supports execution of the Surface Water Transmission Facilities Capital Improvement Program (CIP). This amendment and appropriation will provide for additional program management, technical and planning support, water system management support and design services for citywide water projects.			
PROJECT NOTICE/JUSTIFICATION: The Surface Water Transmission Program provides professional engineering services to assist the City in meeting the growing system demands, the City's efforts in evaluating the risk associated with failure of critical transmission lines, and the City's efforts to rehabilitate existing large diameter transmission mains.			
DESCRIPTION/SCOPE: These projects will provide cost-effective planning, design and engineering support of large diameter water transmission line extensions. This appropriation will fund specific tasks to allow the City to maximize the use of available surface water. The net result of these improvements will be improved water system reliability and operational efficiencies stemming from the consolidation of groundwater pump station facilities. Specific tasks planned under this appropriation consist of engineering design and associated support services (such as surveying, geotechnical investigations, traffic control design) for large diameter water line projects. Additionally, these tasks include real estate assistance, and water system planning and modeling assistance.			
LOCATION: The project areas are generally described: 1. 72-inch WL along Fuqua from the 96-inch WL near Beamer to the HCFCD A-120-000-000 channel (576 S, T). 2. 72-inch WL along Fuqua from the HCFCD A-120-000-000 channel to Moers proposed easement (575U, V and 576S). 3. 36-inch water line along Hirsch Road from Bennington to King (454P). 4. Various water line relocations resulting from inter-local agreements for Intergovernmental Agency coordination. Project locations are unknown at this time.			
As determined necessary by the Director, the identified projects may be changed to meet scheduling and right-of-way requirements and facilitate coordination with other planned capital improvements.			
REQUIRED AUTHORIZATION		CUIC ID #20BLL18	
F&A Budget: 	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division		Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

SUBJECT: Second Amendment to Professional Engineering Services Contract between the City and Lockwood, Andrews & Newnam, Inc. for services associated with the Surface Water Transmission Program. W.B.S. No. S-000900-0002-3

**Originator's
Initials**
SL

**Page
2 of 2**

PREVIOUS HISTORY AND SCOPE: City Council approved the original contract on March 22, 2006 and the First Amendment on March 21, 2007. The scope of services consisted of the 42-inch water line contracts along Knight, Holmes, easements along Parcel 3 Road, Uptown, Taintor, W. Airport, Allum, Player, Tidewater, South Post Oak, W. Orem, Croquet and easements near Sims Bayou Pump Station, bound by W. Bellfort on the northeast and the Sims Bayou Pump Station on the southwest; Air Release Valve Upgrade Packages; Pressure Reducing Valve Station Improvements - Package No. 4; On-Call Rehabilitation and Replacement of Large Diameter Water Mains and Valves - Package No. 6; and the preliminary engineering for the 72-inch water line along Fuqua, Moers, Almeda-Genoa and Monroe from the 96-inch WL near Beamer to Airport. Under this contract, the designs of the above referenced projects are underway and are anticipated to be completed under the original appropriations. The Director has determined the need for continuation of the Surface Water Transmission Program due to its success in assisting the City in meeting the stated goals and objectives. Additional funds are needed to fund the next year's activities.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested second amendment will accomplish the following tasks: Basic services (Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services) and Additional Services. \$1,092,000.00 is budgeted as Basic Services Fee to be administered on a lump sum or reimbursable basis. Certain other Additional Services are also proposed to be paid as lump sum or on a reimbursable basis. The Additional Services are currently anticipated to include surveying, geotechnical investigations, Phases I and II environmental services, traffic control plans, and surge analysis, which comprise the bulk of the additional services funds. The total Additional Services Fee under the second amendment is \$1,658,000.00. The total requested appropriation is \$3,025,000.00 to be appropriated as follows: \$2,750,000.00 for contract services and \$275,000.00 for City recoverable costs of project management.

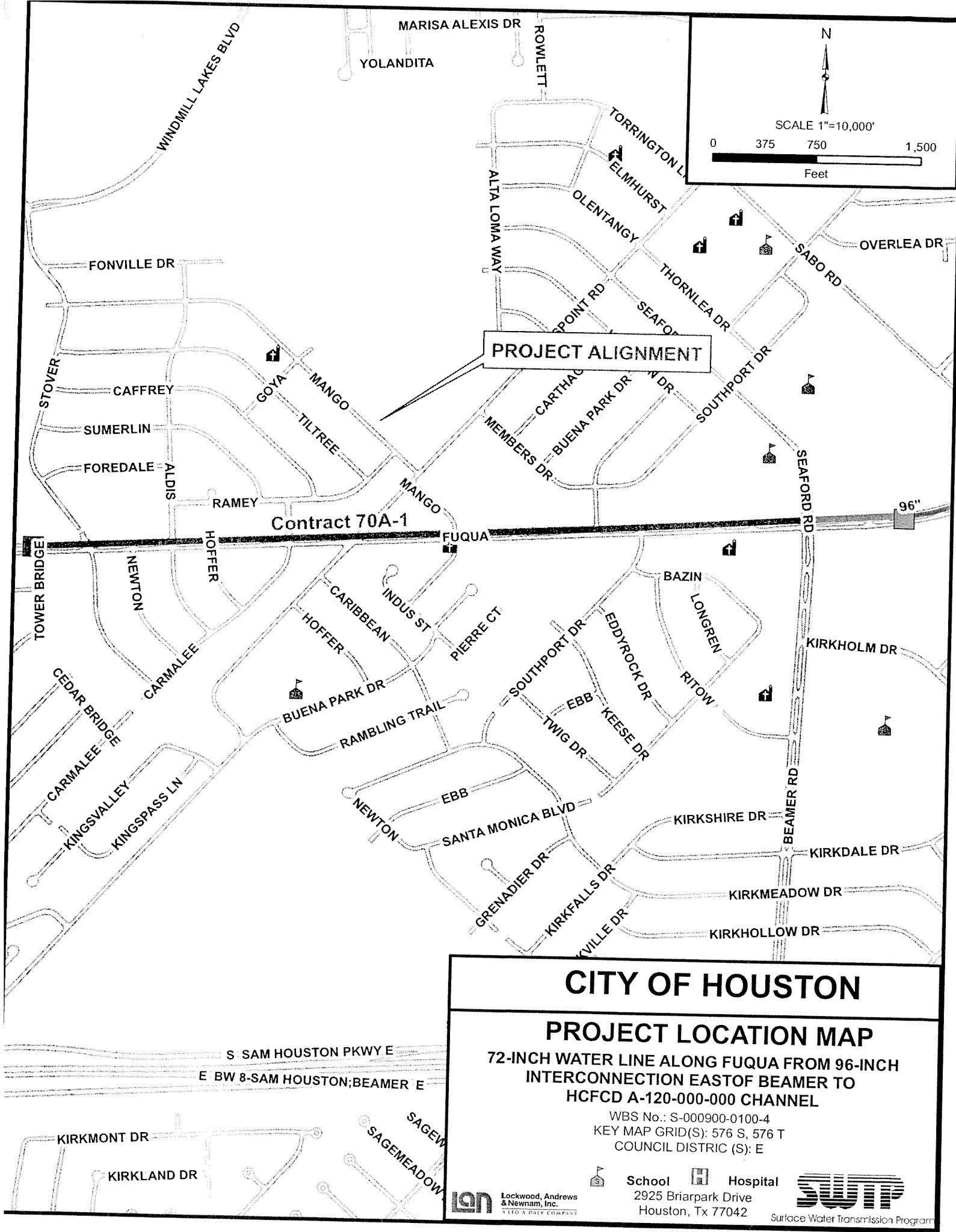
M/WBE INFORMATION: The M/WBE goal established for this project is 24.0%. The original contract as approved by Ordinance No. 2006-0277 totals \$3,000,000.00 and the First Amendment as approved by Ordinance No. 2007-0329 totals \$2,750,000.00. The engineer has been paid \$3,836,906.49, 66.7% to date. Of this amount \$957,448.75, 25.0% has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$8,500,000.00. The engineer proposes the following plan to meet the outstanding M/WBE goal participation:

