# NON-AGENDA

<table>
<thead>
<tr>
<th>3MIN</th>
<th>3MIN</th>
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</tr>
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<tbody>
<tr>
<td>MR. MARK SMITH – Post Office Box 896 – Bellaire - TX – 77402-0896 – 713-867-5998 – Metro is on wrong track to solution – they’re creating problems</td>
<td></td>
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<tr>
<td>MR. NORRIS TAIBEL – 4142 W. North Hampton – 77098 – 281-630-2200 – Parking Warden not uniformed properly</td>
<td></td>
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<tr>
<td>MR. DAVID MCBROOM – 26231 Cypresswood Dr. – Spring – TX – 77373 – 281-288-7783 – Disrespectful manner which City of Houston flies the American Flag</td>
<td></td>
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</tr>
<tr>
<td>MR. VENNY SANCHEZ – 9215 Airline Dr. – 77037 – 832-576-3355 – Obesity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MS. JUSTINE MANYLSE – 1418 Bayou Oaks Vista Dr. – 77019 – 713-652-3803 – Houston Public Library Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR. RANDY SAMPLE – 12945 South Post Oak, Ste. 200 – 77045 – 832-890-7164 – Health issue in Apartment Complex</td>
<td></td>
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<tr>
<td>MS. SHARON PARISH – 821 Green Meadow – 77091 – 832-893-8102 – Wrongful termination (Solid Waste Department)</td>
<td></td>
<td></td>
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<tr>
<td>MR. ARTHUR MIDDLETON – 4506 Galesburg – 77051 – 713-733-0867 – I need help finding a place to live</td>
<td></td>
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<tr>
<td>MR. LOUIS WU – 1921 Woodbury St. – 77030 – 713-797-1922 – Request for curb repair on City Street (Staffordshire)</td>
<td></td>
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<tr>
<td>MR. RUDY SUTHERLAND, MD – 2202 Poco Dr – Missouri City - 77489 – 713-893-0716 – Requesting the resignation of Goodwill Pierre for calling a name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR. DARRYL SAMUELS – 3825 Dacoma – 77092 – 713-870-2459 – Goodwill Pierre</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

# PREVIOUS
Methodist Hospital Systems West Campus Annexation

This Service Plan ("Plan") is made by the City of Houston, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of two tracts of land ("annexation area") known as the Methodist Hospital West Campus annexation area. The Methodist Hospital West Campus annexation area covers approximately 73 acres and is located on Interstate 10 approximately one-half of a mile west of the intersection of Barker Cypress Road and Interstate 10. One-hundred percent of the area is in Harris County. The entire area is in an unorganized area, i.e. the area is not in a municipal utility district. It is contiguous to the City's full purpose jurisdiction to the east and adjacent to the West Park MUD to the west.

The Methodist Hospital System requested the annexation, and the area is being annexed for general purposes as a result of a petition submitted to the Planning Department by the Methodist Hospital System on June 10, 2008.

EFFECTIVE TERM

This Plan will be in effect for a five-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Houston that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code, Chapter 43.

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrence, or any other legally sufficient circumstances exist under the Local Government Code or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities, and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM
The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

a. **Police Protection.**

The Houston Police Department ("HPD") will provide protection and law enforcement services in the annexation area. These services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

As part of the planning leading up to this annexation and the concurrent annexation of any adjacent areas, the City will redraw beat boundaries, as required, to balance work load and include the annexation area.

HPD anticipates providing service to the annexation area with an average response time of not more than the City-wide average.

b. **Fire Protection.**

The Houston Fire Department ("HFD") will provide emergency and fire prevention services in the annexation area. These services include:

- fire suppression and rescue;
- emergency medical services first response for Houston Emergency Medical Services Department on life threatening medical emergencies;
- hazardous materials mitigation and regulation;
- emergency prevention and public education efforts;
- dive rescue;
- technical rescue;
- aircraft/rescue/firefighting;
- construction plan review;
- inspections;
- rescue/hazardous materials unit.

The Department of Public Works and Engineering will coordinate with the current service providers for this area (West Lake Fire Department and Emergency Service District #47) to assure proper function of the hydrants prior to and after the date of annexation. Any hydrants found to be functioning improperly will be reported to the Department of Public Works and Engineering for repair.
f. Maintenance of Roads and Streets, Including Street Lighting.

The Traffic and Transportation Division and Right-of-Way and Fleet Maintenance Division of the Department of Public Works and Engineering will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- preventative street maintenance activities include crack seal, sealcoat, slurry seal, and PM overlay;
- repair maintenance of public streets on an as-needed basis. Repair maintenance operations include pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs.

Park Row is being constructed through a public private agreement with Harris County, Wolff Properties and Methodist. It will be maintained by the city where it is in the city. Methodist is required to plat a public street on the western edge of the property. Further, Methodist will be required to construct this street when that portion of the property is developed. It would be a city maintained street after construction.

After, the extension of Park Row, any necessary public street or bridge rehabilitation or reconstruction will be considered on a City-wide priority basis. Streets that have been dedicated and accepted for maintenance will be included in the City’s preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic volume, functional classification, and available funding.

If necessary, the Traffic and Transportation Division of the department of Public Works and Engineering will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service is provided 24 hours a day, 365 days a year through 311 for emergency repair of critical regulatory signs.

For major thoroughfares and collectors, the repainting of street markings is on an as needed basis. All improved intersections and roadways are striped upon improvement. All roadways are restriped and remarked as needed.
Street lighting will be maintained in accordance with state law. The City will pay the cost of electricity for public streetlights. As public street lights need to be replaced, the City will replace them with like or equivalent poles and fixtures. Specific poles will vary according to availability of poles and fixtures.

g. Maintenance of Parks, Playgrounds, and Swimming Pools.

At this time, there are no public recreational facilities in the area.

h. Maintenance of Any Other Publicly-Owned Facility, Building, or Service.

Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

a. Police Protection.

No capital improvements are necessary at this time to provide police services.

b. Fire Protection.

No capital improvements are necessary at this time to provide fire services.

c. Emergency Medical Service.

No capital improvements are necessary at this time to provide EMS services.

d. Solid Waste Collection.

Not applicable – privately contracted.
e. Water and Wastewater Facilities.

Capital improvements are necessary to provide water and wastewater service, which will be designed and constructed in accordance with City standards.

None of the area to be annexed has water or wastewater infrastructure. Therefore, the following schedule for construction is proposed: This project is a Construction Manager at Risk and trades will be bid separately throughout the project construction. The initial site work bid was in May 2008. This project is set to begin construction on June 16, 2008 with infrastructure service available in mid 2009. The project is scheduled to be complete and ready for occupancy in December of 2010.

Property owners will be responsible for all other fees. Currently, these fees include; a drop-in (tap) fee for water service, a charge for a water meter, and a wastewater inspection fee.

Water and wastewater services to any new development provided according to the standard policies and procedures of Houston’s Department of Public Works and Engineering. The extension of water and sewer service will be provided in accordance with the water and wastewater service extension policy of the Department of Public Works and Engineering.

f. Roads and Streets.

No road or street related capital improvements are necessary at this time.

g. Parks, Playgrounds and Swimming Pools.

Not Applicable

h. Street Lighting.

No capital improvements are necessary at this time to provide services. Street lighting in new development will be installed and maintained in accordance with the applicable standard policies and procedures.

i. Other Publicly Owned Facilities, Building or Services.

In general, other City functions and services, and the additional services described above, can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide such City services.
j. **Capital Improvements Planning.**

The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.
July 8, 2008

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Section 335.035 of the Texas Local Government Code, I am appointing the following individual to the Harris County-Houston Sports Authority Board of Directors, subject to City Council confirmation:

Mr. Haroon R. Shaikh, appointment to Position Three, for a term to expire August 31, 2010.

The résumé of the appointee is attached for your review.

Sincerely,

Bill White
Mayor

Attachments

cc: Harris County Judge Ed Emmett
Mr. J. Kent Friedman chair, Harris County-Houston Sports Authority
Ms. Janis Schmees, executive director, Harris County-Houston Sports Authority
June 12, 2008

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Chapter 436 of the Acts of the 74th Texas Legislature, I am nominating the following individuals for appointment or reappointment to the Board of Directors of the Houston Downtown Management District, as recommended by the District Board of Directors, subject to Council confirmation:

Ms. Genora Kendrick Boykins, appointment to Position Eight, for a term to expire June 1, 2009;
Ms. Edna L. Ramos, reappointment to Position Sixteen, for a term to expire June 1, 2010;
Ms. Sherea A. McKenzie, reappointment to Position Seventeen, for a term to expire June 1, 2010;
Ms. Gigi Huang, reappointment to Position Eighteen, for a term to expire June 1, 2010;
Mr. Donald J. Henderson, reappointment to Position Nineteen, for a term to expire June 1, 2010;
Ms. Jacqueline C. Traywick, appointment to Position Twenty, for a term to expire June 1, 2010;
Mr. Jerry Thompson, appointment to Position Twenty-One, for a term to expire June 1, 2010;
Mr. Gary W. Warwick, reappointment to Position Twenty-Two, for a term to expire June 1, 2010;
Mr. Kenny Meyer, reappointment to Position Twenty-Three, for a term to expire June 1, 2010;
Ms. Irma G. Galvan, reappointment to Position Twenty-Five, for a term to expire June 1, 2011;
Ms. Jeri A. Ballard, reappointment to Position Twenty-Six, for a term to expire June 1, 2011;
Mr. Roland Maldonado, appointment to Position Twenty-Seven, for a term to expire June 1, 2011;  
Mr. Thomas (J. T.) Cheng, reappointment to Position Twenty-Eight, for a term to expire June 1, 2011;  
Ms. Patricia B. Loden, reappointment to Position Twenty-Nine, for a term to expire June 1, 2011; and  
Mr. Frank G. Staats, reappointment to Position Thirty, for a term to expire June 1, 2011.

The résumés of the nominees are attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Mr. Bob Eury, executive director, Houston Downtown Management District
MOTION by Council Member Garcia that nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for three year term to expire June 30, 2011, be closed.

Seconded by Council Member Khan and carried.

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

PASSED AND ADOPTED this 9th day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 15, 2008.

City Secretary

Council Member Rodriguez nominated Mr. Art Morales for appointment to Position 10.
MOTION by Council Member Holm that nominations for Position 11 of the Houston Municipal Employees Pension System Board of Trustees, for three year term to expire June 30, 2011, be closed.

Seconded by Council Member Khan and carried.

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

PASSED AND ADOPTED this 9th day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 15, 2008.

City Secretary

Council Member Garcia nominated Mr. Richard Badger for reappointment to Position 11.
SUBJECT: Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.

FROM (Department or other point of origin): Mayor's Office of Affirmative Action and Contract Compliance

DIRECTOR'S SIGNATURE:

Affirmative Action and Contract Compliance

RECOMMENDATION: (Summary)
Adopt Motion setting overall goal of 20.28%, including a 1% race-neutral component for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2008 through September 30, 2009 in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements.

SPECIFIC EXPLANATION:
Effective March 4, 1999, the DOT adopted a final rule implementing changes to 49 CFR Part 26, which mandated new requirements for participation for Disadvantaged Business Enterprises ("DBEs") in DOT assisted contracts, for Houston Airport System projects, and if applicable, Department of Public Works and Engineering projects. Substantial changes in federal regulations required enactment of Ordinance 99-893 to comply with the revised federal requirements for DOT-assisted contracts. The City is not eligible to receive DOT financial assistance unless it is in compliance with these federal regulations.

The regulations require the City to set and publish annually a proposed overall contract goal for DBE participation in DOT-assisted contracts, following guidelines set forth in regulations. Pursuant to Ordinance 99-893 approved by City Council on August 18, 1999, the city set an initial goal of 17% DBE participation, with a 1% race neutral component. The goals for subsequent fiscal years are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>DBE Goal</th>
<th>Race Neutral Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>19.30%</td>
<td>2%</td>
</tr>
<tr>
<td>2002</td>
<td>19.38%</td>
<td>1%</td>
</tr>
<tr>
<td>2003</td>
<td>21.3%</td>
<td>1%</td>
</tr>
<tr>
<td>2004</td>
<td>20.0%</td>
<td>1%</td>
</tr>
<tr>
<td>2005</td>
<td>20.1%</td>
<td>1%</td>
</tr>
<tr>
<td>2006</td>
<td>19.7%</td>
<td>1%</td>
</tr>
<tr>
<td>2007</td>
<td>20.08%</td>
<td>1%</td>
</tr>
<tr>
<td>2008</td>
<td>21.8%</td>
<td>1%</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

Other Authorization:
**Date**  
July 17, 2008

**SUBJECT:** Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.

This City is required to submit a revised goal for the 2009 federal fiscal year, pursuant to federal regulations. The Affirmative Action and Contract Compliance Division of the Mayor's Office ("AAD"), in cooperation with the Houston Airport System, has analyzed the relevant criteria required by DOT, and recommends an overall contract DBE goal of 20.28 DBE participation, with a 1% race neutral goal for the 2009 federal fiscal year.

The AAD recommends adoption of the Motion setting goals for the 2008 federal fiscal year in order to comply with federal requirements.

G:\CONTRACT\UKC\DBERCA.WPD
Pursuant to the Code of Federal Regulations, Section 49, Part 26, the City of Houston has proposed an overall goal of 20.28% for the participation of Disadvantaged Business Enterprises (DBEs) in its Houston Airport System contracts that are funded by the US Department of Transportation (DOT), effective October 1, 2008 through September 30, 2009. Of the 20.28% overall goal, it is anticipated that 1.0% can be achieved by race/gender neutral means.

The anticipated DOT-assisted contract amount is $56,431,000. Of that amount, $11,444,206 is anticipated to be spent with DBEs. The market area for the DBE analysis was primarily the State of Texas, based on DBE firms certified with the Texas Unified Certification Program (TUCP), as well as local MWBE firms. However, a small percentage of the TUCP firms are located outside of the state.

There are 10 anticipated DOT-assisted contracts for FY 09. They are:

- RESURFACE BAGGAGE TUG TUNNELS (R&R)
- REHAB TRENCH DRAIN TAXIWAY/RAMP SOUTH SIDE IAH (R&R)
- TERMINAL 8 SOUTH RAMP
- AIRFIELD PAVEMENT REPLACEMENT @ EFD (R&R)
- AIRFIELD PAVEMENT REPLACEMENT @ HOU (R&R)
- AIRFIELD PAVEMENT REPLACEMENT @ IAH (R&R)
- ENVIRONMENTAL IMPACT STUDY - PHASE II & III
- AIRSIDE FACILITY IMPROVEMENTS FY06
- REHAB OF RUNWAY 4-22 AT HOBBY
- REHABILITATE TAXIWAY WA & WB (DISCRETIONARY FUND)

I. METHODOLOGY

Step 1

In order to determine an overall goal, the following data sources were utilized to determine a base figure for the relative availability of DBEs:

- 2005 Harris County Business Patterns for the Houston PMSA
- City of Houston (COH) Database of certified MWDBE firms
- State of Texas – Texas Unified Certification Program (TUCP) database of certified DBE firms
Bidders lists for DOT funded Houston Airport System Contracts
- Database of the Houston Minority Business Council

After identifying the anticipated types of contracts that will be awarded during the upcoming fiscal year, County Business Pattern data for all firms in the Houston PMSA was identified for the applicable contracting areas. The Houston PMSA was used as the local market area, since the majority of contractors and subcontractors are located in this area. Additionally, the data provided by TUCP included firms interested in working in the Houston region, but not necessarily located within the Houston PMSA.

Three sources of data were used to calculate DBE availability - The City of Houston (COH) database of certified MWDBE firms and the TUCP database of certified DBE firms. The TUCP is a statewide registry of DBE firms. In addition, as a result of our Stakeholders Meeting on May 1, 2008, Dick Huebner, President of the Houston Minority Business Council, provided a list of DBE firms that are not in the City of Houston database nor the TUCP. We added these numbers to our overall DBE numbers within each NAICS code. Harris County Business Patterns for the Houston CBP-2005 was used to calculate the number of all ready, willing and able businesses available in the City's market that perform work in the applicable NAICS codes.

As in Fiscal year 2008, data from a recent Disparity Study ("the Study") was considered, but not incorporated into the Step I analysis, due to lack of applicability. The Disparity Study was commissioned to study the City of Houston's Minority/Women Business Enterprise (MWBE) Program in 2006, which included all City contracts. The DBE goal calculation is based solely on the subset of DOT assisted contracts in the Houston Airport System. Additionally, the Study did not assess company availability by North American Industry Standard Classification (NAICS) Code. This rendered the Study data inapplicable for purposes of DBE goal calculation, because the Study data was not narrowly tailored enough to allow a detailed analysis of availability by NAICS Code, as is performed in the Step I calculation phase. This inapplicability is supported by the Study's availability figures of 43.6% and 50.2% for Construction and Architecture/Engineering, respectively, which exceed historical Step I availability data for DOT assisted contracts at the airport. The city anticipates conducting another disparity study in 2010 that will include DBE's and NAICS codes.