	<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
	Prior work		\$957,448.75	11.26 %
1.	Associated Testing Laboratories, Inc.	Environmental Support	\$11,363.00	0.13 %
2.	Aviles Engineering Corporation	Geotechnical Investigations	\$32,027.70	0.38 %
3.	B&E Reprographics, Inc.	Reproduction	\$13,678.30	0.16 %
4.	Geotest Engineering, Inc.	Geotechnical Investigations	\$37,674.00	0.45 %
5.	Gunda Corporation, Inc.	Traffic Control	\$35,000.00	0.41 %
6.	KIT Professionals, Inc.	Traffic Control and Engineering Support	\$40,000.00	0.47 %
7.	Kuo & Associates, Inc.	Engineering Support & Surveying	\$128,536.00	1.51 %
8.	Martinez, Guy & Maybeck, Inc.	Surveying	\$123,747.40	1.46 %
9.	Nathelyne A. Kennedy & Associates	Engineering Support	\$269,401.14	3.17 %
10.	Omega Engineers, Inc.	Engineering Support	\$122,552.00	1.44 %
11.	The Teran Group, LLC	Surveying	\$72,318.00	0.85 %
12.	Texas American Engineering	Engineering Support	\$214,296.82	2.52 %
13.	TTL Corp	Engineering Support	\$22,058.50	0.26 %
14.	Other MWBE Firms	Various Services	\$11,898.39	0.14 %
	TOTAL		\$2,092,000.00	24.61%

MSM:DWK:RKM:HH:blf

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c: Marty Stein; Velma Laws; Susan Bandy; Michael Ho, P.E.; Craig Foster
File S-000900-0002-3 (1.2)



CITY OF HOUSTON

PROJECT LOCATION MAP

72-INCH WATER LINE ALONG FUQUA FROM 96-INCH
INTERCONNECTION EAST OF BEAMER TO
HCFCD A-120-000-000 CHANNEL

WBS No.: S-000900-0100-4
KEY MAP GRID(S): 576 S, 576 T
COUNCIL DISTRICT(S): E



School
2925 Briarpark Drive
Houston, Tx 77042



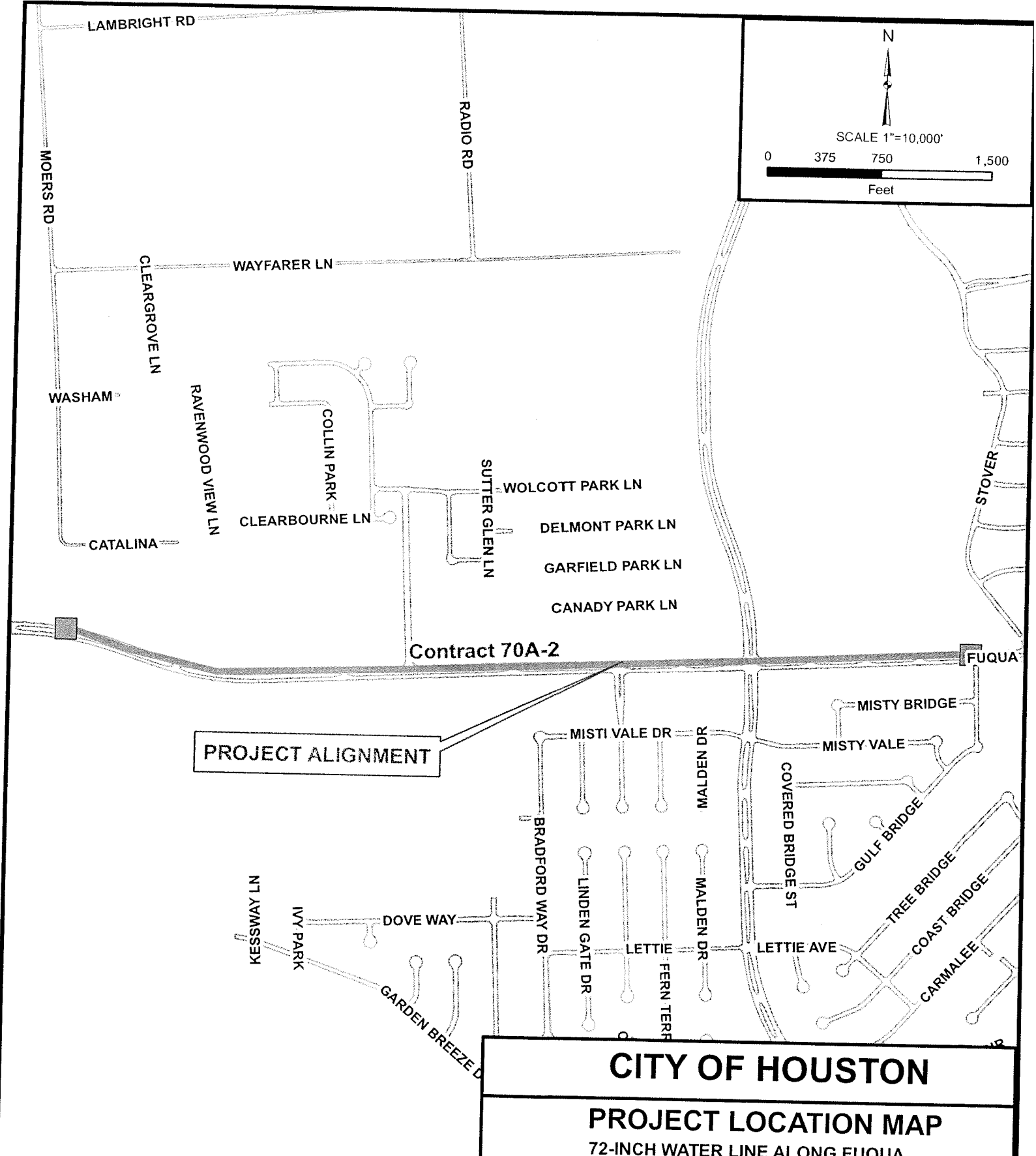
Hospital



Surface Water Transmission Program



Lockwood, Andrews
& Newnam, Inc.
A LEO A DALY COMPANY



CITY OF HOUSTON

PROJECT LOCATION MAP 72-INCH WATER LINE ALONG FUQUA FROM HCFCD A-120-000-000 CHANNEL TO PROPOSED EASEMENT

WBS No.: S-000900-0100-4
KEY MAP GRID(S): 576 S, 575 U, 575 V
COUNCIL DISTRIC (S): E



Lockwood, Andrews
& Newnam, Inc.
A GEO-SOLAR COMPANY



School



Hospital

2925 Briarpark Drive
Houston, Tx 77042



Surface Water Transmission Program

BENNINGTON

LUMBER LN

LYNNFIELD

HIRSCH

LOS ANGELES

GLASS



SCALE 1"=3,000'

0 115 230 460
Feet

PROJECT ALIGNMENT

KING

LOS AN

WAY

MELBOURNE

CAPLIN

CITY OF HOUSTON

PROJECT LOCATION MAP

36-INCH WL ALONG HIRSCH ROAD
FROM BENNINGTON TO KING

W.B.S. No. S-000900-0002-3
KEY MAP GRID(S): 454 P
COUNCIL DISTRICT(S): B



Lockwood, Andrews
& Newnam, Inc.
A TETRA TECH COMPANY




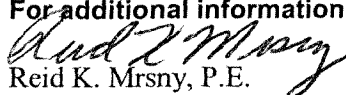
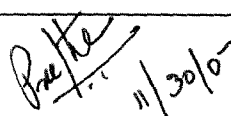
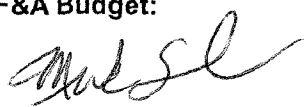
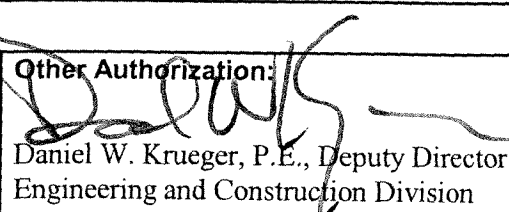
School
2925 Briarpark Drive
Houston, Tx 77042



Hospital



Surface Water Transmission Program

SUBJECT: Contract Award for Kirkwyn/Sagemont Drainage Improvements WBS No. M-000266-0001-4		Page 1 of 2	Agenda Item # 60
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date: 12-6-07	Agenda Date: DEC 12 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE		Council District affected: E	
For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) Accept low bid, award Construction Contract and appropriate funds.			
Amount and Source of Funding: Total \$2,047,000.00 Drainage Improvement Commercial Paper Series F, Fund No. 4030 			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Storm Drainage Capital Improvement Plan (CIP) and is required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.			
DESCRIPTION/SCOPE: This project mainly consists of the construction of a storm sewer trunk line for Kirkwyn Subdivision area. The storm sewer conduits range from 24-inch through 60-inch reinforced concrete pipe, and related appurtenances. The Contract duration for this project is 210 calendar days. This project was designed by PTI, Inc.			
LOCATION: The project is generally bounded by Fuqua Street on the north, Kirkglenn Drive on the south, Sabo Road on the east and Kirkholm Drive on the west. The project is located in Key Map Grids 576 T,X,Y.			
BIDS: Bids were received on September 6, 2007. The Twelve bids are as follows:			
Bidder		Bid Amount	
1. Conrad Construction Co., Ltd		\$1,758,439.40	
2. SER Construction Partners, Ltd		\$1,788,576.00	
3. Resicom, Inc.		\$1,806,812.35	
4. TJ + T Enterprises, Inc.		\$1,820,385.00	
5. Huff & Mitchell, Inc.		\$1,960,968.00	
6. Texas Sterling Construction Co.		\$1,961,043.00	
7. Deyar Builders, Inc.		\$1,932,694.00	
8. D.L. Elliott Enterprises, Inc.		\$2,107,963.20	
9. TRCU, LTD		\$2,143,592.74	
10. CE. Barker, Ltd		\$2,339,205.30	
11. George Construction, Inc.		\$2,879,339.50	
12. Metro City Construction, L.P.		\$3,579,771.00	
REQUIRED AUTHORIZATION CUIC#20HJ132			
F&A Budget: 	Other Authorization:	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for Kirkwyn/Sagemont Drainage Improvements; WBS No. M-000266-0001-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to Conrad Construction Co. Ltd. with a low bid of \$1,758,439.40 and that Addenda Numbers 1 and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$2,047,000.00 to be appropriated as follows:

• Bid Amount	\$1,758,439.40
• Contingencies	\$87,922.00
• Engineering and Testing Services	\$85,000.00
• Project Management	\$115,638.60

Engineering and Testing Services will be provided by Earth Engineering, Inc., under a previously approved Contract.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3% SBE goal for this project. The Good Faith Efforts by Conrad Construction Co., Ltd to comply with the goals were reviewed and approved by the Office of Affirmative Action & Contract Compliance.