The initial calculation of DBE availability was weighted based on the percentage of contract dollars that would be awarded in each area. (See Attachment 1) The weighted availability figure was 25.20%.

To further assist in determining the universe of ready willing and able firms, a "bidders' list" was compiled from contractors who expressed interest in submitting bids or proposals on DOT assisted jobs the previous year. This list was derived from Pre-proposal and Pre-bid lists and were screened to eliminate firms listed in areas that would not be included in upcoming DOT assisted contracts. We note the number of firms listed this year is lower than in FY'08 goal setting because, recipient has advertised significantly fewer DBE projects in this fiscal year than previous years. The resulting DBE availability from the bidders list was 18.9%. (See Table 1)
Table 1.
Houston Airport System
Bidders List on DOT funded Projects

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Firms</th>
<th>DBE Firms</th>
<th>%DBE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Contractors</td>
<td>13</td>
<td>1</td>
<td>7.8%</td>
</tr>
<tr>
<td>Subcontractors</td>
<td>11</td>
<td>6</td>
<td>54.5%</td>
</tr>
<tr>
<td>Arch./Eng. Firms</td>
<td>3</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>7</td>
<td>18.9%</td>
</tr>
</tbody>
</table>

To determine a base DBE availability figure, the 25.20% DBE availability figure was averaged with the 18.9% bidders’ list/ready, willing, and able DBE subcontractor data, resulting in a Step 1 DBE availability figure of 22.05%.

Step 2

The Step 2 analysis involved calculating the overall DBE participation for fiscal years 2004, 2005, 2006, 2007 and 2008 and then calculating the median DBE participation for all five years. (See Attachment 2) The DBE participation for those years is as follows: for FY 2004, 16.9%, for FY 2005, 18.5%, for FY 2006, 33.1%, for FY 2007 18.1% and for FY 2008, 19.6. The median of all five years is 18.5%.

To arrive at the City’s recommended overall goal, the Step 1 base figure 22.057% was averaged with the 18.5% median participation figure, resulting in 20.28%.

II. Breakout of the Estimated Race/Gender Neutral and Race/Gender Conscious Participation

Regarding the calculation of the race/gender neutral goal, several factors were considered. They are:

A. Past participation by DBE prime contractors.
   No prime contractor awards to DBE firms

B. Voluntary DBE utilization on contracts with no DBE goals.
   There were no DOT assisted contracts with no goals.

C. The amount by which goals were exceeded in the past.
   DBE participation for fiscal years 2004 – 2008 was reviewed to determine the extent to which overall DBE goals were exceeded in the past. (See Attachment 2) The results are presented in the following table.
D. Description of efforts to use race neutral means.

Examples of efforts to use race-neutral means include, but are not limited to, the following:

1) Hosting Houston Airport System's Small Business Networking Opportunity Fairs. (Five conducted FY'08) At these events over 1000 small business owners attended. These events connect DBE's and non-DBEs to airport decision makers.

2) Providing management and technical assistance workshops, seminars, and other services (See attachment 3);

3) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

4) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

5) Ensuring distribution of the DBE directories, through print and electronic means, to the widest feasible universe of potential prime contractors, i.e. City of Houston SBE/MWDBE Directory and Texas Unified Certification Program Directory; and

6) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>DBE Goal</th>
<th>Actual Participation</th>
<th>Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>20.0%</td>
<td>16.9%</td>
<td>-03.1</td>
</tr>
<tr>
<td>2005</td>
<td>20.1%</td>
<td>18.5%</td>
<td>-01.6</td>
</tr>
<tr>
<td>2006</td>
<td>19.7%</td>
<td>33.1%</td>
<td>13.4</td>
</tr>
<tr>
<td>2007</td>
<td>20.1%</td>
<td>18.1%</td>
<td>-2</td>
</tr>
<tr>
<td>2008</td>
<td>21.8%</td>
<td>19.6%</td>
<td>-2.2</td>
</tr>
<tr>
<td>Median</td>
<td></td>
<td></td>
<td>-2</td>
</tr>
</tbody>
</table>

Therefore, based on the aforementioned information, the FY 2008 race/gender neutral goal will be 1%.
Houston Airport System  
Office of Small Business Development and Contract Compliance  

Capacity Estimates  
Weighted Ratio of Certified DBEs to Firms Listed in the Harris County Business Patterns for the Houston CBP-2005

<table>
<thead>
<tr>
<th>NAICS Codes</th>
<th>Description</th>
<th>CBP All Firms</th>
<th>COH/DOT Companies</th>
<th>Weight</th>
<th>Weighted %</th>
</tr>
</thead>
<tbody>
<tr>
<td>23822</td>
<td>Mechanical</td>
<td>1,212</td>
<td>75</td>
<td>0.15</td>
<td>0.92</td>
</tr>
<tr>
<td>23810, 23812, &amp; 237310</td>
<td>Concrete Construction Work</td>
<td>364</td>
<td>113</td>
<td>0.45</td>
<td>13.86</td>
</tr>
<tr>
<td>238210 &amp; 423610</td>
<td><strong>Electrical Work</strong></td>
<td>1,091</td>
<td>54</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>238910, 484220, 237210</td>
<td><strong>Electrical Work</strong></td>
<td>1,091</td>
<td>54</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>238: 910, 120, 320, 310, 130, 340, 390, 160, 140, 990, 330, 150, 170; 236220, 237110, 237990</td>
<td>Excavation, Earthwork, Hauling</td>
<td>642</td>
<td>100</td>
<td>0.20</td>
<td>3.15</td>
</tr>
<tr>
<td>541330</td>
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<td><strong>25.20</strong></td>
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** Note - There were no opportunities anticipated in this area for FY’09
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<tr>
<th>Project Description</th>
<th>Prime Contractor</th>
<th>Final Contract Amount</th>
<th>Total DBE Dollars</th>
<th>Actual DBE %</th>
<th>Goals</th>
<th>Difference Act DEB Goal</th>
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<td>#539B, Construction of Taxiway &quot;NC&quot; @IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$21,487,378</td>
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<td>17.0%</td>
<td>17.00%</td>
<td>-0.04%</td>
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<td>#1566, Westside wetlands mitigation @ Waaler County</td>
<td>Jordon Enterprises, Inc.</td>
<td>$1,251,999</td>
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<td>#522L, Fixing range removal at IAH</td>
<td>Metal Treatment Technologies, Inc.</td>
<td>$1,662,646</td>
<td>$289,323</td>
<td>17.4%</td>
<td>18.10%</td>
<td>-0.70%</td>
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<tr>
<td>#522C, Harris County Landfill #2 removal @ IAH</td>
<td>W.R.S. Infrastructure &amp; Environment,</td>
<td>$14,764,329</td>
<td>$2,899,714</td>
<td>19.6%</td>
<td>18.00%</td>
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<tr>
<td>#522L, Fixing Range Removal @ Bush IAH</td>
<td>Metal Treatment Technologies, Inc.</td>
<td>$1,665,648</td>
<td>$286,481</td>
<td>17.2%</td>
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<td>#544 Rehabilitation of Runway 17R-35L &amp; Misc. pavements @ EFL</td>
<td>J.D.Abrahm, Inc.</td>
<td>$18,174,050</td>
<td>$3,969,701</td>
<td>21.8%</td>
<td>18.00%</td>
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<td>#549 Taxiway SA &amp; SB Rehab @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$19,194,636</td>
<td>$3,631,232</td>
<td>19.1%</td>
<td>19.30%</td>
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<td>#4918 Rehab of Runway BR 26L @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$32,422,663</td>
<td>$5,157,666</td>
<td>19.3%</td>
<td>15.98%</td>
<td>3.32%</td>
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<td>#417B, Relocation of Taxiways &quot;Y&quot; &amp; &quot;Z&quot; @ Hobby</td>
<td>W.W. Webber, Inc.</td>
<td>$18,551,047</td>
<td>$3,236,544</td>
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<td>#485, Miscellaneous Airfield improvements @ Hobby</td>
<td>W.W. Webber, Inc.</td>
<td>$7,404,382</td>
<td>$1,901,577</td>
<td>25.7%</td>
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<td>#522 Runway BL 26R Clearing, Grading &amp; Drainage @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$11,881,770</td>
<td>$2,387,927</td>
<td>20.2%</td>
<td>18.00%</td>
<td>2.20%</td>
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<tr>
<td>#522D, Airfield &amp; Ground Facility, ARFF Utilities, &amp; Service Road @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$8,516,463</td>
<td>$2,359,956</td>
<td>27.8%</td>
<td>19.30%</td>
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<td>#522E, BL 26R, Final Grading &amp; Airfield Drainage @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$13,623,973</td>
<td>$4,862,505</td>
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<td>19.30%</td>
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<td>#522C, Connectors Taxiways, Bridges, &amp; Off-site Drainage @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$46,209,290</td>
<td>$10,389,262</td>
<td>22.5%</td>
<td>19.30%</td>
<td>3.20%</td>
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<tr>
<td>#522R, North Runway BL 26R &amp; Parallel Taxiway @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$41,210,871</td>
<td>$8,071,433</td>
<td>19.5%</td>
<td>19.30%</td>
<td>0.29%</td>
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<td>#522W, Runway BL 26R Midfield Grading @ Bush IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$2,348,495</td>
<td>$606,600</td>
<td>26.0%</td>
<td>19.30%</td>
<td>1.30%</td>
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<tr>
<td>#554, Terminal C Southeast Ramp Upgrade &amp; Widening @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$28,538,932</td>
<td>$6,880,011</td>
<td>24.1%</td>
<td>18.00%</td>
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<td>#555 Terminal B &amp; C North Ramp Expansion @ Bush IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$14,857,494</td>
<td>$5,600,236</td>
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<td>20.20%</td>
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<td>#556 Runway 15R-33L, Extension &amp; Widening @ Bush IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$82,159,166</td>
<td>$16,329,372</td>
<td>19.9%</td>
<td>17.00%</td>
<td>2.90%</td>
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<tr>
<td>#565A, Taxiway &quot;SD&quot; Bridge @ Bush IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$22,785,518</td>
<td>$4,448,227</td>
<td>19.5%</td>
<td>19.30%</td>
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<tr>
<td>#565 New Cargo area Infrastructure @ Bush IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$44,951,936</td>
<td>$7,848,128</td>
<td>17.5%</td>
<td>18.00%</td>
<td>-0.50%</td>
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<tr>
<td>#568, Airfield Pavement Rehabilitation @ Ellington Field</td>
<td>W.W. Webber, Inc.</td>
<td>$7,274,146</td>
<td>$1,241,659</td>
<td>17.1%</td>
<td>19.30%</td>
<td>-2.20%</td>
</tr>
<tr>
<td>#522F Runway BL 26R New North Vault and Security fence @ IAH</td>
<td>PDG Electric Company</td>
<td>$11,369,169</td>
<td>$3,005,502</td>
<td>26.4%</td>
<td>19.30%</td>
<td>7.10%</td>
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<tr>
<td>#522G Rehab. Of T/W &quot;NA&quot; Extend T/W &quot;NB&quot; &amp; Drainage</td>
<td>W.W. Webber, Inc.</td>
<td>$46,209,250</td>
<td>$8,918,393</td>
<td>22.5%</td>
<td>19.30%</td>
<td>3.18%</td>
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<td>#522N R/W 26R Retevelopment, Wall, Fencing @ Access Rd @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$4,172,888</td>
<td>$1,421,746</td>
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<td>14.77%</td>
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<tr>
<td>#542C Miscellaneous Drainage &amp; Paving Improvements @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$12,800,363</td>
<td>$2,573,594</td>
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<tr>
<td>#555 Term. B &amp; C North Ramp Expansion @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$14,657,404</td>
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<td>#12B FIS/Terminal E Inline EDS Baggage Handling System @ IAH</td>
<td>Stewart Matt, Ltd.</td>
<td>$4,447,387</td>
<td>$676,743</td>
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<td>17.00%</td>
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<td>#566C, Asbestos Abate Demo. Bldg 18, 19, 20 &amp; 21 for SMGCS @ HOU</td>
<td>ARC Abatement, Inc.</td>
<td>$550,073</td>
<td>$14,329</td>
<td>2.6%</td>
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<tr>
<td>#568 Airfield Pavement Rehabilitation @ EFD</td>
<td>W.W. Webber, Inc.</td>
<td>$7,774,146</td>
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<td>17.1%</td>
<td>19.30%</td>
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<tr>
<td>#599 Misc. Airfield Pavement Repairs @ EFD</td>
<td>W.W. Webber, Inc.</td>
<td>$4,008,999</td>
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<td>#563 Rehabilitation of Runway 15L-33R @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$17,316,563</td>
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<td>#424S, Central Plant Equipment Pre-Purchase package #1 IAH</td>
<td>Dowan, Inc.</td>
<td>$16,115,484</td>
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<tr>
<td>#542C Miscellaneous Drainage &amp; Paving Improvements @ IAH</td>
<td>W.W. Webber, Inc.</td>
<td>$12,800,363</td>
<td>$2,470,470</td>
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<td>#566B, SMGCS/CIVIL SITE WORK, INSTR LANDING SYSTEM</td>
<td>W.W. Webber, Inc.</td>
<td>$27,328,690</td>
<td>$6,558,586</td>
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<tr>
<td>#522A, FIS/Terminal E LINES EDS BAGGAGE SYSTEM AT HOI</td>
<td>VanDellande Industries, Inc.</td>
<td>$7,425,023</td>
<td>$253,522</td>
<td>67.6%</td>
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<tr>
<td>#5429 CONSTRUCTION OF TAXI-LANE K @ ELLINGTON</td>
<td>W.W. Webber, Inc.</td>
<td>$2,764,548</td>
<td>$544,616</td>
<td>20.5%</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>$ 116,173,248</strong></td>
<td><strong>33.1%</strong></td>
<td><strong>3.40%</strong></td>
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Workshops and Training Series
FY 2008

- Runway to Business Opportunities (Airport Contracting Opportunities Fair) **
- Trabajando Mano a Mano (Latino Outreach Event) **
- Business Opportunity Workshop (Asian Outreach Event) **
- Straight Talk with Clark Construction (MWBE Talking Stick) **
- How to do Business with the City of Houston Seminar
- How to Prepare a Successful Bid Seminar
- SBA Loan Programs Workshop
- School of Construction Management (8-part training series)
  - Topics discussed include: Estimating and Bidding; Safety; Developing a Business Plan; Bonding and Insurance; Cash Flow Management; Scheduling and Project Management; and Sales and Marketing.
- Small Business Tax Seminar: Understanding "The Tax Gap" and Whether or Not you are Paying the Right Amount of Taxes for your Business
- OSHA Safety Seminar
- Business Law 101 Seminar
- Strategic Alliances: Building a Legal Framework Seminar
- Planning for Business Workshop – Understanding and Creating a Business Plan
- Low Cost Marketing Workshop – Planning and Initiating a Low Cost Marketing Campaign
- Business Money Management Workshop – Understanding and Preparing Financial Information and Reports
- 2008 Small Contractors Training Series (first 2 parts of 12-part series)
- Estimating and Bidding Seminar

** Sponsored by the Houston Airport System Office of Small Business Development and Contract Compliance
TO: Mayor via City Secretary

SUBJECT: Approval of the Proposed Equipment Acquisition Plan for FY2009.

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

DIRECTOR'S SIGNATURE:
Michelle Mitchell

For additional information contact:
Charles Leal  Phone: (713) 837-9892
Victor Ayres  Phone: (832) 393-8041

RECOMMENDATION: (Summary)
Approve by Motion the Equipment Acquisition Plan for FY2009.

Amount of Funding: N/A

SOURCE OF FUNDING:  [ ] General Fund  [ ] Grant Fund  [ ] Enterprise Fund
[ ] Other (Specify)  Fund 1800

SPECIFIC EXPLANATION:

Background – Annually, City Council is presented a Plan for equipment acquisition/technology for general fund departments. The primary source of funding is the Equipment Acquisition Consolidated Fund (Fund 1800), which is used to purchase rolling stock; IT equipment, software and services; and other equipment (e.g. radios and mobile display terminals (MDT's) for emergency vehicles, call center consoles for the HEC, etc.). Equipment replacement requests were received by the Finance Department for rolling stock and other equipment from departments where they were reviewed for reasonableness as to age, mileage and indications of excessive maintenance costs. The IT department assessed the needs for computer technology.

The acquisitions will initially be funded with commercial paper, which will be consolidated and converted to bonds consistent in duration to the useful life of the underlying asset. To ensure that funds are available, and to avoid excessive commitment fees for commercial paper availability, Council will periodically be asked to approve appropriations for Fund 1800.

The FY2009 Equipment Acquisition Plan is proportioned as follows:
Rolling Stock - $32,500,000
IT - $18,425,000
Other equipment - $2,380,960

Recommendation – The Finance Department recommends that City Council approve the FY2009 Equipment Acquisition Plan for the purchase of equipment as described herein.

Attachment
cc: Arturo Michel, City Attorney
Marty Stein, Agenda Office

Finance Director: Other Authorization: Other Authorization:
### Fund 1800 Equipment Acquisition Fund

#### Appropriation by Department

<table>
<thead>
<tr>
<th>Department</th>
<th>Non-Specialty</th>
<th>Specialties + Other</th>
<th>Veh Totals</th>
<th>FY2005</th>
<th>FY2006</th>
<th>FY2007</th>
<th>FY2008</th>
<th>FY2009</th>
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<td>$18,924,612</td>
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**Note:** VEHICLE REASSIGNMENT FROM FINANCE AND ADMINISTRATION REORGANIZATION IS IN PROCESS.
<table>
<thead>
<tr>
<th>Department</th>
<th>FY2005</th>
<th>FY2006</th>
<th>FY2007</th>
<th>FY2008</th>
<th>FY2009</th>
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<td><strong>Information Technology Equipment</strong></td>
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</tr>
<tr>
<td>Administration &amp; Regulatory Affairs</td>
<td>Asset Replacement Projects</td>
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1 Fire Department Misc. Equipment includes:

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<td>12-Lead Task Trainer</td>
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<td><strong>TOTAL</strong></td>
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2 Contingency - In FY09 identified in each grouping
**SUBJECT:** Cause No. 05-03-02176-CV; Amanda Williams vs. City of Houston; in the 221st District Court, Montgomery County, Texas LD# 062-0500384-001

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

**DIRECTOR'S SIGNATURE:**

**For additional information contact:** Tanya E. Wilder
Phone: (713) 247-1501

**RECOMMENDATION: (Summary)**
Approve the referenced settlement

**Amount of Funding:**
$110,000.00 - Property and Casualty Fund
(Claims and Judgments)

**SOURCE OF FUNDING:**
[x ] General Fund
[ ] Grant Fund
[ ] Enterprise Fund
Fund: 1004
[ ] Other (Specify)

**SPECIFIC EXPLANATION:** FOR SETTLEMENT PURPOSES ONLY

This case involves an car accident on June 18, 2004, when Plaintiff Amanda Williams was rear-ended by Officer Gary Reeves while she was stopped for a red light at the intersection of Kingwood and the Highway 59 overpass. Liability would arise under Section 101.021(1) of the Tort Claims Act.

Diagnostic tests reflect that Ms. Williams, who was only 23 at the time of the accident, has multiple bulging and herniated discs in her back and neck. An orthopedic surgeon testified that these injuries were caused by the accident and will require surgery in the future. Her past medical expenses, including physical therapy and trigger point injections, totals $39,755.15. The orthopedic surgeon testified that the future surgery costs will be at least $100,000.00 over the course of her lifetime. Her documented lost wages are $4,030.00. Accordingly, her total past and future actual damages are $143,785.15. This does not include her past and future pain and suffering, mental anguish and impairment damages.

Plaintiff Amanda Williams has agreed to settle her claim for $110,000.00. This settlement is a good compromise for the City and is recommended for approval.
TO: Mayor via City Secretary  REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work – Koch Corporation for Sound Reduction Program Phase 3 at George Bush Intercontinental Airport/Houston (IAH), Project No. 617C (WBS #A-000476-0004-4-01; Contract No. 4600007615)

FROM (Department or other point of origin): Houston Airport System

DIRECTOR’S SIGNATURE: [Signature]

For additional information contact:
Eric R. Potts  Phone: 281-233-1999
John S. Kahl  281-233-1941

AMOUNT & SOURCE OF FUNDING: None Required

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of $271,855.40 or 12.85 percent less than the original contract amount, accept work, and authorize final payment.

SPECIFIC EXPLANATION:
The Contractor, Koch Corporation has completed all the work required under their Contract in the amount of $311,942.00 for Sound Reduction Program Phase 3 at George Bush Intercontinental Airport. During construction, W. D. Schock Co. inspected this project. The inspector was Mr. Mike Smith.

The final amount of the contract, including line item under runs in the amount of $40,086.60 will be $271,855.40, which is 12.85 percent less than the original contract amount. The under runs were for properties that were in the original scope of work, but could not be sound insulated due to subsequent foreclosures and changing owners that could not be identified or contacted.

There was no M/WBE goal on this project.

RMV:ERP:JSK

cc: Ms. Marty Stein  Mr. Eric R. Potts  Mr. Richard M. Vacar  Mr. Aleks Mraovic
Mr. Anthony W. Hall, Jr.  Mr. Frank Crouch  Mr. David Arthur
Ms. Susan T. Taylor  Mr. John S. Kahl  Ms. Cynthia Saldana
Ms. Velma Laws  Mr. Adil Godiwalla  Mr. Carlos Ortiz
Ms. Kathy Elek  Ms. Janice Woods  Mr. John Silva

REQUED AUTHORIZATION

Finance Department:  Other Authorization:  Other Authorization:

RCA CLOSE OUT 617C FINAL 6-27-08.DOC
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work  
Boyter, Inc.  
Meyerland Park and Reeves Park  
WBS No. F-0504C8-0001-4  
WBS No. F-0504C7-0001-4

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

DIRECTOR'S SIGNATURE:
Issa Z. Dadoush, P. E.  
1/108

For additional information contact:
Jacquelyn L. Nisby  
Phone: 832-393-8023

For additional information contact:

For additional information contact:

For additional information contact:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of $978,148.15 or 4.06% over the original contract amount, accept the work and authorize final payment to Boyer, Inc. for construction services in connection with Meyerland and Reeves Parks for the Parks and Recreation Department.

PROJECT LOCATIONS: Meyerland Park, 5151 Jason St. (Key Map 531Q)  
Reeves Park, 8800 Mullins Dr. (Key Map 531N)

PROJECT DESCRIPTION: The scope of work included the following:

Meyerland Park - a new picnic shelter, tables, sidewalks, swing set, seatwall, and new backstop, dugouts and bleachers with concrete pads; tennis court improvement; tree planting; and security lights.

Reeves Park - new sidewalks, trail, playground equipment, seating plaza, ornamental fence, basketball court and security lights; renovated the picnic shelter; tennis courts improvements; and grading and drainage improvements.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time, plus an additional 170 days approved by Change Orders. The final cost of the project, including Change Orders is $978,148.15, an increase of $38,183.15 over the original contract amount.

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

REQUIRED AUTHORIZATION

CUIC ID# 25PARK29

General Services Department:
Phil Golembiewski, P.E.  
Chief of Design & Construction Division

Parks and Recreation Department:
Joe Turner  
Director
<table>
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<tr>
<th>Date</th>
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<th>Originator's Initials</th>
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<td>DE</td>
<td>2 of 2</td>
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</tbody>
</table>

| Boyer, Inc. | Meyerland Park and Reeves Park |          |
| WBS No. F-0504C8-0001-4 | WBS No. F-0504C7-0001-4 |          |

PREVIOUS CHANGE ORDERS: Change Orders 1-3 granted non-compensable time extensions due to inclement weather; demolished and replaced existing walkways at Meyerland Park; deducted hazardous waste disposal allowance; added a credit for permit fees; demolished and removed two press boxes and removed and replaced perforated drainpipe under the playground at Meyerland Park.

IZD:PG:JLN:LJ:CFP:de

C: Marty Stein, Mark Ross, Jacquelyn L. Nisby, Velma Laws, Webb Mitchell, Project File 1108
COUNCIL DISTRICT "C"

MEYERLAND PARK
5151 JASON ST.
HOUSTON, TX 77096

COUNCIL DISTRICT "C"
REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Distribution Rehabilitation and Renewal, File No. WA 10873-02

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

DIRECTOR'S SIGNATURE: Michael J. Marcotte, P.E., D.EE

For additional information contact: A. James Millage
Senior Assistant Director Phone: (713) 641-9566

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of $1,603,175.53 or 1.60% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding is required. Original appropriation of $1,758,697.49 from the Combined Utility System Enterprise Fund, Fund 701.

PROJECT NOTICE/JUSTIFICATION: This project was necessary to provide for the on-call repair of water lines up to 16-inches in diameter in the distribution system on an emergency basis throughout the City.

DESCRIPTION/SCOPE: This project consisted of repair, improvement, and new installations of existing service lines and city water mains up to 16-inches in diameter, resulting from emergency breaks, leaks and citizen complaints. The project was awarded to D.L. Elliott Enterprises, Inc. with an original contract amount of $1,629,235.70. The Notice to Proceed date was 01/16/07 and the project had 365 calendar days for completion.

LOCATION: The project was located at various locations within all Council Districts.

CONTRACT COMPLETION AND COST: The contractor, D.L. Elliott Enterprises, Inc., has completed the work under the contract within the contract time with an additional 90 days approved by Change Order No. 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1, will be $1,603,175.53, a decrease of $26,060.17 or 1.60% under the original contract amount.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 75.47%. The contractor was awarded an “Outstanding” rating from the Affirmative Action and Contract Compliance Division.

REQUIRED AUTHORIZATION
Finance Department: A. James Millage

CUIC ID# 20AJM200
D.L. ELLIOTT ENTERPRISES, INC.
Work Orders Status Report
Water File No. 10873-02
No . Days ) WPA)

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Street Name

Work Type

Issue
Date

11103 Sherwood Forest
6502 Underhill
7023 Drowsy Pine
2231 Lexford Ln,
8746 Candace
10443 N. Shadowdale Dr,
6200 Rothway
1018 Dana Dr,
2900 N. Shepherd Dr,
10800 Clay Rd,
7600 Maple Tree

Main Line
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Barbados
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Limestone
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Birchmont
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Shadow Wood
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Gardenia
Service Line

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6677
6038
10943
1418
12200 Northwest Fw.
1511 Shadow Bend
410 E. Fair Harbor Ln,
15734 Whitewater
2303 Lazybrook
7407 Janak
1402 Foxwood
7402 Deep forest Dr.
13484 Northwest Fw .
2330 Greybum
10855 Church Ln .
1831
10002
5926
1701
814
2405

Sherwood Forest
Coe Ct,
Autum Forest Dr,
Althea
Silvergate
Eaglerock Dr,
Long Point
Crossroads
Willow Oak Dr.
Talina Way
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05104/07
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Closing Date

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101712007 451-L
9/27/2007 452-L
912112007 452-Q
9129/2007 488-E

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<td>6515 Hanley</td>
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<td>6230 Standing Oaks St.</td>
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Note: The table contains information about change orders, including dates, work dates, and completion status. Each entry is a separate change order with details such as address, line type, and completion status.
To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION


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

DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E., DEE

For additional information contact:
J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (713) 837-7074

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $549,814.58 or 22.76% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total Original appropriation of $860,800.00 from Street & Bridge Consolidated Construction Fund No 437.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Safe Sidewalk Program and was required to address the health, safety, and welfare of pedestrians.

DESCRIPTION/SCOPE: The project consisted of construction and replacement of sidewalks and curb ramps of various widths and lengths. In-house Engineering Branch Staff designed the project with 540 calendar days allowed for construction. The project was awarded to Jerdon Enterprises, L.P. with an original Contract Amount of $711,854.00.

LOCATION: The project area is Citywide throughout all Council District.

CONTRACT COMPLETION AND COST: The Contractor, Jerdon Enterprises, L.P. 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 $549,814.58, a decrease of $162,039.42 or 22.76% under the original Contract Amount.

The decreased cost is primarily a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Bid Item No. 30 - 4-1/2” Reinforced Concrete Sidewalk complete in place, except for removal.

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

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:
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<th>Key Map</th>
<th>Council District</th>
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION


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

DIRECTOR’S SIGNATURE:
Michael S. Marcotte, P.E., DEE., Director

For additional information contact:
J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (713) 837-7074

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $750,263.91 or 0.12% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required;
Total Original appropriation of $939,000.00 from Street and Bridge Consolidated Construction Fund No. 437.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the Safe Sidewalk Programs which were required to address the health, safety, and welfare of pedestrians.

DESCRIPTION/SCOPE: This project consisted of construction and replacement of sidewalks of various widths and lengths. In-house Engineering Branch staff designed the project with 365 calendar days allowed for construction. The project was awarded to Tikon Group, Inc. with an original Contract Amount of $751,200.00.

LOCATION: The project area was in various locations throughout Houston. The project is located in various Key Map Grids.

CONTRACT COMPLETION AND COST: The Contractor, Tikon Group, Inc. has completed the work under subject Contract. The project was completed beyond the established completion date with 30 additional days approved by Change Order No. 3. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders Nos. 1 and 2 is $750,263.91, a decrease of $936.09 or 0.12% under the original Contract Amount.

The decrease cost is a result of the difference between planned and measured quantities. This decrease is primarily of an underrun in Bid Item No. 12 – Remove and dispose of pipe culverts equal to or less than 24” diameter. All materials, which was not necessary to complete the work.

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

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Date and identification of prior authorizing Council action:

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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods
WBS# R-000266-00A9-4

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

DIRECTOR'S SIGNATURE: Michael S. Marebbo, 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

Agenda Date: JUL 3 3 2008

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of $3,640,895.56, which is 1.32% over the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
Original appropriation of $3,916,936.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to Insituform Technologies, Inc. with an original contract amount of $3,593,398.15. The Notice to Proceed date was 07/06/2004 and the project had 730 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, Insituform Technologies, Inc., has completed the work under the contract. The contract was completed within the required time. The final cost of the project is $3,640,895.56, an increase of $47,497.41 or 1.32% over the original contract amount. More pipe bursting was needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 16.2%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.96%. The contractor was awarded an “Outstanding” rating from Affirmative Action.

Attachments

Project File 4257-50

REQUIRED AUTHORIZATION

FAC Director: Other Authorization:

Other Authorization:
Jeff Taylor, Deputy Director
Public Utilities Division
<table>
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REQUEST FOR COUNCIL ACTION

WBS No. S-000035-00B6-4

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

DIRECTOR’S SIGNATURE:
Michael S. Marcotte, P.E., DEE, Director

For additional information contact:
J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (713) 837-7074

RECOMMENDATION: (Summary)
Pass a motion to approve the final Contract Amount of $1,749,239.69 which is 4.95% over the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
Original appropriation of $1,956,000.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City’s Water Line Replacement Program. This project was required to replace and upgrade water lines within the City to increase circulation and availability of water.

DESCRIPTION/SCOPE: This project consisted of replacement of 25,950 linear feet of 12-inch and 8-inch water lines with all related appurtenances in Cambridge Village. Lin Engineering, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to C & C Services with an original Contract Amount of $1,666,666.94.

LOCATION: The project area is generally bound by Tidewater on the north, W. Orem Dr. and Trail Lake on the south, Player on the east and S. Post Oak on the west. The project is located in the Key Map Grid 571-L & M.

CONTRACT COMPLETION AND COST: The Contractor, C & C Services has completed the Work under the subject Contract. The project was completed within the Contract Time with 3 additional days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is $1,749,239.69 which is an increase of $82,572.75 or 4.95% over the original Contract Amount.

The increased cost is primarily due to an overrun in Base Unit Price Item No. 10 – 8-inch Water Line, Auger, Complete in Place which was necessary to complete the Work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 16.84%. The Contractor achieved a “Satisfactory” rating for M/WBE Compliance.

REQUIRED AUTHORIZATION

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

Other Authorization:

CUIC ID# 20MZQ0 59
REQUEST FOR COUNCIL ACTION


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

DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $1,802,646.51 or 3.69% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
Original total appropriation of $2,146,370.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City’s Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.

DESCRIPTION/SCOPE: This project consisted of construction of 24,248 linear feet of 8-inch and 20-inch water lines with all related appurtenances in the Nance area. Pepe Engineering, Ltd. designed the project with 300 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L.P. with an original Contract Amount of $1,871,753.50.

LOCATION: The project area is generally bound by I-10 East on the north, Baron on the south, Press on the east, and Clark on the west. The project is located in Key Map Grids 494-F, J, & K.

CONTRACT COMPLETION AND COST: The Contractor, Reliance Construction Services, L.P. has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including previously approved Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is $1,802,646.51, a decrease of $69,106.99 or 3.69% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Base Unit Price Item No. 38 - Reinforce Concrete Pavement, All Thickness and the Work not requiring use of most Extra Unit Price Items.

MWBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 21.63%. The Contractor achieved an “Outstanding” rating for MWDBE compliance.
REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in the Stratton Place Area.
WBS No. S-000035-00D8-4

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

DIRECTOR’S SIGNATURE:
Michael S. Marcotte, P.E., DEE, Director

For additional information contact:
J. Timothy Lincoln, P.E.
Senior Assistant Director

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $1,920,382.60 which is 3.90% under the original Contract Amount, accept the Work, and authorize final payment.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City’s Water Line Replacement program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.

DESCRIPTION/SCOPE: This project consisted of construction of 2,444 linear feet of 12-inch, 25,570 linear feet of 8-inch, and 12 linear feet of 6-inch water lines with related appurtenances in the Stratton Place Area. Amani Engineering, Inc. designed the project with 260 calendar days allowed for construction. The project was awarded to C & C Services with an original Contract Amount of $1,998,379.41.

LOCATION: The project area is generally bound by Berry Road on the north, E. Crosstimbers on the south, Hardy Road on the east and Appleton on the west. The project is located in the Key Map grids 453-G, H, L, & M.