<u>MBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Cantú Construction Company	Concrete	\$188,000.00	10.69%
2. P.A. Berrios Trucking	Trucking	\$ 79,500.00	4.52%
3. Work Zone Products, Inc.	Traffic Control	\$ 22,370.00	1.27%
TOTAL		\$289,870.00	16.48%

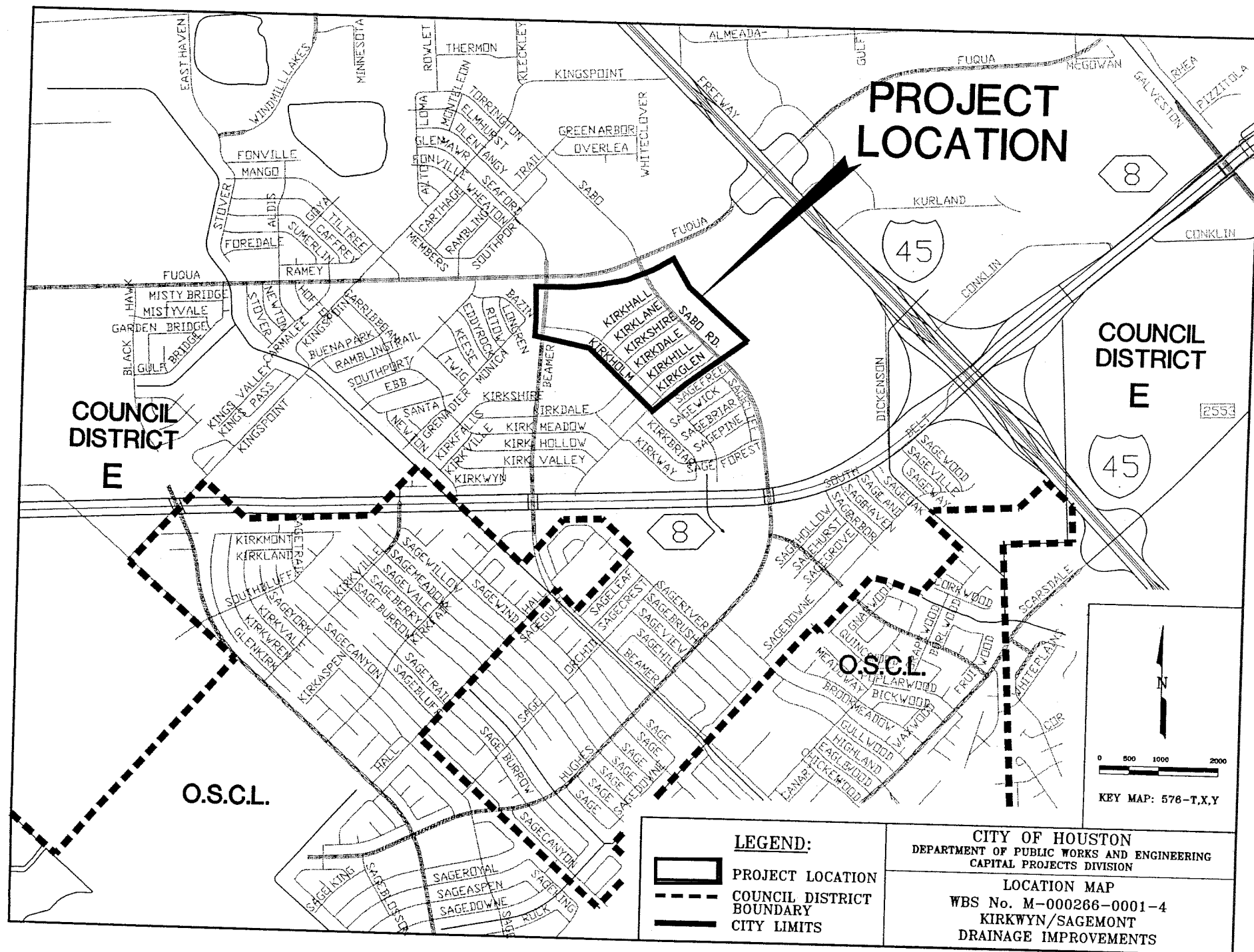
<u>WBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Highway Pavement Specialties	Paving	\$ 12,000.00	0.68%
2. Paradigm Outsourcing Services	Flagman	\$ 38,000.00	2.16%
3. KMA Construction, Inc.	Construction Services	\$ 3,500.00	0.20%
TOTAL		\$ 53,500.00	3.04%

<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Mickie Service Company, Inc.	Water Taps	\$ 9,650.00	0.55%
2. Contractors Paving Supply, LLP	Paving Supplies	\$ 15,000.00	0.85%
3. Shumaker-Harvey Equipment Company, Inc.	Construction Services	\$ 8,669.50	0.49%
4. Environmental Allies	SWPPP	\$ 13,145.00	0.75%
TOTAL		\$ 46,464.50	2.64%

MSM:DWK:RKM:HJ:klw



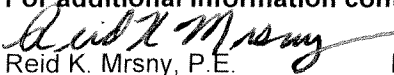
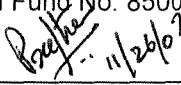



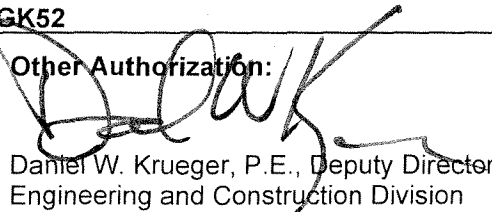
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c: Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.
File: WBS No. M-000266-0001-4