CONTRACT COMPLETION AND COST: The Contractor, C & C Services has completed the Work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is $1,920,382.60, a decrease of $77,996.81 or 3.90% under the original Contract Amount.

The decreased cost is primarily due to an underrun in Base Unit Price Item No. 21 – 8-inch Diameter Water Line with Restrained Joints by Open Cut, Base Unit Price Item No. 23 – 8-inch Ductile Iron Water Line by Open Cut and the work not requiring use of most Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.79%. The Contractor achieved a “Satisfactory” rating for M/WBE Compliance.

REQUIDED AUTHORIZATION

CUIC ID# 20MZQ035

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

Velma Laws Michael Ho, P.E. Craig Foster
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for Supervisory Control & Data Acquisition (SCADA) and Security at Various Groundwater Production Facilities. WBS. No. S-000522-0007-4.

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

**DIRECTOR’S SIGNATURE:**
Michael S. Marcotte, P.E., DEE, Director

**FOR ADDITIONAL INFORMATION CONTACT:**
Timothy Lincoln, P.E.
Senior Assistant Director

**PHONE:** (713) 837-7074

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City’s Rehabilitation and Upgrade of various groundwater production facilities and was required to expand and enhance the SCADA System. It will enhance the monitoring and control capabilities of the plant, including the implementation of security and energy management systems.

**DESCRIPTION/SCOPE:** This project was associated with SCADA at various groundwater production facilities. At these groundwater production facilities, instrumentation was added to optimize chemical feed controls and the plant surveillance system. Camp Dresser & McKee, Inc. designed the project with 532 calendar days allowed for construction. The project was awarded to Boyer, Inc. with an original Contract Amount of $11,319,615.00.

**LOCATION:** The project is located at various groundwater production facilities.

**CONTRACT COMPLETION AND COST:** The Contractor, Boyer, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time with additional 166 days allowed by previously approved Change Order Nos. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 4 is $10,217,421.99, a decrease of $1,102,193.01 or 9.74% under the original Contract Amount.

The decreased cost is primarily due to Change Order No. 2 - Deletion of work at: South End, Parkglen No. 1, and Northgate No. 2 water plant sites.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 18.79%. The Contractor achieved an “Outstanding” rating for M/WBE Compliance.

**RECOMMENDATION:** (Summary) a motion to approve the final Contract Amount of $10,217,421.99 which is 9.74% under the original Contract Amount, accept the Work, and authorize final payment.

**AMOUNT AND SOURCE OF FUNDING:** No additional funding required.
Original appropriation of $12,978,700.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

**FINANCE DEPARTMENT:**

**PROJECT NOTICE/JUSTIFICATION:**

This project was part of the City’s Rehabilitation and Upgrade of various groundwater production facilities and was required to expand and enhance the SCADA System. It will enhance the monitoring and control capabilities of the plant, including the implementation of security and energy management systems.

**DESCRIPTION/SCOPE:** This project was associated with SCADA at various groundwater production facilities. At these groundwater production facilities, instrumentation was added to optimize chemical feed controls and the plant surveillance system. Camp Dresser & McKee, Inc. designed the project with 532 calendar days allowed for construction. The project was awarded to Boyer, Inc. with an original Contract Amount of $11,319,615.00.

**LOCATION:** The project is located at various groundwater production facilities.

**CONTRACT COMPLETION AND COST:** The Contractor, Boyer, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time with additional 166 days allowed by previously approved Change Order Nos. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 4 is $10,217,421.99, a decrease of $1,102,193.01 or 9.74% under the original Contract Amount.

The decreased cost is primarily due to Change Order No. 2 - Deletion of work at: South End, Parkglen No. 1, and Northgate No. 2 water plant sites.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 18.79%. The Contractor achieved an “Outstanding” rating for M/WBE Compliance.
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Purchase of Mobile Data Terminals, Mobile Radios and Radar Detectors Through the Houston-Galveston Area Council for the Fire and Police Departments

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

RECOMMENDATION: (Summary)
Approve an ordinance authorizing the appropriation of $431,682.80 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of mobile data terminals, mobile radios and radar detectors through the Houston-Galveston Area Council (H-GAC) in the amount of $931,352.20 for the Fire and Police Departments.

Award Amount - $931,352.20

$ 10,619.20 - General Fund (1000)
$313,026.00 - DARLEP Fund (2212)
$176,024.20 - Fleet/Equipment Acquisition Internal Services Fund (9002)
$431,682.80 - Equipment Acquisition Consolidated Fund (1800)
$931,352.20 - Total

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of $431,682.80 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of mobile data terminals, mobile radios, laptop computers, and radar detectors for the Fire and Police Departments through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of $931,352.00, and that authorization be given to issue a purchase orders to the H-GAC contractors shown below. The mobile data terminals will be installed in the Police Department’s Logistic Section’s vehicles to display emergency alerting and situational status information for first responders. The radar detectors will be used by Police officers citywide to target speeding vehicles and aggressive drivers. The mobile radios will be used by the Police and Fire department personnel as a first line of communication between dispatch operations and first responders.

Motorola, Inc.: Approve the purchase of fifty-two 20 GB, 512 MB/Ram, mobile data computer terminals and twenty-eight 10-50 watt, VHF, mobile radios for the Fire Department and twenty-eight 2GB, laptop computers and eighty-nine 10-40 watt, mobile radios for the Police Department in the amount of $770,769.40.

Kustom Signals, Inc.: Approve the purchase of twenty basic radar detectors, forty enhanced radar detectors and twelve laser radar detectors in the amount of $160,582.80.

These mobile data terminals and mobile radios will come with a full two-year manufacturer’s warranty. The laptops will come with a full one-year manufacturer’s warranty. The radar and enhanced radar detectors will come with a full two-year manufacturer’s warranty and the laser radar detector will come with a full one-year manufacturer’s warranty. This new equipment will replace existing equipment that has reached its life expectancy and will be sent to the Property Disposal Management Office for disposition.

The equipment that will be purchased with the funding from the Equipment Acquisition Consolidated Fund (Fund 1800) is included in the adopted FY2008 Equipment Acquisition Plan.

Buyer: Larry Benka
PR. No’s. 10050032, 10050054, 10053101, 10048269, 10049904, 10048637, and 10048454
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<thead>
<tr>
<th>Date: 7/7/2008</th>
<th>Subject: Purchase of Mobile Data Terminals, Mobile Radios and Radar Detectors Through the Houston-Galveston Area Council for the Fire and Police Departments S34-N22940-H</th>
<th>Originator's Initials LB</th>
<th>Page 2 of 2</th>
</tr>
</thead>
</table>

Buyer: Larry Benka  
PR No's: 10050032, 10050054, 10053101, 10048269, 10049904, 10048637, and 10048454
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<thead>
<tr>
<th>Dept.</th>
<th>Description</th>
<th>Contractor</th>
<th>Qty</th>
<th>Unit Cost</th>
<th>Fiscal Year</th>
<th>Fund</th>
<th>Amount</th>
<th>Requisition Total</th>
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<tr>
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<td>Mobile Data Terminal</td>
<td>Motorola Inc.</td>
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<td>Equipment Acquisition Consolidated Fund</td>
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<td>Motorola Inc.</td>
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<td>Motorola Inc.</td>
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<td>Police Special Services Fund</td>
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<td>Police Special Services Fund</td>
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<td>Police Special Services Fund</td>
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<td>Police Dept.</td>
<td>Shipping Cost</td>
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<td>$21.00</td>
<td>08</td>
<td>Police Special Services Fund</td>
<td>$840.00</td>
<td>$840.00</td>
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</tbody>
</table>

*Unit Price includes H-GAC Fee (unless listed separately)
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve Purchase of Securing Services for Multi-family Buildings and Swimming Pools for the Police Department

S08-Q22949

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

Director's Signature:

For additional information contact:
Joseph Fenninger
Phone: (713) 308-1708
Ray DuRousseau
Phone: (832) 393-8726

RECOMMENDATION: (Summary)
Approve an award to Smith-Mobley, Inc. on its low exempt bid in the amount of $101,920.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of $10,192.00 for a total amount not to exceed $112,112.00 to secure multi-family buildings and swimming pools for the Police Department.

Award Amount: $112,112.00

$112,112.00 - General Fund (1000)

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an award to Smith-Mobley, Inc. on its low exempt bid in the amount of $101,920.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of $10,192.00 for a total amount not to exceed $112,112.00 to secure multi-family buildings and swimming pools for the Police Department and that authorization be given to issue purchase orders as necessary. These services are needed to secure multi-family buildings and swimming pools and perform clean-up services, in accordance with City codes, thus preserving and protecting the health and safety of the citizens in these areas.

The certified companies approved by City Council to perform these types of services were requested to bid on these projects and four companies responded:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>TOTAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Smith-Mobley, Inc.</td>
<td>$101,920.00</td>
</tr>
<tr>
<td>2. Willis Demolishing</td>
<td>$114,200.00</td>
</tr>
<tr>
<td>3. Covenant A/C &amp; Heating</td>
<td>$116,702.70</td>
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<tr>
<td>4. Houston G&amp;G Demolition Services</td>
<td>$131,400.00</td>
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</tbody>
</table>

The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to secure multi-family buildings and swimming pools and provide site clean up services. The multi-family buildings and swimming pools listed on Page 2 of 2 were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas and are in violation of the dangerous building ordinance as defined by the Houston Code of Ordinances.

This purchase relates to the preservation and protection of public health and safety, and therefore is exempt from the competitive bid laws.

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:

Origination Date: July 09, 2008
Agenda Date: JUL 23 2008
Council District(s) affected:
Date and Identification of prior authorizing:
Council Action:
<table>
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<tr>
<th>Address</th>
<th>Council District</th>
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<tbody>
<tr>
<td>815 Autumnwood (Bldg, #1)</td>
<td>I</td>
<td>Rolland Harris Elementary</td>
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<tr>
<td>815 Autumnwood (Bldg, #2)</td>
<td>I</td>
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<tr>
<td>815 Autumnwood (Bldg, #3)</td>
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<tr>
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<td>815 Autumnwood (Bldg, #6)</td>
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<td>815-835 Autumnwood (Pool #1)</td>
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<tr>
<td>815-835 Autumnwood (Pool #2)</td>
<td>I</td>
<td>Rolland Harris Elementary</td>
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Buyer: Angela Dunn
RQ: 10048257
REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase of professional services from the Texas Association of Local Health Officials ("TALHO") for the Real-time Outbreak and Disease Surveillance (RODS) System.

FROM (Department or other point of origin):
Stephen L. Williams, M.Ed., M.P.A.
Director-Houston Department of Health and Human Services

DIRECTOR'S SIGNATURE: [Signature]

Council District affected: ALL

RECOMMENDATION: (Summary)
Adopt motion authorizing issuance of a purchase order to the Texas Association of Local Health Officials (TALHO) for professional services to connect a minimum of 10 hospitals to the Real-time Outbreak and Disease Surveillance (RODS) System.

Amount of Funding: $75,440.00
Federal State Local-Pass Through Fund (5030)

SOURCE OF FUNDING: [X] Grant Fund

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) requests City Council authorization to issue a purchase order in the amount of $75,440.00 to the Texas Association of Local Health Officials ("TALHO") to connect a minimum of 10 hospitals to the RODS System. RODS will receive real-time chief complaint data from each hospital and will immediately forward this data to the HDHHS Early Event Detection (EED) System.

Early event detection (EED) is the ability to detect, at the earliest possible time, events that may signal a public health emergency. EED is comprised of case and suspect case reporting along with statistical analysis of health-related data. EED is a priority for public health preparedness and this project will substantially increase the capabilities of the existing EED system in Houston and the surrounding areas.

TALHO is a non-profit organization created to further their members' common goals, such as promoting health, preventing disease and protecting the environment. The company works in various ways to ensure the public health of the state of Texas through leadership, vision and advocacy. TALHO also provides technical support services, including administration of the Texas Health Alert Network, videoconferencing services, a video-on-demand content distribution network, email services and VPN, network and systems design and management, as well as general PC hardware and software support. TALHO is a one-stop information technology design, implementation and support shop for their contracted public health members.

The scope of the professional services will include engineering a data transport process that will deliver data in real-time via the private T-1 Wide Area Network link that connects HDHHS to the TALHO network. Data will be delivered over this transport to an HL7 interface engine configured and managed by HDHHS. The receipt of data from 10+ additional hospitals will significantly improve HDHHS ability to identify and respond to potential disease outbreaks within the city of Houston.

RECOMMENDED ACTION:
Adopt motion authorizing issuance of a purchase order to the Texas Association of Local Health Officials (TALHO) for professional services to connect a minimum of 10 hospitals to the Real-time Outbreak and Disease Surveillance (RODS) System.

Amount of Funding: $75,440.00

SOURCE OF FUNDING: [X] Grant Fund

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) requests City Council authorization to issue a purchase order in the amount of $75,440.00 to the Texas Association of Local Health Officials ("TALHO") to connect a minimum of 10 hospitals to the RODS System. RODS will receive real-time chief complaint data from each hospital and will immediately forward this data to the HDHHS Early Event Detection (EED) System.

Early event detection (EED) is the ability to detect, at the earliest possible time, events that may signal a public health emergency. EED is comprised of case and suspect case reporting along with statistical analysis of health-related data. EED is a priority for public health preparedness and this project will substantially increase the capabilities of the existing EED system in Houston and the surrounding areas.

TALHO is a non-profit organization created to further their members' common goals, such as promoting health, preventing disease and protecting the environment. The company works in various ways to ensure the public health of the state of Texas through leadership, vision and advocacy. TALHO also provides technical support services, including administration of the Texas Health Alert Network, videoconferencing services, a video-on-demand content distribution network, email services and VPN, network and systems design and management, as well as general PC hardware and software support. TALHO is a one-stop information technology design, implementation and support shop for their contracted public health members.

The scope of the professional services will include engineering a data transport process that will deliver data in real-time via the private T-1 Wide Area Network link that connects HDHHS to the TALHO network. Data will be delivered over this transport to an HL7 interface engine configured and managed by HDHHS. The receipt of data from 10+ additional hospitals will significantly improve HDHHS ability to identify and respond to potential disease outbreaks within the city of Houston.

cc: Finance & Administration
Agenda Director

REQUIRED AUTHORIZATION

Finance Director

Other Authorization:

Other Authorization:
SUBJECT: Purchase of Dell\textsuperscript® computer equipment and peripheral components through the City’s Master Agreement with Texas Department of Information Resources (DIR) for the Public Health Information Network (PHIN) Portal project

FROM (Department or other point of origin):
Stephen L. Williams, M.Ed., M.P.A.
Director-Houston Department of Health and Human Services

DIRECTOR’S SIGNATURE:  

Council District affected: ALL

RECOMMENDATION: (Summary)
A motion approving the purchase of Dell\textsuperscript® computer equipment and peripheral components in the total amount of $117,342.13 through the City’s Master Agreement with Texas Department of Information Resources (DIR) for the Public Health Information Network (PHIN) Portal project.

Amount of Funding: $117,342.13
Federal State Local-Pass Through Fund (5030)

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

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) recommends that City Council approve the purchase of Dell\textsuperscript® computer equipment and associated peripheral components in the total amount of $117,342.00 through the City’s Master Agreement with the Texas Department of Information Resources (DIR) and that authorization be given to issue a purchase order to DIR in the amount of $117,342.00. The main components of this purchase consist of fifteen (15) blade servers, one tape library, and a 24 port switch (connectivity switch).

The computer equipment is being purchased for the PHIN Portal project. The PHIN Portal project is designed to be a centralized high-capacity syndromic surveillance system portal that will be accessible by the local health departments. This portal will be a repository for syndromic systems that may include, but is not limited to Real-time Outbreak Disease Surveillance (RODS), Biosense, and Electronic Surveillance System for the Early Notification of Community-Based Epidemics (ESSENCE).

The presence of a state-wide surveillance system has been a CDC preparedness goal for Texas for many years. This system will provide a turnkey service for local health departments, offered on the Application Service Provider (ASP) model. The equipment and software will be installed at the Texas Network Security Operations Center (NSOC) within the racks managed by the Texas Association of Local Health Officials (TALHO). TALHO maintains a Wide Area Network (WAN) which connects all local health departments that participate in public health preparedness. By installing this equipment at the core of this network and implementing syndromic surveillance software/databases on this equipment, all health departments will have easy access to syndromic surveillance services which will improve reporting turnaround and availability of surveillance data and improve documentation and shared understanding of business processes used for syndromic surveillance.

cc: Finance & Administration
Agenda Director

RECOMMENDED ACTION:
A motion approving the purchase of Dell\textsuperscript® computer equipment and peripheral components in the total amount of $117,342.13 through the City’s Master Agreement with Texas Department of Information Resources (DIR) for the Public Health Information Network (PHIN) Portal project.

Amount of Funding: $117,342.13
Federal State Local-Pass Through Fund (5030)

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

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) recommends that City Council approve the purchase of Dell\textsuperscript® computer equipment and associated peripheral components in the total amount of $117,342.00 through the City’s Master Agreement with the Texas Department of Information Resources (DIR) and that authorization be given to issue a purchase order to DIR in the amount of $117,342.00. The main components of this purchase consist of fifteen (15) blade servers, one tape library, and a 24 port switch (connectivity switch).

The computer equipment is being purchased for the PHIN Portal project. The PHIN Portal project is designed to be a centralized high-capacity syndromic surveillance system portal that will be accessible by the local health departments. This portal will be a repository for syndromic systems that may include, but is not limited to Real-time Outbreak Disease Surveillance (RODS), Biosense, and Electronic Surveillance System for the Early Notification of Community-Based Epidemics (ESSENCE).

The presence of a state-wide surveillance system has been a CDC preparedness goal for Texas for many years. This system will provide a turnkey service for local health departments, offered on the Application Service Provider (ASP) model. The equipment and software will be installed at the Texas Network Security Operations Center (NSOC) within the racks managed by the Texas Association of Local Health Officials (TALHO). TALHO maintains a Wide Area Network (WAN) which connects all local health departments that participate in public health preparedness. By installing this equipment at the core of this network and implementing syndromic surveillance software/databases on this equipment, all health departments will have easy access to syndromic surveillance services which will improve reporting turnaround and availability of surveillance data and improve documentation and shared understanding of business processes used for syndromic surveillance.

cc: Finance & Administration
Agenda Director
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve a Sole Source Purchase of Software Maintenance Services for the WebFOCUS® Pro Server and iWay Licenses for the Public Works & Engineering Department

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

RECOMMENDATION: (Summary)
Approve a sole source purchase from Information Builders, Inc. in the amount of $191,320.00 for software maintenance services for the WebFOCUS® Pro Server and iWay licenses for the Public Works & Engineering Department.

Maximum Contract Amount: $191,320.00

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve a sole source purchase from Information Builders, Inc. in the amount of $191,320.00 for software maintenance services for the WebFOCUS® Pro Server and iWay licenses for the Public Works & Engineering Department, and that authorization be given to issue a purchase order. The WebFOCUS® software suite will provide enterprise reporting and tools to develop a web portal to interface directly with the Integrated Land Management System (ILMS). Maintenance shall include all product technical updates, enhancements, and telephone support.

Information Builders, Inc. is the proprietary owner, developer, manufacturer, supplier, and distributor of the WebFOCUS® and iWay software products and applications, and has no authorized third-party maintenance providers.

The scope of work requires the contractor to provide the WebFOCUS® software suite and licenses to the Public Works & Engineering Department (PW&E). In addition, PW&E’s Information Technology personnel will receive the software with 30 days of training for utilizing their proprietary Developer Studio® software for creating reports from the ILMS. These reports are used by supervisors and all levels of management of the Code Enforcement, Plan Review, Building Inspection, Sign Administration, Encroachment, and Fire Marshall Divisions, along with the Solid Waste Management Department.

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

Buyer: Greg Hubbard

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:
SOFTWARE & CONSULTING CERTIFICATION

"The undersigned hereby certifies that [Information Builders, Inc.] is the sole owner, developer, manufacturer, supplier and distributor of the WebFOCUS and iWay software products licensed by City of Houston. As the software manufacturer/developer, retains ownership of the source code for the products listed below, and the entity exclusively authorized to provide product fixes, patches, updates, or upgrades. Software maintenance includes all product updates and enhancements, technical/telephone support. The undersigned further certifies that Information Builders, Inc., is the provider of Consulting Services utilizing the products listed below:

Product Names:
FOCUS and all options, adapters and features, WebFOCUS and all options, adapters and features, and iWay and all options, ETL tools, adapters, and features. Additional product information available on our home website at www.informationbuilders.com.

Vendor Name: Information Builders, Inc.
Address: 10375 Richmond Ave., Ste 1400
          Houston, TX 77042

Contact person: Lance Shealy
Phone Number: 713/952-4800
Fax Number: 713/975-1436
Email address: Lance_Shealy@ibi.com

Certification is good for one year from the below executed signature date.

Lance Shealy
Printed Name

04-22-2008
Date
SOLE SOURCE CERTIFICATION

<table>
<thead>
<tr>
<th>PART NUMBER</th>
<th>COMMODITY CODE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>VENDOR NAME (ADD MANUFACTURER'S NAME ALSO, IF DIFFERENT)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INFORMATION BUILDER INC.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VENDOR ADDRESS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10375 Richmond Ave, Ste 1400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VENDOR TELEPHONE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>713-952-4800</td>
<td></td>
<td></td>
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<tr>
<td>VENDOR CONTACT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LANCE SHEALY - ACCOUNT REPRESENTATIVE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SOLE SOURCE - Procurements where the functional needs of the City can be satisfied by only one source. (Ref. - Texas Local Government Code Section 252.022; City of Houston, Executive Order 1-8).

Check mark the appropriate reason the above item, material or service has no substitute and can be obtained only from the indicated vendor. Attach letter from the manufacturer, on their letterhead, as backup.

- Item is Patented. Vendor has exclusive supplier rights.
- Item is Copyrighted. Vendor has exclusive supplier rights.
- Item is a ___Book, ___Manuscript, or ___Film and is available only from the above Vendor.
- Item is a Product/Service provided by a Legal Monopoly.
- Item is a Captive Replacement Part and must be ordered because of one of the following reasons.
  (Check One)
  □ Use of a generic substitute will void warranty. Vendor is the only local supplier of acceptable parts.
  □ Captive Replacement parts are available only from the above Vendor who is the original manufacturer of the item being replaced.
  □ Use of generic substitute parts will require extensive modification of equipment. Modification would not be cost effective. (attach cost analysis). Above Vendor is the only supplier of the acceptable part.
  □ Captive replacement parts are available only from the above Vendor who is the sole authorized distributor for the manufacturer and no other Vendor is authorized to sell these items to the City of Houston.
- □ Other. There are no other distributors in the United States.

ORIGINATOR'S STATEMENT

I CERTIFY THAT THE ABOVE ITEM, MATERIALS OR SERVICE IS A SOLE SOURCE ITEM FOR THE REASON INDICATED ABOVE.

ORIGINATING DEPT: PUBLIC WORKS & ENGINEERING DIVISION: MMB

Originator's Signature: [Signature]

Date: 18-Jan-98

F&A MATERIALS MANAGEMENT BRANCH AUTHORIZING APPROVAL DATE

Buyer:
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Formal Bid Received for Automotive Tire and Tube Materials & Repair Services for Various Departments
S21-S22818

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

FOR ADDITIONAL INFORMATION CONTACT:
David Guernsey
Phone: (713) 238-5241
Desiree Heath
Phone: (832) 393-8742

RECOMMENDATION: (Summary)
Approve an award to Rema of Texas on its sole bid in an amount not to exceed $448,100.00 for automotive tire and tube materials and repair services for various departments.

Estimated Spending Authority: $448,100.00

$ 276,500.00 - General Fund (1000)
$ 171,600.00 - Fleet Management Fund (1005)
$ 448,100.00 - Total

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an award to Rema of Texas on its sole bid in an amount not to exceed $448,100.00 for automotive tire and tube materials and repair services for various departments. It is further requested that authorization be given to make purchase orders, as needed, for a 60-month period. This award consists of two price lists for various tire and tube materials which includes; but is not limited to, wheel weights, electric compressors, tire changers, hydraulic jacks, two-post symmetrical lifts that will be used by the Police, Fire, Parks and Recreation, Solid Waste Management and Public Works & Engineering Departments’ fleet sections for tire repairs on vehicles citywide. This award also includes a $5,600.00 labor component for those repair services that cannot be performed by City maintenance personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Only one prospective bidder downloaded and submitted a bid for the solicitation document from SPD’s e-bidding website. Due to the specialized nature of this commodity, the Strategic Purchasing Division’s research found that there were two potential suppliers that could provide this commodity. Subsequent to receipt of the bid, the suppliers that visited and viewed the website for this solicitation but did not download the document were contacted to determine the reason why they did not submit a bid. Specifically, Myers Tire Supply advised that their company could not honor an unobligated award amount for a 60-month term and because they were distributors not manufacturers, their pricing would not be competitive.

M/WBE Subcontracting:
This bid was issued with a 4% goal for M/WBE participation. Rema of Texas has designated the below-named companies as its certified M/WBE subcontractors:

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<thead>
<tr>
<th>NAME</th>
<th>TYPE OF WORK</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huckster Packaging &amp; Supply</td>
<td>Package Materials</td>
<td>$ 4,481.00</td>
<td>1%</td>
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<tr>
<td>2M Business Products</td>
<td>Office Supplies</td>
<td>$13,443.00</td>
<td>3%</td>
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</table>

REQUIRED AUTHORIZATION

Finance Department: Other Authorization:

RCA# 7910
The Affirmative Action Division will monitor this award.

Buyer: Laura A. Marquez

### ESTIMATED SPENDING AUTHORITY

<table>
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<tr>
<th>DEPARTMENT</th>
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<th>OUT YEARS</th>
<th>TOTAL</th>
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<tr>
<td>Public Works &amp; Engineering</td>
<td>$34,320.00</td>
<td>$137,280.00</td>
<td>$171,600.00</td>
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<tr>
<td>Parks &amp; Recreation</td>
<td>$900.00</td>
<td>$32,100.00</td>
<td>$33,000.00</td>
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<tr>
<td>Fire</td>
<td>$5,300.00</td>
<td>$99,200.00</td>
<td>$104,500.00</td>
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<tr>
<td>Solid Waste Management</td>
<td>$899.00</td>
<td>$53,101.00</td>
<td>$54,000.00</td>
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<td>Police</td>
<td>$1,416.67</td>
<td>$83,583.33</td>
<td>$85,000.00</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$42,835.67</strong></td>
<td><strong>$405,264.33</strong></td>
<td><strong>$448,100.00</strong></td>
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</tbody>
</table>
To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Laura A. Marquez  
Assistant Purchasing Agent

Date: October 5, 2007

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement):  
Yes ☐ No ☒ 4%

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

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

Solicitation Number: S21 ☒ 22.518

Anticipated Advertisement Date: 10/19/2007

Goal On Last Contract: 3%

If goal was not met, what did the vendor achieve:  
Name and Intent of this Solicitation:  
Automotive, Tire and Tube Materials & Repair for Various Departments

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

MWBE goal of 4% can be achieved through subcontractors listed and certified in the Affirmative Action website for their delivery/transportation services and office supplies. On the previous award the prime vendors actual percentage was 4.293%.

Concurrence:

SPD Initiator  
Robert Gallegos, Deputy Assistant Director  
*Affirmative Action

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

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

File location: http://choice.net/spd/forms.html  
REVISED: 07/09/2007
REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2)

FROM (Department or other point of origin):
Planning and Development

DIRECTOR’S SIGNATURE:

For additional information contact: Diana DuCroz
Phone: 713-837-7924

RECOMMENDATION: (Summary)

Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2)

SPECIFIC EXPLANATION:

In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, 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 as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the two historic landmark designations.

There were no objections to the applications.

MLG: tm

Attachments: Applications and Staff Reports

Marty Stein, Agenda Director
Emily Todd, 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:
<table>
<thead>
<tr>
<th>LANDMARKS NAME /ADDRESS:</th>
<th>INITIATED BY:</th>
<th>COUNCIL DISTRICT:</th>
<th>HAHC HEARING:</th>
<th>PLANNING COMMISSION HEARING:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. John B. Hines House 2219 Brentwood Drive</td>
<td>Owner</td>
<td>G</td>
<td>4-3-2008</td>
<td>4-24-2008</td>
</tr>
<tr>
<td>2. Dr. Everett Seale House 3408 Ella Lee Lane</td>
<td>Owner</td>
<td>G</td>
<td>4-3-2008</td>
<td>4-24-2008</td>
</tr>
</tbody>
</table>
LANDMARK DESIGNATION REPORT

LANDMARK NAME: John B. Hines House
OWNERS: Mary and Daniel F. Castaneda
APPLICANTS: Same as Owners
LOCATION: 2219 Brentwood Drive - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: V.a
HPO FILE NO.: 08L198
DATE ACCEPTED: Feb-29-08
HAHC HEARING: Apr-03-08
PC HEARING: Apr-24-08

SITE INFORMATION
Lot 3, Block 46, River Oaks Section 1, 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 John B. Hines House at 2219 Brentwood Drive was built in 1927-1928 for Houston insurance executive, John Bizzell Hines. The two-story brick home is a good example of the Colonial Revival style and was designed and constructed by Houston architect, Joseph W. Northrop, Jr. Northrop's body of work is substantial and includes the designs of the First Evangelical Lutheran Church on Holman Street, First Congregational Church (now St. Matthew Lutheran Church) on South Main, and the monumental base for the Sam Houston statue in Hermann Park. Northrop also laid out the master plan for the West Eleventh Place subdivision, and was involved in the design and construction of the early Rice University campus. The John B. Hines House qualifies for Landmark Designation under Criteria 1, 4, and 6.

HISTORY AND SIGNIFICANCE:
Houston architect, Joseph W. Northrop, Jr., designed the house at 2219 Brentwood Drive in 1927-28 for John Bizzell Hines. Hines, who was born in Tallahassee, Florida, in 1874, and moved to Houston circa 1915, worked in the insurance industry for his entire career. At the time of construction of 2219 Brentwood, Hines was working as the manager of the Southern Adjustment Company, with offices in the Second National Bank Building. By 1935, he was employed as the general manager of the Southwest Fire Companies Adjustment Bureau, where he remained for the rest of his career. According to his 1950 obituary, he was a member of Christ Church Cathedral. Hines' wife, Johnye Hines, continued to live in the home for fifteen years after his death.

In 1965, the house was purchased by Ted L. Bellmont, who also worked in the insurance business. Ted and Peggy Bellmont owned the home until the early 1980s, after which the home went through a succession of owners, including Robert P. Kirby, Richard and Susan Gordon, Stephen and Suzan Brice, Timothy and Patti Hand, and finally the current owners, Mollie and Dan Castaneda, who purchased the house in 2002.

Joseph Walter Northrop, Jr., the house's architect, was born in 1886 in Bridgeport, Connecticut. He graduated from Wesleyan University in 1907 and received a B.S. in Architecture from Massachusetts Institute of Technology in 1910. Following graduation, he went to work for the Boston architectural firm of Cram, Goodhue and Ferguson, which sent him to Houston in 1911 to oversee the construction
of the original buildings at Rice Institute (now Rice University). Northrop was "clerk-of-the-works" for the firm during the construction of Rice University, and assisted in creating the layout for the campus and designing the first buildings at the school.

Northrop remained in Houston to pursue an independent career, and is best known today for his residential work, particularly in the South End neighborhoods of Houston. He was one of four architects commissioned by the Hogg family to design model homes for the exclusive new River Oaks subdivision. In 1920, Northrop laid out the master plan for West Eleventh Place (City of Houston and National Register Historic District) and designed four of the eight houses built there. He also designed two of the earliest houses in Shadow Lawn, including one for John H. Crooker (1923-24), the developer of Shadow Lawn (City of Houston Historic District, pending).

From the 1920s through the 1950s, Northrop designed a number of public buildings in Houston, including the First Evangelical Church at 1311 Holman Street (1927, now First Evangelical Lutheran Church, City of Houston Protected Landmark); the First Congregational Church at 5315 South Main (1927, now St. Matthew Lutheran Church); the San Jacinto Trust Company Building (1927-28); the Houston Title Guaranty Building (1952); and a series of buildings for Jesse Jones. Northrop also designed the monumental base for sculptor Enrico Cerracchio's statue of Sam Houston located in Hermann Park (1925).

In 1941-42, Northrop served as chief architect for the Federal Housing Administration in Houston. His designs were published in several professional journals, including Architect, American Architect, and Architectural Forum. His "Mediterranean"-style First Evangelical Church in Houston, which recalls the architecture of Rice Institute, received honorable mention in 1930 in a nationwide competition sponsored by the Christian Herald. In 1931, American Architect awarded Northrop a certificate of merit for the Henry M. Holden residence (1924). Two houses he designed on South Boulevard in the West Edgemont subdivision were written up in House & Garden in the early 1930s. Northrop was a member of Phi Beta Kappa and of the River Oaks Country Club, and was a parishioner of Trinity Church. He joined the American Institute of Architects in 1923 and served two consecutive terms as president of the South Texas Chapter, from 1927 to 1929. Northrop married Mary Harris in Houston in 1915. They were the parents of three sons, the second of whom, Page Harris Northrop, joined his father in the firm of Northrop and Northrop in 1942. The elder Northrop died in Houston on September 26, 1968, and was buried in Glenwood Cemetery.

According to the 1929 booklet published by River Oaks Corporation and River Oaks Scrapbooks, the following list of River Oaks residences can also be attributed to Northrop:

- 2414 Stanmore (1927-28).
- 3362 Inwood (1927-28, demolished).
- 3352 Del Monte, an original home of Country Club Estates (1929, demolished).
- 2442 Pelham Drive (1929).
- 2516 Inwood Drive (1929).
ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The John B. Hines House was designed in the Colonial Revival style, a popular architectural style in major American cities during the early 20th Century. The style was intended to glorify the roots of early American culture at a time of resurgence in interest in the American Colonial period.