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Berkley Lift Station Rehabilitation and Force Main Extension. WBS No. R-000267-00F6-4.		Page 1 of 2	Agenda Item # 61
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 12-6-07	Agenda Date: DEC 12 2007	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE	Council District affected: 1 		
For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.			
Amount and Source of Funding: \$2,758,500.00 Water and Sewer System Consolidated Construction Fund No. 8500. 			
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Lift Station rehabilitation/replacement program.			
DESCRIPTION/SCOPE: This project consists of rehabilitation of Berkley Wastewater Lift Station, extension of the 24-inch force main and installation of a 48-inch gravity sewer line. The contract duration for this project is 360 calendar days. This project was designed by Chiang, Patel & Yerby, Inc.			
LOCATION: Berkley Lift station is located at 2518 Berkley. The project is located in Key Map Grid 535-F.			
BIDS: Bids were received on September 20, 2007. The two (2) bids are as follows:			
<u>Bidder</u>		<u>Bid Amount</u>	
1. George & Ezzell, Inc.		\$2,439,949.00	
2. Peltier Brothers Construction, Ltd.		\$2,581,871.00	
AWARD: It is recommended that this construction contract be awarded to George & Ezzell, Inc. with a low bid of \$2,439,949.00 and that Addendum Number 1 be made a part of this contract.			
REQUIRED AUTHORIZATION CUIC ID #20GK52 			
F&A Budget: 	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for Berkley Lift Station Rehabilitation and Force Main Extension. WBS No. R-000267-00F6-4.	Originator's Initials GK	Page 2 of 2
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PROJECT COST: The total cost of this project is \$ 2,758,500.00 to be appropriated as follows:

•	Bid Amount	\$2,439,949.00
•	Contingencies	\$ 121,997.45
•	Engineering and Testing Services	\$ 50,000.00
•	Project Management	\$ 146,553.55

Engineering and Testing Services will be provided by Associated Testing Laboratories, Inc. under a previously approved contract.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, the 5% WBE goal and 3% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Callieco Construction, Inc.	Labor	<u>\$342,000.00</u>	<u>14.02%</u>
TOTAL:		\$342,000.00	14.02%

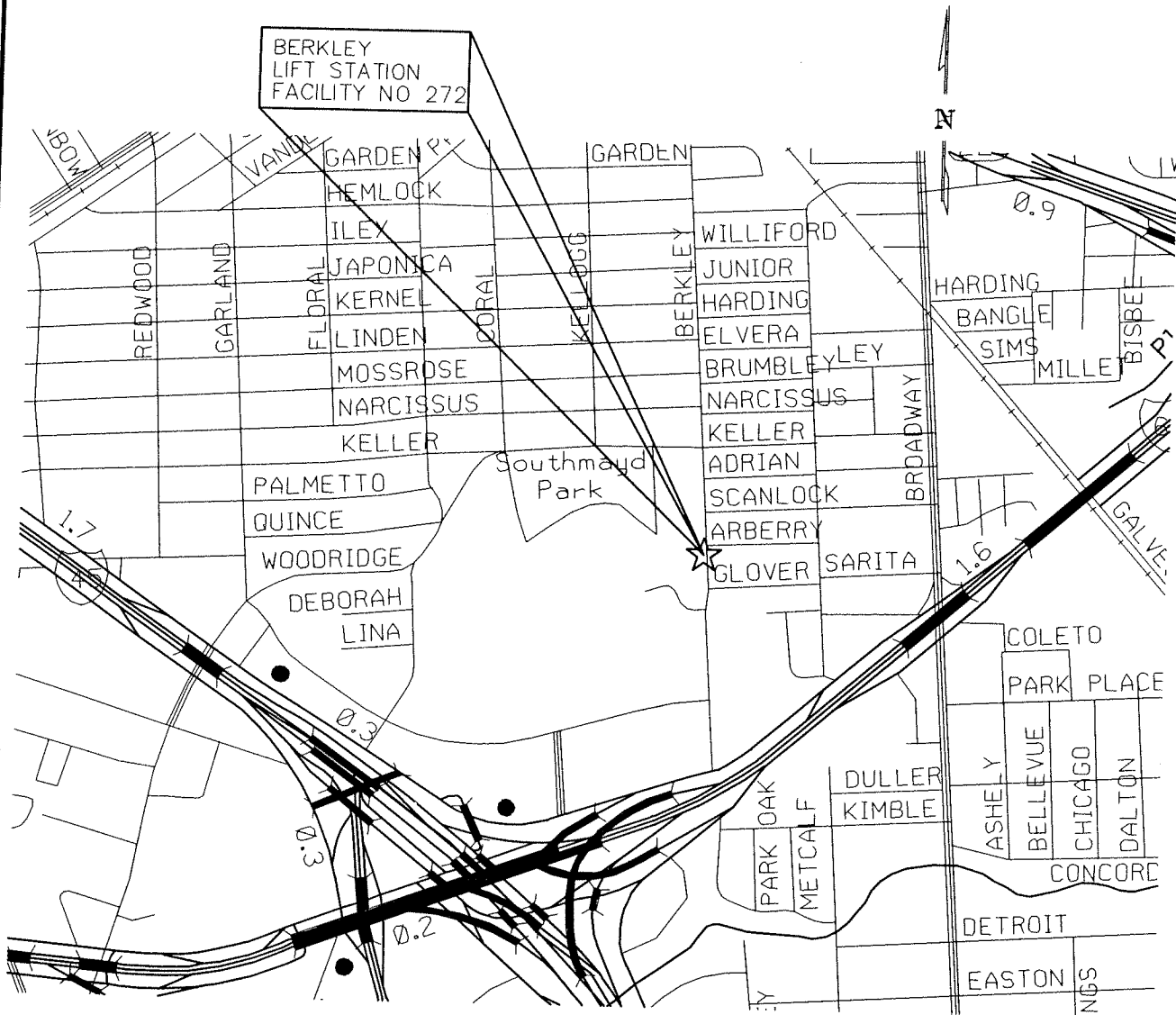
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
2. Sam Special Coatings, Inc.	Painting	\$ 16,000.00	0.65%
3. Deanie Hayes, Inc.	Aggregates	<u>\$180,000.00</u>	<u>7.38%</u>
TOTAL:		\$196,000.00	8.03%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
4. Medcalf Fabrication, Inc.	Fabrication	<u>\$ 75,000.00</u>	<u>3.07%</u>
TOTAL:		\$ 75,000.00	3.07%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.