The house is two stories in height with a steeply pitched side-gabled roof, and is clad in painted brick veneer. The main body of the symmetrically arranged house is five bays in width, with a one bay wide two-story wing flanking each end of the house. The front façade features 6/6 lite, double-hung, wood-sash windows, which are spaced evenly across the first and second floors. A prominently placed center entry is capped by a fanlight and sheltered by a shallow pediment with matching pilasters. A matching window flanked by sidelights is centered above the front entry. The portions of the house visible from the public right-of-way retain a high degree of architectural integrity.

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 and Diana DuCroz, Planning and Development Department, City of Houston.

BIBLIOGRAPHY:

Houston Chronicle, Obituary for Joseph Northrop, September 27, 1968.
River Oaks: A Pictorial Presentation, 1929.
River Oaks Scrapbooks 5A and 5B.

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:

<table>
<thead>
<tr>
<th>S</th>
<th>NA</th>
<th>S - satisfies</th>
<th>NA - not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td></td>
<td>(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));</td>
<td></td>
</tr>
<tr>
<td>☑</td>
<td></td>
<td>(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));</td>
<td></td>
</tr>
<tr>
<td>☑</td>
<td></td>
<td>(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));</td>
<td></td>
</tr>
</tbody>
</table>
(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 accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the John B. Hines House at 2219 Brentwood Drive.
LANDMARK DESIGNATION REPORT

LANDMARK NAME: Dr. Everett Seale House
OWNERS: Christina A. Bryan and James H. Peacock, III
APPLICANTS: Same as Owners
LOCATION: 3408 Ella Lee Lane – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: V.b
HPO FILE NO.: 08L199
DATE ACCEPTED: Feb-29-08
HAHC HEARING: Apr-03-08
PC HEARING: Apr-24-08

SITE INFORMATION
Lot 11 and Tract 12A, Block 60, River Oaks Section 7, City of Houston, Harris County, Texas. The site includes a two-story residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:
The Dr. Everett Seale House at 3408 Ella Lee Lane was the home of prominent Houston dermatologist, Dr. Everett Seale. The two-story Colonial Revival house was designed in 1941 by Houston architects, Hiram A. Salisbury and T. George McHale. The substantial body of work created by these architects includes many homes in River Oaks and Southampton, as well as St. John's School and St. John's Chapel (designed in association with Mackie and Kamrath Architects), and St Stephen's Episcopal Church. The Dr. Everett Seale House qualifies for Landmark Designation under Criteria 1, 3, and 6.

HISTORY AND SIGNIFICANCE:
Houston architects, Hiram A. Salisbury and T. G. McHale, designed the house at 3408 Ella Lee Lane in 1941. On January 25, 1942, the Houston Post published the following article:

"Residence Bought by Dr. E.R. Seale – Dr. and Mrs. Everett R. Seale have purchased a lovely 2-story brick veneer colonial residence at 3408 Ella Lee Lane in River Oaks from Sam Houston Attwell for $22,000 cash... The residence, occupying an 80 by 150 foot site, contains three bedrooms, screened porch and two baths upstairs and powder room, open porch and library downstairs."

At the time of the purchase of the home, the Seale family was renting a house at 3444 Wickersham. It is unknown whether the residence at 3408 Ella Lee Lane was constructed as a speculative home or as a custom home for Sam Houston Attwell, an attorney. It is clear, however, that the Seales were the first residents of the home.

Dr. Everett Richardson Seale was born on August 3, 1902, in Nacogdoches, Texas. He graduated Salutatorian of his high school class, attended the University of Texas, and obtained his medical degree in 1925. He completed his internship at John Seelye Hospital in Galveston and his residency at the Bernard Skin and Cancer Hospital in St. Louis. Dr. Seale practiced dermatology in Houston for over 50 years. In 1941, at the time of the purchase of 3408 Ella Lee, Dr. Seale's listing in the City Directory shows him as a "Physician and Surgeon specializing in Diseases of the Skin and Radius Therapy" with offices at 1017 Medical Arts Building.
Dr. Seale's career in Houston was notable. He served as chairman of the Department of Dermatology at Baylor College of Medicine, and as president of the Texas Dermatological Society, the Dermatology Section of the Southern Medical Association, and the American Academy of Dermatology. He was a member of the Harris County Medical Society, the American Medical Association, the American Dermatological Association, River Oaks Country Club, the Bayou Club, and the Eagle Lake Rod and Gun Club. During World War II, Dr. Seale served in the Medical Corps of the Air Force, achieving a rank of Lieutenant Colonel. He lived a long and active life, dying in 1999 at the age of 97.

Dr. and Mrs. Seale lived in the house on Ella Lee Lane for over 30 years. After Mrs. Seale's death in 1972, Dr. Seale sold the home to Don Chapoton, an attorney with Baker Botts who specialized in income tax matters. From 1986 to 1989, Chapoton served at the U.S. Treasury Department as the Assistant Secretary for Tax Policy under Secretary James A. Baker. Markley Crosswell bought the house in 1986, and later owners include Carrol Hochner (1990) and George W. Fink (1996). The current owners, James Peacock and Christina Bryan, purchased the home in 2007.

According to architectural historian Stephen Fox, Hiram A. Salisbury (1892-1973), the architect of the Dr. Seale House, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and graduated from the School of Architecture at New York's Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with his office in the Post-Dispatch (subsequently Shell) Building, where he had his office until 1937. Salisbury served as the president of the American Institute of Architects, Houston Chapter, in 1954.

Beginning in 1928, Salisbury collaborated on many projects with fellow architect, T. George McHale. Thomas George McHale (1903-1975) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. After receiving his architectural degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924, he worked for James A. Allen and Leo A. Daly. Starting in 1925, he worked for George B. Prinz for a few years.

Salisbury and McHale's projects included residential, commercial, and church buildings. Among their more notable projects are St. Stephen's Episcopal Church at 1805 W. Alabama (1941); St. John's School at 2401 Claremont (1945-49); and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Salisbury and McHale relocated their offices to the River Oaks Community Center at 2017 W. Gray in 1938-39, and moved again to 3501 Allen Parkway in 1945.

Beginning in 1930, Hiram A. Salisbury and his wife lived at 3412 Yupon between Hawthorne and Harold. By 1953, the Salisburys were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired to Medford, Oregon. McHale was married to Inez P. McHale, a celebrated Houston interior decorator. The McHales lived at 1106 Palm Avenue before moving to 2 Courtlandt Place.

A list of identified works of Salisbury (HAS) in association with McHale (TGMcH) and others, which was researched and provided by Stephen Fox, includes: Masonic Temple, 118 N. 11th St., McAllen TX (1926); Southampton Home Sensible, 2218 Dunstan Rd (1927); W. L. Pearson House, Corpus Christi TX (1927); Ironcraft Studio Building (altered), 3901-07 Main St. (1927); H. Q. Rickman House, 2223 Stanmore (1927) (American Architect 5 Jan 1928); Nelms Building (H. S. Tucker & Co. Oakland-Pontiac dealership) (demolished), 2310 Main St. (1927); E. E. Johnson House, 949 S. Ohio Ave., Mercedes, TX (1927); Emergency Clinic and Hospital Unit 2 (demolished), 1316 75th St. (1928); Mrs. H. F. Lawson Building (demolished), 1010 Holman Ave. (1929); Robert H. Pentz House,
2159 Inwood Dr. (1930); Speculative House (Paul Weaver House), 3443 Inwood Dr. (1930); Benson-Hall Construction Co. House (A. E. Kerr, Jr., House), 2005 Bellmeade Rd. (1931); Frank L. Webb House, 2935 Chevy Chase Dr. (1931); W. E. Sampson House (demolished), 984 Kirby Drive (1932), with Cameron Fairchield; Charles A. Perlitz House (demolished 2005), 1005 Sul Ross Ave. (c. 1932); Stewart P. Coleman House, 6 Shadowlawn Circle (1933); W. E. Montieth House, 5 Shadowlawn Circle (1934); James Anderson House, 5216 Dunlavy St. (1934); C. Milby Dow Bay House “Raven Moor”, near Baytown (1935); Henry A. Sauer House, 2229 Inwood Dr. (1935), HAS & TGMcH; Damon Wells House, 1659 North Blvd. (1935), HAS; Larry J. Langdon House, 2131 Troon Rd. (c. 1936); Elwood Fouts House (altered), 3470 Inwood Dr. (1936), HAS & TGMcH; Francis G. Coates House, 3417 Del Monte Dr. (1936), HAS & TGMcH; J. E. Cooper House, 2247 Dryden Rd. (1936), HAS with H. Edward Maddox, and Claude E. Hooton; Pfeiffer House, River Oaks Boulevard (demolished May 2004); George B. Corless House, 1936 Larchmont Rd. (1936), HAS & TGMcH; H. F. Junker House, 2226 Shakespeare Rd. (1936), HAS & TGMcH; St. James Episcopal Church, 1500 N. Thompson St., Conroe (1936-37), HAS & TGMcH; J. Sayles Leach House (demolished), 2207 River Oaks Blvd. (1937), HAS & TGMcH (House & Garden); Royston H. Patterson House, 7370 Sims Dr. (1937), HAS & TGMcH; John S. Bonner House, 1705 North Blvd. (1938), HAS & TGMcH; Lucien L. Powell House, 2111 Pine Valley Dr. (1938), HAS & TGMcH; Wheeler Nazro House, 3400 Piping Rock Lane (1938), HAS & TGMcH; P. L. Williams House, 3612 Rio Vista Dr. (1938), HAS & TGMcH; Katrina Byram House, 2135 University Blvd. (1939), HAS & TGMcH; Ned Gill House, 949 Kirby Dr. (c. 1940); Harry J. Kuhn House (demolished), 22 N. West Oaks (1940), HAS & TGMcH; William S. Bonner House, 1412 North Blvd. (1940), HAS & TGMcH; E. H. Lorehn House (altered), 2198 Troon Rd. (1940), HAS & TGMcH; W. Leland Anderson House, 1519 South Blvd. (1940), HAS & TGMcH; George C. Schmidt House (demolished), 21 Westlane Place (1940), HAS & TGMcH; Dr. Paul Ledbetter House, 3508 Inwood Dr. (1941), HAS & TGMcH; Thomas D. Anderson House (attribute but not proven), 3929 Del Monte Dr. (1941); Chapel, St. John The Divine Episcopal Church, 2450 River Oaks Blvd. (1941), HAS & TGMcH and MacKie & Kamrath, Birdsall P. Briscoe, consulting architects; St. Stephen’s Episcopal Church, 1805 W. Alabama Ave. (1941), HAS & TGMcH; Jack Roach Building, 6000 Block of Harrisburg Blvd. (1941), HAS & TGMcH; Adolph Pfeffer House, 2109 River Oaks Blvd. (1930s), HAS & TGMcH; W. E. Parry House, 2407 Pelham Dr. (1930s), HAS & TGMcH; Russell L. Jolley House, 2527 Pelham Dr. (1930s), HAS & TGMcH; Jack Roach House, 3001 Del Monte Dr. (1939), HAS & TGMcH; Donald Kolp House, 3434 Wickersham Lane (1940s), HAS & TGMcH; Parish House, Christ the King Lutheran Church, 2353 Rice Blvd., (1946-49), HAS & TGMcH; St. John’s School, 2401 Claremont Lane (1945-49), HAS & TGMcH and MacKie & Kamrath; St.Luke’s Episcopal Hospital, 6720 Bertner Ave., Texas Medical Center (1946-54), Staub & Rather and HAS; St. Paul’s Episcopal Church, 7843 Park Place Blvd. (1946-48), HAS & TGMcH; North Side State Bank Building, 2010 N. Main St. (1947-48), HAS & TGMcH; Wyatt Metal & Boiler Works Building addition, 6100 Kansas (1948), HAS & TGMcH; Dr. Blume House, Houston, (1948), HAS & TGMcH; Condit Elementary School addition, 7000 S. Third St., Bellaire TX (1949), HAS & TGMcH; Trinity Presbyterian Church, 7000 Lawndale Ave. (1949), HAS & TGMcH; St. John’s Episcopal Church, 514 Carter St., Marlin TX (1949), HAS & TGMcH; Blue Triangle YWCA Building, 3005 Mc Gowen Ave. (1951), HAS and Birdsall P. Briscoe; St. George’s Episcopal Church (demolished), 510 13th Ave. N., Texas City TX (1950), HAS & TGMcH; St. Paul’s Lutheran Church, 1208 5th St., Rosenberg TX (1950), HAS & TGMcH; St. Thomas Episcopal Church, 207 Bob-O-Link Lane, Wharton TX (1951), HAS & TGMcH; Wheeler Nazro House “Doe Run Farm,” Washington-on-the-Brazos TX vicinity (1951), HAS & TGMcH; St. John The Divine Episcopal Church, 2450 River Oaks Blvd. (1952-54), MacKie & Kamrath and HAS; Retreat House (1952-53), TGMcH; St. John’s Lutheran Church, 3920 Ave. L, Galveston TX (1953-54), HAS & TGMcH; St. Michael’s Episcopal
Architectural & Historical Commission Planning and Development Department

Church, 1601 Lake Rd., La Marque TX (1953), HAS & TGMcH; Parish buildings, St. Michael the Archangel Catholic Church, 1801 Sage Rd. (1955), TGMcH; and the Walter Shult House, 500 Hillcrest Dr., Richmond TX (1957), HAS & TGMcH.

Architectural Description and Restoration History:
The Dr. Everett Seale House was designed in the Colonial Revival style. The house is two stories in height and is clad in a combination of brick and shingle veneer. The asymmetrical house is four bays in width with a prominent “L” shaped bay which extends forward from the main body of the house. The “L” shaped projecting wing features a bay window located on the first floor and two double-hung, 6/6 lite, wood-sash windows on the second floor. The main entry features a recessed doorway and leaded glass sidelights. Surrounding the doorway are two pilasters topped by a fanlight panel with scalloped moldings. The decorative trim molding on the bay window repeats the scalloped pattern detail found above the front door.

The house retains a high degree of architectural integrity and is currently in very good condition. Recent work completed by the current homeowners includes the replacement of deteriorated shingle cladding on the façade of the home. Prior alterations to the building, which all occurred to either the rear or interior of the building, include:

- Enclosure of the screened and unscreened rear porches to create a large family room.
- Constructing a long gallery hallway at the rear of the house which connects the kitchen and library to the family room.
- Interior kitchen remodeling.
- Addition of a master bath and closet above the family room.

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 about Hiram A. Salisbury and T. George McHale, August, 2006.


Houston Chronicle, Obituary of Dr. Everett Richardson Seale, November 29, 1999.

Houston Post, “Residence bought by Dr. E.R. Seale”, January 25, 1942.

Houston City Directories.
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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<td>(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);</td>
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<td>(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);</td>
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<td>(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);</td>
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<td>(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);</td>
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<td>(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);</td>
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<td>(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);</td>
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<td>(7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);</td>
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<td>(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).</td>
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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 Dr. Everett Seale House at 3408 Ella Lee Lane.
TO: Mayor via City Secretary  REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating 4 Landmarks and Protected Landmarks (see Attachment - page 2 of 2)

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<th>Category #</th>
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<td>5/30/08</td>
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<th>For additional information contact:</th>
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<th>RECOMMENDATION: (Summary)</th>
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| SPECIFIC EXPLANATION:                | |
|--------------------------------------| |
| In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, a property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. |
| Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the four Landmark and Protected Landmark designations. |
| There were no objections to the applications. |

MG: rp tm

Attachments: Applications and Staff Reports

xc: Marty Stein, Agenda Director
    Emily Todd, 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
### Landmarks and Protected Landmarks

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<td>3-13-2008</td>
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<tr>
<td>R. E. Avery House</td>
<td>Owner</td>
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**PROTECTED LANDMARK DESIGNATION REPORT**

**LANDMARK NAME:** Reid Memorial United Methodist Church  
**OWNER:** Reid Casa de Alabanza United Methodist Church  
**APPLICANT:** Nila Middleton  
**LOCATION:** 5203 Fulton Street – Lindale Park  
**DATE ACCEPTED:** Dec-03-07  
**DATE HEARING:** Feb-21-08  
**HEARING NOTICE:** N/A  
**PC HEARING:** Mar-13-08

**SITE INFORMATION:**
Tracts 3, 13, 14 & 15, Germantown Link Rd Tract, Abst 1, J Austin, City of Houston, Harris County, Texas. The site includes an historic brick church building with an attached brick wing and separate educational buildings.

**TYPE OF APPROVAL REQUESTED:** Landmark and Protected Landmark Designation for the church and attached wing.

**HISTORY AND SIGNIFICANCE SUMMARY:**
Reid Memorial United Methodist Church, located at 5203 Fulton Street on Houston's northside, houses one of the oldest Methodist congregations in the City of Houston. The current brick church building was built in 1941, and replaced an earlier wooden church built in 1887 that had burned in 1935. The brick building was designed by architect Frank W. Vesey in the Gothic Revival style, and features unusual rusticated brick detailing.

Originally known as the White Oak Church, the congregation was founded in the 1880s by J. W. Eichwurzel, a Swedish immigrant, whose homestead was located on Little White Oak Bayou near the location of the present day church. Eichwurzel lived to be 100 years old, and is buried in the Eichwurzel family cemetery on the eastern bank of Little White Oak Bayou. After the original church burned, W. R. Reid, the developer of the adjacent Lindale Park neighborhood, generously donated funds to rebuild the church building. In gratitude, the congregation voted to change the name of the church to Reid Memorial Methodist Church in honor of Reid's parents.

Reid Memorial United Methodist Church meets Criteria 1, 3, 4, and 5 for Landmark and Protected Landmark designation.

**HISTORY AND SIGNIFICANCE:**
Reid Memorial United Methodist Church is one of the oldest Methodist congregations in Houston. The congregation was formally organized in 1887 by John William Eichwurzel. Eichwurzel, a Swedish immigrant, was born on December 21, 1842, and died March 9, 1943, at the age of 100. He immigrated to Houston in 1871, and purchased land in 1879 that extended from present day Fulton Street to Little White Oak Bayou on Houston's northside. He built a small house on Little White Oak Bayou, and later built a larger home at 5709 Fulton Street. Eichwurzel worked as a truck farmer and carpenter, and he and his wife, Sophie, had a daughter, Annie, and three sons, Will, Hardy, and Fred. After Eichwurzel's death in 1943, he was buried in Eichwurzel Cemetery, which is located on the banks of Little White Oak Bayou at the back of the old family homestead (now in the 5700 block of Enid Street).
According to church records, the small Methodist congregation that was eventually to become Reid Memorial United Methodist Church first organized in 1880. The group met at a combination school and church building, located to the west of Reid's current location at the corner of Fulton and Link Road. The congregation, however, soon wanted its own church building. A Mr. Hamblen gifted land for the new church building with the stipulation that a church for the area be built on it immediately. The church was organized on May 18, 1887, under the leadership of J. W. Eichwurzel, who became the first pastor of the church. The new church was a small white ell-shaped wood-frame building set in a wooded rural area near Little White Oak Bayou, and was named the White Oak Church. The White Oak Church was a member of the East Texas Conference, and was one of ten churches on the Harris County Mission, a Methodist circuit that included Crosby and other outlying places.

A string of part-time pastors succeeded Rev. Eichwurzel until the congregation acquired its first full time pastor, Rev. Hal Cunningham. In addition to his pastoral duties, Rev. Cunningham also served as the janitor and yardman for the church. On Sunday, October 9, 1932, Rev. Cunningham of 'White Oak Methodist Church' presented the service on the Skyline Radio Chapel from the KPRC radio studios, and Josephine McDonald, the church's choir director, directed the choir. In 1933, White Oak Church merged with the Wesley Mission (located at the 'Old Central Food Market') and became known as St. Luke's Methodist Church. A wing was added to the original church structure, and a small church cemetery was located to the north of the present church buildings.

In 1935, the wood church building caught fire and burned down. Until a new church could be built, the Methodist District's revival tent was loaned to the church for services, and an oil drum was used to heat the tent. The congregation faced a number of challenges during this period as it went through a succession of pastors, and even lacked a pastor for a time. The church lost membership and was under pressure from the conference to merge with another nearby Methodist church. One day the church members found the revival tent had been slashed. Even so, the congregation persisted, and plans for a new church building were made in 1940. The architect of the new church building was Frank W. Vesey. W. R. Reid, the real estate developer who developed the adjacent subdivision of Lindale Park in the late 1930s and 1940s, gave generously to the new church's building fund. In gratitude for his donations, the congregation voted to name the new church in honor of Reid's parents, G. W. and Annie Reid. On December 21, 1941, the cornerstone and bronze plaque were laid for the new building. The chapel building was erected at the cost of $17,000, and sat 312 people. The lighted cross, organ pulpit, communion table, and chairs were all gifts to the church. The church's distinctive masonry work was provided by A. K. Davidson. The actual dedication of the church took place in October 1944, and was attended by J. W. Eichwurzel, who was then 99 years old.

In the 1940s, the Lindale neighborhood started to grow rapidly, and the church grew along with it. An educational building was erected on the church property in 1958, and a new parsonage was built at 611 Sue Street. In 1968, the name of the church was changed to Reid Memorial United Methodist Church in response to the denominational merger between the Evangelical United Brethren and Methodist churches. Over the years, the church has maintained an active presence in the surrounding Lindale neighborhood. In addition to many church-related activities, classes, and festivals, the church has hosted numerous clubs and organizations at its facility, including Scouts and various sports teams. The church's lighted athletic field has been the playground for many neighborhood children over the years.

In the 1980s, the church's membership started to decline, and in 1984, the church entered into partnership with the nearby M. D. Anderson YMCA to house a YMCA Day Care Center on its grounds. This partnership has been of benefit to both the church and the nearby community. The church celebrated its 100-year anniversary in 1987. In 2005, Reid Memorial United Methodist Church merged
with the Casa de Alabanza United Methodist Church, and is now officially known as the Reid Casa de Alabanza United Methodist Church. Casa de Alabanza began as a separate, non-denominational Hispanic congregation, and reflects the changing demographics of the area.

**ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:**

Reid Memorial United Methodist Church is designed in the Gothic Revival style and features unusual rustic dark reddish-brown brickwork. The east-facing chapel features a steeply pitched front-gabled roof and a prominent bell tower. The front gable features three alcoves above an inset entrance area, each alcove containing six-inch-wide vertical metal louvers that are repeated in the bell tower. Three stained glass windows are located on the east facade in the entrance alcove. The center window, depicting Christ in the Garden of Gethsemane, was dedicated in the 1940s to those who served in the armed forces during World War II. The two windows flanking this central window depict the Good Shepherd and Christ Blessing the Little Children, and were dedicated in honor of J. W Eichwurzel and Mr. and Mrs. G. W. Reid. The chapel entrances are located to the sides of these three stained glass windows. On the south end of the front facade is another stained glass window surrounded by decorative projecting brickwork in a vertical pattern. The bell tower features a stained glass window surrounded by similar brickwork on its lower half. The chapel has a row of five stained glass windows on both its north and south elevations. The chapel interior features exposed beams, extensive wood paneling, and wooden pews with a decorative scheme matching that of the church doors. The church building is built in an 'ell' shape with a classroom wing located at the rear of the chapel extending north. A separate educational building with coordinating brick was constructed in the 1950s to the north of the 1941 building to provide more space to the growing congregation. Over the years, only minor cosmetic alterations have been made to the church building.

**BIBLIOGRAPHY:**

- Reid Memorial archival documents.
- Construction plans for Reid Memorial Church, F.W. Vesey, 1941.
- Texas Annual Conference of the United Methodist Church, 2006.
- Hispanic Ministries Directory South Central Jurisdiction, The United Methodist Church, 2006.

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

**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:
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

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

OR

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

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Reid Memorial United Methodist Church at 5203 Fulton Street.

SITE LOCATION MAP
REID MEMORIAL METHODIST CHURCH
5203 FULTON STREET
NOT TO SCALE
LANDMARK NAME: R. E. Avery House
OWNERS: Alfred and Vicky Bettis
APPLICANTS: Alfred and Vicky Bettis
LOCATION: 504 Woodland Street – Woodland Heights
30-DAY HEARING NOTICE: N/A

SITE INFORMATION:
Lot 2, Block 22, Woodland Heights, City of Houston, Harris County, Texas. The structure on the site is a three-story residence.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:
The R. E. Avery House, located at 504 Woodland Street in the Woodland Heights neighborhood, was built between 1910 and 1911 by the William A. Wilson Company, and is an example of the American Foursquare architectural style. Wilson was a leading developer of early twentieth century Houston, who planned and developed both the Woodland Heights and Eastwood subdivisions. The R. E. Avery House exemplifies a house type that is both historically and architecturally significant in Houston and reflects the culture and social standing of the people who settled in the new 'streetcar suburbs' north of downtown Houston in the early twentieth century. The R. E. Avery House meets Criteria 1, 3, 4, and 5 for Landmark and Protected Landmark designation.

HISTORY AND SIGNIFICANCE:
The R. E. Avery House at 504 Woodland Street was built in 1910-1911 by the William A. Wilson Company. William A. Wilson (1864-1928) was one of Houston's leading developers during the early twentieth century. Wilson, originally from Syracuse, New York, visited Houston in 1892, and was impressed by the new Houston Heights development. Convinced that the City of Houston would grow and prosper, he moved to Houston in 1893 at the age of 28, and lived with his wife and young children in a Houston rooming house until 1902. He founded the William A. Wilson Realty Company in 1898 and was an active participant in the Heights development, building and selling a number of homes in the Heights as well as other areas around Houston. The Wilson family moved to a home at 921 Heights in 1902. In 1910, Wilson built a new home for his family at 205 Bayland in his new Woodland Heights subdivision, where he lived until his death in 1928 at the age of 63. His widow remained in the home until 1938.

Wilson began the development of Woodland Heights in 1907 with the purchase of 106 acres located less than two miles northwest of downtown Houston on Houston Avenue. The land was once part of John Austin’s Mexican land grant. Wilson began clearing the land, laying out 600 lots and planting numerous oak trees along Bayland Avenue. Within months, several streets were laid out and about a dozen houses had been built by the official public opening of “The Woodland Heights” on Tuesday, October 15, 1907. Woodland Heights was one of Houston's 'streetcar suburbs' – made possible by the development of new electric streetcar lines that provided transportation to workers. The Houston Avenue streetcar line stopped at Bayland Avenue, the gated entrance to the community.
In 1900, Houston's population was 44,633. With the discovery of Spindletop in 1901 and the building of the Houston Ship Channel, Houston experienced a period of economic expansion and population growth. Wilson carefully planned his new, residential community to target the expanding middle class population. Wilson installed a complete water system throughout the entire subdivision, a significant amenity at a time when many Houston houses still depended on cisterns for drinking water. The William A. Wilson Company publication 'Woodland Heights' describes other amenities unusual at that time for moderate income families: "miles of the finest cement sidewalks laid, cement curbing and street crossings placed along that principal avenues, and hundreds of young live oaks and sycamores planted in regular rows on either side of the streets." The community also had electricity for lighting homes and street corners. Wilson drew up extensive deed restrictions prohibiting all commercial institutions, including saloons and livery stables, to protect the residential character of the neighborhood.

The styles of homes built in Woodland Heights included bungalows, late Victorian cottages, and two-story American Foursquares. To promote his new development, Wilson published a home and garden magazine in which he depicted photos and floor plans of homes with elaborate descriptions of the amenities of the neighborhood. In one publication he boasted that "Woodland Heights is less than two miles from the heart of the business district" and that "the Woodland Heights [street]car line, named for the addition, runs straight out Houston Avenue, and provides ample and convenient transportation facilities."

Wilson went on to develop Eastwood in 1911, another planned neighborhood of approximately 1000 lots in Houston's East End. As one of Houston's first and most dedicated tree-planting enthusiasts, Wilson was chosen to serve on the City of Houston's first Board of Park Commissioners in 1910 and helped to establish Hermann Park.

R. E. Avery and his wife Lou R. Avery purchased the newly-built house at 504 Woodland Street on June 15, 1911 for $5000. Mr. Avery was a cashier with William D. Cleveland & Sons. The William A. Wilson Company was a pioneer in offering homes purchased on the “Easy Payment Plan,” and Mr. Avery financed the $5,000 note with a $369.45 down payment financing the remaining amount over 120 months at 8% interest. His payments were $54.15 per month. The Averys lived in the house for seven years before selling it September 16, 1918 for $3800. The house went through a quick succession of owners before being purchased by Roy and Julia Simmons for $3,000 in 1937. The Great Depression affected real estate values in Houston just as in other parts of the country, and Roy and Julia Simmons purchased the house for less than the original purchase price. The Simmons financed the house at ten percent interest, and lived in the house for the next 43 years until it was sold in 1980.

Julia Simmons, the longest resident of the house, played the pipe organ at the Woodland Baptist Church, which was turned into loft apartments around 2006. Julia also gave piano lessons to many Woodland Heights children who often sat on the entryway bench awaiting their lessons. Roy and Julia had one child, a son named Roy Simmons, Jr., who was sixteen when his parents bought the house at 504 Woodland Street. Roy Jr. graduated from Reagan High School with the class of 1940. His bedroom was the second floor northeast bedroom, and the northwest bedroom was often rented out to church members.
Roy revisited the home in October 2007 and provided the following historical information:

The home had just been converted from gas to electric prior to the Simmons purchase. The home had two circuits; one controlled the attic fan and the second controlled the electrical outlets and switches. The lack of sufficient circuits caused the breakers to trip when Mrs. Simmons used the family toaster. Julia would call upstairs telling family members to turn off the lights so she could make toast. (Although the attic fan is long gone, the control switch was preserved and can still be seen on the second floor landing.)

The walls were covered with wallpaper over canvas. (Samples of wallpaper were preserved during the recent remodel.) Sheetrock was added during the Simmons ownership. The Simmons also removed all interior wood trim and stripped the heavy dark lacquer finish painting the trim white enamel it remains to date. Columns were located on either side of the opening to the living room.

After graduation, Roy Simmons Jr. joined the Marines. He married Helen Cobb at 7 am on October 2, 1943 in the living room of 504 Woodland St. By 9 am that same day, Roy and his new bride were on their way to San Francisco where Roy was scheduled to be shipped out to Japan twelve days later.

Roy Jr. sold the home shortly before his mother’s death for a little over $70,000. Julia, who was preceded in death by her husband on May 17, 1984, passed away December 24, 1986. She remains the longest resident of 504 Woodland.

Current owners, Alfred and Vicky Bettis, bought the house in 2002, and completed a restoration/remodel in 2006. Architects Rogers + LaBarthe and builder/remodeler Don Broman supported the Bettis’ goal of maintaining originality and historical integrity.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Avery House is an American Foursquare, a style built mainly between 1895 and 1930. The square-type homes typically had two full stories and an attic often made livable by large dormers. Economy suggested the cube shape, which yielded the most interior space for money spent on land, foundation, framing, and roof. Foursquares were also identifiable by their wide porches and large grouped windows. In general, the homes had a quiet style without the art glass, bays, and tiled roofs seen in earlier Victorian homes. The name “Foursquare” came from the fact that the houses typically had four rooms on each floor. The Avery House originally had a foyer, living room, dining room and kitchen on the first floor and three bedrooms and one bath on the second.

During the remodel, the current owners kept most of the home’s interior and exterior intact, choosing to expand the home in the back by adding fifteen feet to all three floors and refinishing the attic.

The Avery House’s exterior remains significantly as it was as originally built. The exterior siding is the original tear drop cypress. The oversized Colonial Revival 20-light windows in the foyer, living room, and dining rooms are original and are indicative of many of Wilson’s designs. The “wavy” glass in the windows is typical of the time. During the 2006 remodel, it was discovered that the original house color was the traditional white.

Throughout the house, all original ball hinges, door knobs and window pulls were restored and reused in the 2006 remodel. All existing cypress doors were stripped of their many layers of paint and stained, and original light fixture were maintained. Many of the original features of the house were retained, including a built-in pine bench in the house’s foyer. Its purpose may have been a “suitor’s bench” where young gentlemen would wait for the homeowner’s daughters as they prepared for their dates. During the Simmons residency, music students would sit on the bench waiting their turn for piano lessons.
The red pine floors are also original and were restored in the remodel. Additional pine from the 1910 era was obtained and used in the new additions to the house. A split staircase leading up to the second floor is typical of many William Wilson homes. The newel posts and balustrades are original and, in keeping with the lines of the house, square.

A local arborist estimated the live oak tree in the backyard to be approximately 400 years old. The tree is registered with The Harris County Tree Registry published by The Park People. The tree measures 156” in circumference, is 63 feet high, and has a canopy of 99 feet.

**BIBLIOGRAPHY:**

- Harris County Contract Records.
- Harris County Deed Records.
- Fox, Stephen, [http://community.rice.edu/focusresources/reference/fox.html](http://community.rice.edu/focusresources/reference/fox.html)
- [http://nearnorthwesthouston.com/Article46.htm](http://nearnorthwesthouston.com/Article46.htm)
- Interview with Roy Simmons, Jr.