MSM:DWK:RKM:EN:GK:MS:ms

c: Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.
File R-0267-83-2



VICINITY MAP

2518 Berkley
HOUSTON, TX 77012



Chiang, Patel & Yerby, Inc.
2925 Briar Park Suite 850, Houston, TX, 77042
(713)532-1730, Fax (713)532-1734

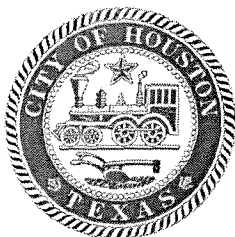
BERKLEY LIFT STATION
EXHIBIT B
VICINITY MAP

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

REHABILITATION & FORCE MAIN EXTENSION

FILE NO. WW4873	CITY OF HOUSTON PM	
WBS NO. R-000267-00F6-4	GAUHER KHAN, P.E.	
DRAWING SCALE	DATE	SHEET NO.
AS NOTED	OCT 2007	1 OF 1



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

62

DEC 12 2007

CC: [Signature]

To: Anna Russell
City Secretary

From: Christina Cabral
Boards and Commissions

Date: December 5, 2007

Subject: Houston Galveston Area
Council Nominations

NON-CONSENT AGENDA

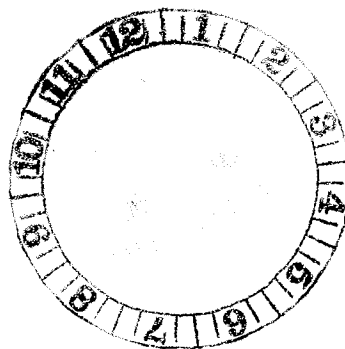
MISCELLANEOUS

Motion to set a date not less than seven (7) days from December 12, 2007, to receive nominations for Positions One, Two and Two Alternate At-Large Positions of the Houston-Galveston Area Council Board of Directors, for one-year terms to expire December 31, 2008. Current members' terms expire on December 31, 2007:


Position 1	CM Addie Wiseman
Position 2	CM Adrian Garcia
Alternate At-Large	CM Sue Lovell
Alternate At-Large	CM Pam Holm

CC:jsk

cc: Ms. Marty Stein



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 800 block of Waverly Street, west side, between 8 th and 9 th Streets as a Special Minimum Lot Size Area		Category #	Page 1 of	Agenda Item
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date 10/16/07		Agenda Date DEC 12 2007 SEP 05 2007
DIRECTOR'S SIGNATURE: 		Council District affected: H		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: N/A		

RECOMMENDATION: (Summary) Approval of an ordinance designating the 800 block of Waverly Street, west side, between 8th and 9th Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:

F & A Budget:

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 16, Tracts 15 & 17A, Block 240, of the Houston Heights Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 33% of the area. Notification was mailed to the ten (10) 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. Three written protests were filed. The Houston Planning Commission considered the protest on August 2, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 4,356 sf.

MLG:jh

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

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
----------------------------	-----------------------------	-----------------------------

July 17, 2007

William Davenport
819 Waverly St.
Houston, TX 77007
713 863-0148

To the Planning Commission, City of Houston:

I am writing to protest the designation of the west side of the 800 block of Waverly St. as a special minimum lot size area.

Preservation of the neighborhood's character is not an issue. When I moved into my home in 1999, my lot, at 6000 sf, would have been the minimum. There were no smaller lots on this block. The street was a mix of vacant land, one-story single family homes, light industrial buildings and a multi-unit apartment complex. I liked it that way.

Since then, most of the vacant land has been sold, subdivided, and new, multi-story houses have been wedged onto the new narrower lots that are to be the new "minimum lot size". The trees have been cut down, the alley behind my house paved. I'm not happy about it, but it's their land, and their right. I have the same right to subdivide my lot, and I want to keep it.

I will be appearing at the public hearing on this issue on August 2.

Thank you for your attention,

Bill Davenport

**J. RICHARD PICKERING
817 WAVERLY ST.
HOUSTON, TEXAS 77007
(713) 862-8266**

July 18, 2007

Mr. Keith Wilson
City of Houston Planning & Development Dept.
611 Walker, 6th floor
Houston, Texas 77002

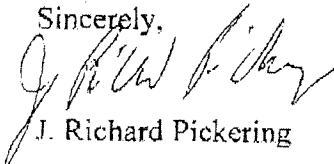
**Re: Special Minimun Lot Size Application
800 block of Waverly Street, west side,
Between 8th and 9th Streets.**

Dear Mr. Wilson:

I have lived on Waverly street for almost twenty years and have seen a lot of change in the neighborhood. Some of the changes have been good and some not so good. The Heights is a neighborhood in transition.

I am *not* in favor of the "MINIMUN LOT SIZE APPLICATION". Houston is a city with no zoning and that is just a fact that we have to deal with! At one time I would have supported such an application. I went as far a deed restricting my own property in the carly 90's, which was a mistake. In doing so, I signed away my rights to do with my property as I wish. When I signed my deed restrictions, I was under the impression that I could resend them at any time. I found out from the Houston Heights Association recently, that they pushed legislation that made those restrictions permanent. **Therefore I can not support any land use restrictions that would limit a property owners right to decide what to do with their property.**

Sincerely,



J. Richard Pickering

July 23, 2007

Planning Commission, City of Houston
PO Box 1562, Houston, TX 77251-1562

To the Planning Commission:

I am writing to protest the designation of the West side of the 800 block of Waverly St. as a special minimum lot size area. As a property owner in this block, I do not want any new restrictions on my lot.

Thank you,

Johnny S. Canter
Agencia Canter

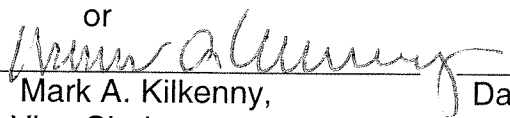
Special Minimum Lot Size Area No. 254

Planning Commission Approval

Planning Commission Evaluation:

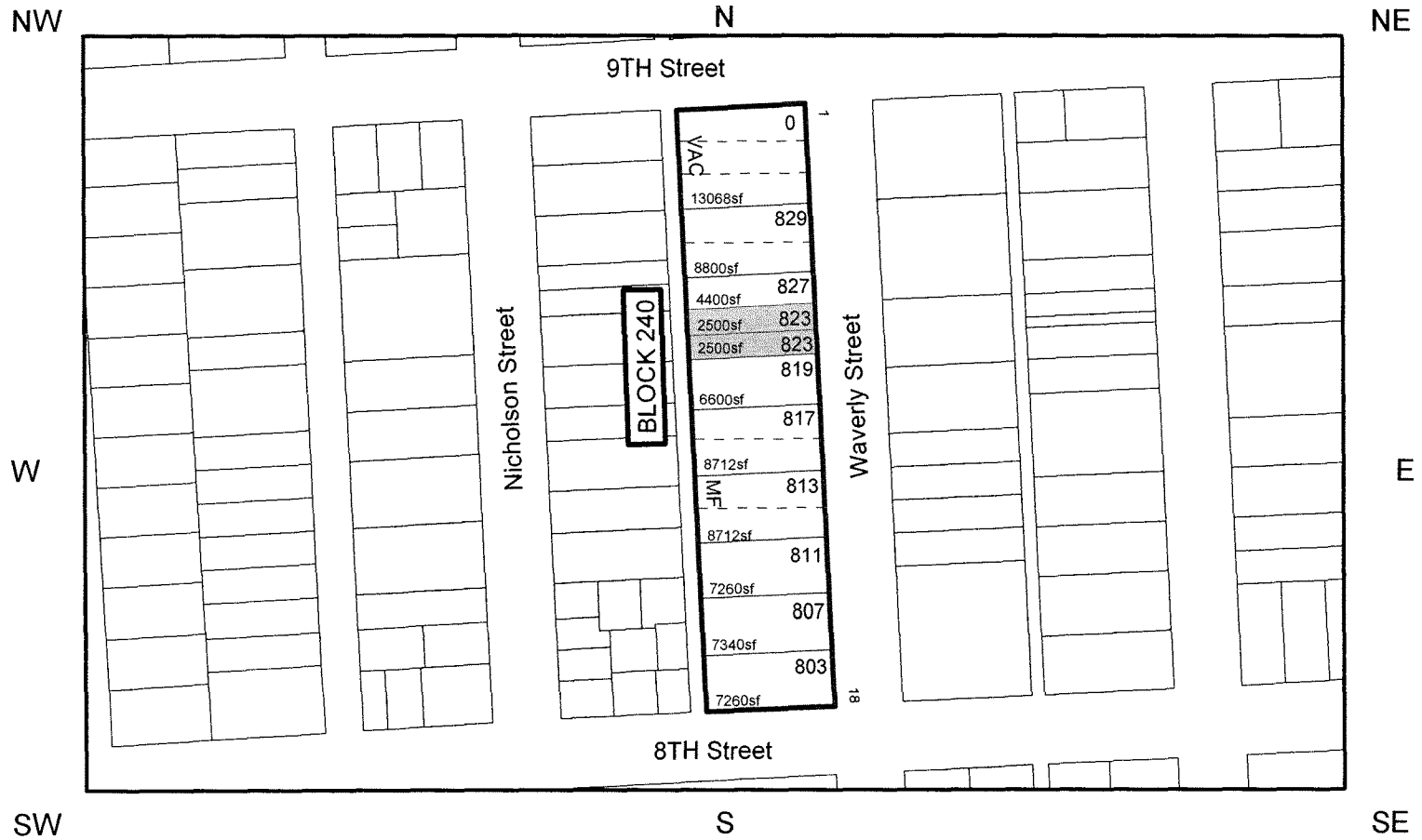
Satisfies	Does Not Satisfy	Criteria
X		<i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 800 block of Waverly Street, west side.
X		<i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 72% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 33% of the SMLSA.
X		<i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 4,356 sq ft exists on fourteen (14) lots in the blockface.
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> The subdivision was platted in 1892. The houses originate from the 1910's. The establishment of a 4,356 sf minimum lot size will preserve the lot size character of the area.
<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> Fourteen (14) out of sixteen (16) lots (representing 94% of the application area) are at least 4,356 square feet in size.		

The Special Minimum Lot Size Area meets the criteria.

Carol Lewis, Chair
or

Mark A. Kilkenny,
Vice-Chair

Date


HOUSTON HEIGHTS



4,356sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 254

 Lots that meet the 4,356sf Special Minimum Lot Size

 Lots less than the 4,356sf Special Minimum Lot Size

MF Multi-Family

COM Commercial

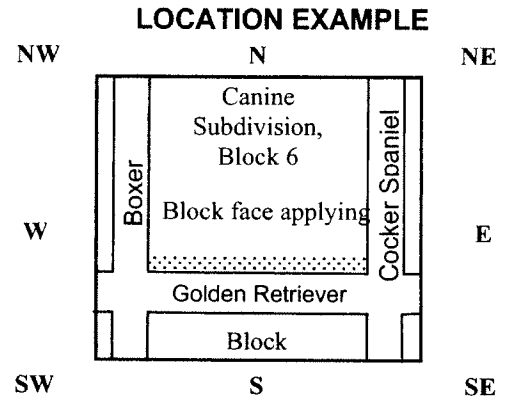
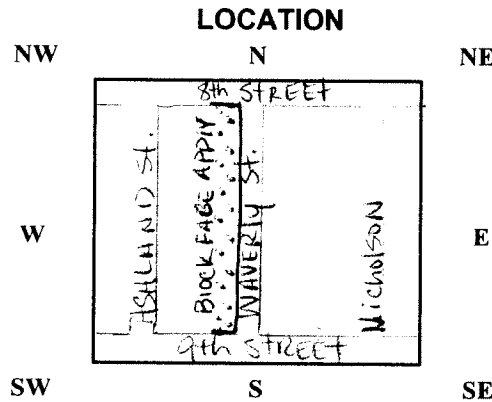
VAC Vacant

EXE Excluded

SPECIAL MINIMUM LOT SIZE APPLICATION

Complete
6/6/07

To expedite this application, please complete entire application form.

**1. BOUNDARY:**

Block # 240
 Lot #'s 1-180
 Subdivision Name Houston Heights
 Street Name & Side (s) WESTSIDE Waverly
 Lot (s) Address 800 BIK Waverly
 Odd/Even Addresses 803-835 Waverly
ODD

BOUNDARY EXAMPLE:

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

2. CONTACTS:

Applicant Clint Sepolio Phone # 713-416-8887
 Address 807 Waverly St. E-mail [REDACTED] Fax # [REDACTED]
 City Houston State TX Zip 77007
 Other Laura Rowley Phone # [REDACTED]
 Address 807 Waverly St E-mail [REDACTED] Fax # [REDACTED]
 City Houston State TX Zip 77007

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

File # 254 Census Tract 5105
 Lambert # 5358 City Council District 14
 Key Map # 492D
 Super Neighborhood 15
 TIRZ [REDACTED]

SPECIAL MINIMUM LOT SIZE APPLICATION**4. SUBMITTAL REQUIREMENTS:****Please Check**

- Completed application form (page 2) ☒
- Signed petition (s) (page 5) ☒
- Evidence of support from the property owners within the boundary (page 6) ☒
- Signed deed restriction statement (page 9) ☒
- Copy of deed restrictions, if applicable (page 9) ☒
- Map or sketch showing the address and land use, including of all lots within boundary from www.hcad.org ☒
- Data showing the actual size of each lot ☒

Note: Owner of lot 1,2,3 is an out of state owner and could not be reached.

May 1, 2007

I, Clinton B. Sepolio owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, Block 240, Lot 16, Tract 15 and 17(A), of Houston Heights, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block 240, Lots 1-18 in Houston Heights through the application of and creation of a Special Minimum Lot Size Requirement Area.

A handwritten signature in black ink, appearing to read "Clinton B. Sepolio", written over a horizontal line.

Clinton B. Sepolio
Petitioner

**SPECIAL MINIMUM LOT SIZE DEED RESTRICTION
STATEMENT**

I have personal knowledge of the facts set forth in this deed restriction statement, each of which is true and correct.

Initial (1), (2), or (3) as applicable:

1. _____ All properties in the proposed Special Minimum Lot Size Area do not have deed restrictions.
2. _____ All of the properties have deed restrictions; however, the deed restrictions do not address minimum lot size (attach copy of Deed Restrictions).
3. 02 Some, but not all, of the properties have deed restrictions (attach copy of Deed Restrictions).

Clinton B. Sepolio
Applicant's Signature

5/23/2007
Date

Clinton B. Sepolio
Applicant's Printed Name

807 Waverly St Houston TX
Address 77001

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: First amendment to Lease and Develop Agreement with Houston Aquarium, Inc.

Category #

Page 1 of 2

Agenda Item #

FROM: (Department or other point of origin):

Dawn R. Ullrich, Director
Convention and Entertainment Facilities Department (CEFD)

Origination Date

November 19, 2007

Agenda Date

DEC 05 2007
DEC 12 2007

DIRECTOR'S SIGNATURE:

Dawn Ullrich

Council Districts affected:
District I

For additional information contact:

Stephen W. Lewis
Bob Christy

Phone: 713-853-8888
Phone: 713-247-2639

Date and identification of prior authorizing Council Action:

01/31/01-Ordinance 2001-116
03/07/07-Ordinance 2001-0205

RECOMMENDATION: (Summary)

Approve First Amendment to Lease and Development Agreement between Houston Aquarium, Inc., and the City of Houston to add the "Fire Alarm" building property to the lease.

AMOUNT OF FUNDING:

N/A

F & A Budget:

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

SPECIFIC EXPLANATION:

The City of Houston entered into a Lease and Development Agreement with Houston Aquarium, Inc., effective March 21, 2001, for the development of what is now the Aquarium Restaurant and related entertainment facility, on the former Fire Station property. Actual control of the nearby Fire Alarm Building property was transferred to CEFD on June 30, 2005, after HFD had completed removal of all of its equipment used for emergency communications to the Houston Emergency Center.

In anticipation of gaining control of the Fire Alarm Building, CEFD issued a request for proposals (RFP) for redevelopment of the property on October 19, 2003. The only proposal received in response to the RFP was from Landry's Restaurants, Inc., the owner of Houston Aquarium, Inc. After many months of negotiations, the parties were unable to reach agreement.

Following the unsuccessful efforts to negotiate a redevelopment amendment, and in view of the lack of competing proposals following the initial RFP, CEFD began discussions with the General Services Department (GSD) to sell the property through a competitive bid process. As a prelude to selling the property, new surveys and environmental reports were prepared and GSD advertised the property for sale on May 25, 2007. None of the bids met the City's undisclosed reserve price and the bidders were asked to submit a second round of bids. The second round of bids were received on July 12, 2007, and again, none met the undisclosed reserve bid. On July 19, 2007, GSD rejected all bids.

As one of the bidders for the sale of the property, Landry's Restaurants, Inc. included a counter proposal with its bid, offering to lease the Fire Alarm Building. An evaluation of the financial return to the City over the life of the lease from the proposed rental provides at least as good a financial return to the City as a sale, plus allows the City input into the redevelopment of the property. Some of the more important terms of the proposed First Amendment are as follows:

- The Fire Alarm Building will become part of the leasehold property and subject to the lease of the Aquarium Restaurant, with a lease expiration date of March 20, 2041.

REQUIRED AUTHORIZATION

NOT

F&A Director

Other Authorization

Other Authorization

Forrest L. Christy

- The base rent will increase from \$150,000 per year to \$250,000 per year with the addition of the Fire Alarm property.
- Houston Aquarium, Inc. will pay all costs and expenses for constructing new improvements, including all costs for any environmental remediation and asbestos removal.
- The City will approve the design of the improvements for the property.
- The property must be used for a purpose that complements the Aquarium.
- The City will have no obligation to make infrastructure improvements in the area around the property.
- Additional rent will begin immediately upon approval of the First Amendment.

The proposed First Amendment provides the City with comparable economic benefits to a sale and converts a currently unused City asset in the Central Business District to use as a retail property, thereby contributing to the efforts to increase the appeal of downtown as a destination for Houstonians and tourists.

CEFD recommends that City Council approve the subject first amendment.

DU:SWL:dv

H:\RCA- Lease and Develop Aquarium.doc