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

**APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:**

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☐ ☑ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7));

☐ ☑ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

AND

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

OR

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

OR

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

OR

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the R. E. Avery House at 504 Woodland Street.
SITE LOCATION MAP
R. E. AVERY HOUSE
504 WOODLAND STREET
NOT TO SCALE
LANDMARK NAME: St. James United Methodist Church  
AGENDA ITEM: VI.c  
OWNER: St. James United Methodist Church  
HPO FILE NO.: 08PL58  
APPLICANT: Robert H. Fleming  
DATE ACCEPTED: Feb-29-08  
LOCATION: 1217 Wilson Street – Freedmen's Town National Register Historic District  
HAHC HEARING: Apr-17-08  
30-DAY HEARING NOTICE: N/A  
PC HEARING: Apr-24-08

SITE INFORMATION:
Lot 6, Block 22, Castanie Addition, City of Houston, Harris County, Texas. The site includes a one-story brick church with a three-story brick tower and two-story educational wing.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:
St. James United Methodist Church, located at 1217 Wilson Street, is a historic church in the Freedmen's Town National Register Historic District, a community settled after Emancipation that was once a thriving center of black social, cultural, religious, and commercial life in Houston. St. James Methodist is the oldest church congregation in Freedmen's Town, and has been a landmark at the corner of Wilson and Andrews streets since 1910. The congregation formed between 1865 and 1867 when a group of residents sought the help of Trinity Methodist Episcopal Church downtown to establish a church in their neighborhood. St. James has the distinction of being the only United Methodist congregation in the community for over 140 years, and today is one of only nine historic church congregations remaining in Freedmen's Town. The present one-story brick building, with a three-story tower and two-story educational wing, was constructed in 1957.

Almost 75% of the Freedmen's Town Historic District’s buildings have been demolished, yet the district remains extremely significant architecturally and historically. The few historic buildings remaining in the district are even more important today, and represent a strong element of community sentiment and pride. St. James United Methodist Church meets Criteria 1, 3, 4, 5, and 8, and is a contributing building to the Freedmen’s Town National Register Historic District - all considerations for Landmark and Protected Landmark Designation.

HISTORY AND SIGNIFICANCE:
St. James United Methodist Church is the oldest church congregation in Freedmen's Town. The church formed sometime between 1865 and 1867 when a group of residents of Freedmen's Town asked the elders of Trinity Methodist Episcopal Church, which was located downtown at Bell and Travis, to assist them in securing a place of worship nearer to their homes.

Before emancipation, black Methodists were affiliated with the Methodist Episcopal Church, South. Missionaries representing Northern-based denominations came to Texas at the end of the Civil War. The first African Methodist Episcopal (AME) Church missionary arrived in late 1865. By 1868, the church claimed 3,000 members. In 1875, the African Methodists of Texas received their own bishop, who presided over the Texas Annual Conference. The African Methodist Episcopal Zion Church was smaller than the AME Church, but had enough members by 1881 to warrant the formation of an annual
Archaeological & Historical Commission Planning and Development Department

conference. Although Northern whites controlled the Methodist Episcopal (ME) Church, it aggressively and successfully recruited black members. Claiming to be a biracial organization without segregation, ME missionaries appealed to African Americans who envisioned a racially integrated society. For the most part, however, ME churches in Texas were predominantly white. Only slowly did blacks gain entry into the ME ministry, and not until the twentieth century did they rise in the organizational hierarchy. Through its relationship with the Freedmen's Bureau, however, the ME Church was able to secure ownership of church buildings, a valuable asset in the Methodist competition for black adherents who owned little property. Methodist Episcopal leaders met at Trinity Church in Houston in 1867 and organized the Texas Conference, which by 1871 claimed 7,934 black members and fifty-one ministers. The Methodist Episcopal Church, South, attempted to retain its black membership in segregated churches by transferring title to church property to congregations that remained affiliated with it.

One Sunday evening, a group of Freedmen's Town residents met with trustees of Trinity Methodist Episcopal Church and established West Point Church under a brush arbor located on Howard Street at Nash (Lion) Street (one block north of 'City Cemetery' on West Dallas, now part of Allen Parkway Village) and began to hold services. In 1867, Ambrose Kelsey purchased Lot 1 in Block 7 of the Hardcastle Addition in Freedmen's Town to provide a place of worship for the West Point Church congregation. In a deed dated September 2, 1871, Kelsey conveyed the property to the trustees of the Trinity Methodist Episcopal Church.

In January 1873, during the Seventh Annual Methodist Conference held in Galveston, the elders and members of Trinity Methodist were instrumental in officially organizing the 'West Point Church Brush Arbor' with Gabriel Todd appointed as the first pastor of the church. The Houston City Directory for that year listed the church as 'West Point African Methodist Church.' Following Gabriel Todd was a great succession of ministers, each serving for a year or two.

Benjamin Oliver Watrous became pastor in 1878, and during his two-year tenure, the church's name was changed to St. James Methodist Episcopal Church. Reverend Jeremiah Smith was pastor from 1890 to 1891, and folklore holds that he encouraged residents of the community to brick the streets in some portions of Freedmen's Town.

In 1901, under Samuel W. Johnson's term, St. James trustees entered into a contract with the Board of Home Missions & Church Extension of the Methodist Episcopal Church to 'procure and possess a house of worship.' The church was remodeled during the 1906-1907 tenure of pastor Christopher C. Minnegan.

On March 30, 1908, the city passed an ordinance establishing the area where the church was located as a 'reservation' or 'red-light district.' Reverend T. S. Pryor (1909-1911) worked to find another location to hold worship. In December 1909, the city issued a quit-claim deed on the Hardcastle property to St. James trustees and they in turn sold it to T. F. Loftus. Church lore holds that two church members, Johnny Routte, Sr., and J. R. Williams, spearheaded the effort to move the church by donkey and buckboard wagon to the northeast corner at Andrews and Wilson Street.

In January 1910, church trustees purchased Lot 6 in Block 22 of the Castanie Addition, the present site of the church at the northeast corner of Andrews and Wilson Streets. The Jeff Bland Lumber and Building Company was hired to construct a "one frame, shingle roofed, weather-boarded church building, dimensions 48 feet by 60 feet, one story with two towers, inside walls to be ship-lapped and papered, ceiled overhead with beaded ceiling and painted two coats and exterior of building, except roof, to be painted two coats of best paint. Also one frame, shingle roofed, weather boarded parsonage building, dimensions 22 feet by 35 feet, one story, with four rooms, hall and front porch, interior except
kitchen, to be shiplapped and papered, kitchen to be ceiled and painted two coats, exterior of building, except roof, to be painted with two coats of best paint." The church's cornerstone was erected in the same year. According to the city directory, there were only two other African-American Methodist churches in Houston at that time - Sloan M.E. Church at 720 Sydnor and Trinity M.E. Church at 1412 Travis.

Under the leadership of Reverend L. A. Greenwood from 1931 to 1939, modern improvements were made to St. James church, auxiliaries were standardized, and programs for children were designed. From 1940 to 1951, Reverend L. B. Allen was assigned to St. James and during his tenure, a new building fund was initiated. In 1954, Richard Howard Robinson assumed the helm of the church and orchestrated an aggressive major building fund program. On January 10, 1957, church trustees hired architect J. J. Hawkins to construct a church building at a cost of $60,993.86. On October 13, 1957, Heights Lodge #280, a black Masonic lodge, leveled the cornerstone. The church's entrance was made to face Wilson Street.

In 1969, St James became a member of the Texas Conference of the United Methodist Church, and the name was changed to St. James United Methodist Church. In 1990, Mary J. Cebrun was installed as the first female pastor of St. James. The following year, property behind the church was purchased and converted to parking lot.

St. James has been the only United Methodist congregation in the Freedmen's Town community for over 125 years, and is now one of only nine remaining historic congregations in Freedmen's Town. Almost 75% of the Freedmen's Town Historic District's buildings have been demolished, yet the district remains extremely significant both architecturally and historically. Since so few of the historic buildings remain, they are even more significant today. Moreover, these buildings represent a strong element of community sentiment and public pride.

St. James United Methodist Church is part of a three-phase initiative to establish a Historic Sacred Corridor through the restoration of four of eight endangered historic churches and to develop an African Heritage Church History Archives, exhibition spaces, and audio/video enhancements for public education programs.


ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

St. James United Methodist Church is a one-story church building of brick veneer construction built to the sidewalk line at the intersection of Andrews and Wilson streets. The low-pitched gable end of the church faces south towards Andrews. A circular stained glass window is centered beneath the gable. The circular window is framed by two widely spaced, rectangular stained glass windows. A small narthex projects forward from the southwest corner of the building at the Andrews-Wilson intersection. The long, west-facing Wilson Street elevation consists of the four bays of the nave. These are marked off by stepped buttresses. One rectangular stained glass window is centered between each of the buttresses. A three-story tower with a two-staged peaked roof rises from the northwest corner of the nave. North of the tower and the nave is a two-story education building. Its narrower, gabled west end faces the street. No modifications have been made to the building since it was built in 1957.
BIBLIOGRAPHY:

Harris County Contract Records, Vol 43, Pg 559; Vol 85, Pg 268; Vol 25, Pg 553; Vol 149, Pg 215.
Harris County Deed Records, Vol 7, Pg 341; Vol 9B, Pg 592; Vol 238 P 436; Vol 243, Pg 564.
Houston City Directories, 1873, 1911-1912, 1951.
Sanborn maps, 1924 and 1934.
St. James United Methodist Church, historic documents.

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

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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);
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☑  ☐  (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);
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☑  ☐  (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
○ ☑ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

AND

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

OR

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

OR

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

OR

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of St. James United Methodist Church at 1217 Wilson Street.
SITE LOCATION MAP
ST. JAMES UNITED METHODIST CHURCH
1217 WILSON STREET
NOT TO SCALE
CITY OF HOUSTON
Archaeological & Historical Commission Planning and Development Department

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: Building at 1404 Victor Street
OWNER: Rutherford B. H. Yates Museum, Inc.
APPLICANT: Debra Blacklock-Sloan
LOCATION: 1404 Victor Street – Freedmen’s Town National Register Historic District
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: VI.d
HPO FILE NO: 08PL59
DATE ACCEPTED: Feb-29-08
HAHC HEARING: Apr-17-08
PC HEARING: Apr-24-08

SITE INFORMATION:
Lot 9, Block 3, Porter and Baker Addition, City of Houston, Harris County, Texas. The site includes a one-story wood-frame structure.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:
The Building at 1404 Victor Street in Freedmen's Town is a one-story, wood-frame "workman's" cottage built circa 1924. The cottage sits on the former homestead of Italian grocer, Antonio Tomasino, Jr., and is one of two remaining buildings constructed for Antonio and his wife, Rosalie. The second remaining building, the Tomasino House at 1514 Wilson Street, was recently designated as a City of Houston Protected Landmark. The cottage at 1404 Victor Street is listed as a contributing historic building of high significance in the Freedmen's Town National Register Historic District, and is the only remaining architectural and commercial structure of its type.

For many years, the Building at 1404 Victor Street was used as a barbershop/beauty shop and residence. In addition to providing a means to financial independence, beauty shops and barbershops in communities such as Freedmen's Town functioned as sanctuaries and community centers for African-Americans, and provided a public space where women and men interacted regardless of class, education, or occupation. As a result, the shops became pillars of community strength and served as a secure forum for the discussion and the promotion of African-American political endeavors. The Rutherford B. H. Yates Museum Inc. purchased the property in 2004, and intends to renovate the cottage to house a Barber Shop Museum.

The Freedmen's Town community was settled after Emancipation and became a thriving center of black social, cultural, religious, and commercial activity through the first three decades of the 20th century. During this time period, more than 95% of Houston's first black businesses were located in the neighborhood. Almost 75% of the Freedmen's Town Historic District's buildings have been demolished, yet the district remains extremely significant architecturally and historically. Since most of the district's historic buildings have been lost, those remaining are even more significant today, and represent a strong element of community sentiment and pride.

The Building at 1404 Victor Street meets Criteria 1, 3, 4, 5, and 8, and is a contributing building to the Freedmen's Town National Register Historic District – all considerations for Landmark and Protected Landmark Designation.
HISTORY AND SIGNIFICANCE:

The Building at 1404 Victor Street, built around 1924, is one of five structures built for Italian immigrant and grocer, Antonio Tomasino, Jr., and his wife, Rosalie, in the Porter and Baker Subdivision in Freedmen's Town. After the Civil War, emancipated slaves congregated in this area that was then located on the southwestern fringe of Houston. New subdivisions, such as Seneschal Addition (1848) and the Justin Castanie Addition (1848), two G. S. Hardecastle Additions, and three other real estate developments undertaken by William R. Baker, accommodated this settlement. As early as the 1880s, the district was referred to as 'Freedmamtown.' In the early 1900s, Freedmen's Town encompassed an area bounded by Buffalo Bayou, Sutton Street, Taft Street, and Prairie Street downtown. Today, the boundaries have been reduced to Taft, Heimer, West Dallas, and West Gray Streets. The Porter and Baker Subdivision, originally known as Obedience Smith's Lot 30, was property that was part of a settlement from Smith's vast estate. James A. Baker, Jr. (grandfather of James A. Baker III) bought the lot from Smith's heirs and sold an undivided one-half interest to George L. Porter. Platted in 1889, the Porter and Baker Addition includes four blocks bounded by Andrews on the north, Wilson on the east, Bailey on the west, and Victor on the south.

Antonio Tomasino's grandfather, father, and uncles emigrated from Italy to the U. S. between 1886 and 1901. The Tomasino family first resided in New Orleans before moving to 1301 O'Neill Street in the Freedmen's Town community. In 1907, they began operating the Tomasino Brothers Grocery and Meat Market on their homestead. Antonio and Rosalie Tomasino purchased Lots 9 and 10 in Block 3 of the Porter and Baker Subdivision for $850 from H. J. Simpson in 1909. As evidenced by a mechanic's lien executed on August 7, 1912, they paid $1875 to William H. Chryar (1880-1940), an African-American carpenter, builder, and contractor from New Orleans, to build a two-story house, one shotgun house, and three cottages on the property. The two-story Tomasino residence had living quarters on the top floor and a corner grocery store on the bottom. Some of the intersections in the Freedmen's Town district were occupied by smaller, corner grocery stores attached to or built next to homes and operated by Italian immigrants. Over the years, these early Italian families came to own much of the land in the district, although their descendants have long since moved to other areas of the city. The Tomasino family resided in the community until 1944. Chryar himself lived in Freedmen's Town for about two years before moving to the Independence Heights community in 1913, where he too opened a grocery store. The cottage at 1404 Victor is significant both for its association with the Italian immigrants who built and owned it for decades, but also for the working-class African-American tenants who occupied the building.

The Building at 1404 Victor St. was constructed around 1924 as an accessory structure to the other buildings on the property. Though its dimensions are small, it served as a residence and barbershop for an African-American, James Williams, in 1924-1925. This building may have been one of the earliest barbershops in Freedmen's Town. According to the 1917 Houston City Directory, over thirty barbers lived in the community and worked downtown. The Coach and Orgen ('Negro' spelled backwards) Barbershops were two of the first black-owned shops downtown. In 1928, another African American barber, Earl T. Randon, resided in the cottage at 1404 Victor for a year. In the years after, several renters moved in and out of the property. In 1954, Flossie Davis operated and lived in her Davis Beauty Shop for a couple of years. From 1960-1963, Faye Tarver resided and operated Tarver's Beauty Shop in the cottage. The cottage has been vacant since 1965.

In 1966, after Rosalie Tomasino's death, her daughter, Rose Anne Tomasino D'Armata, inherited the cottage. When the R. B. H. Yates Museum, Inc., purchased the property on February 14, 2005, the site contained this cottage (1404 Victor) and three houses (1406 Victor, 1512 Wilson, 1514 Wilson). 1406
Victor and 1512 Wilson were destroyed by fire on February 28, 2005 and hastily demolished the same night.

Black beauty shops and barbershops in communities such as Freedmen's Town became pillars of community strength and organizational strongholds against racial segregation and discrimination. They functioned as sanctuaries and community centers for African Americans, and provided a public space where black men and women could gain financial independence in a southern economy geared toward keeping blacks subservient to whites. As a result, the shops became not only viable outlets for the entrepreneurial spirit, but also served as a secure forum for the discussion and the promotion of African-American political endeavors. They were one of the few places where African-American women and men interacted regardless of class, education, or occupation.

Almost 75% of the Freedmen's Town historic district’s buildings have been demolished. Nonetheless, the historic district remains extremely significant both architecturally and historically. Since most of the historic buildings have been lost, those few that remain are especially significant, and are physical markers of community sentiment and public pride. Since 1996, the Rutherford B. H. Yates Museum, Inc., has been an advocate for the preservation of the neighborhood’s remaining historic buildings, as well as an advocate for education about the neighborhood’s unique history and culture.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The wood cottage at 1404 Victor Street typifies the small, one-story, one or two-room commercial buildings constructed in the side or front yards of primary structures in working class Houston neighborhoods of the late nineteenth and early twentieth centuries. Sanborn insurance maps of 1924 and 1951 show this building to have been ancillary to a two-story corner store structure that once stood at the northwest corner of Victor and Wilson Streets across from the Gregory Institute.

The next earlier volume of the Sanborn maps, 1907, does not show any buildings on this two-lot site. The 1924 Sanborn map indicates that the building was used for commercial purposes, although the 1925 city directory lists barber James Williams residing in the building. The 1951 volume indicates that it was used as a dwelling.

The wood building is rectangular in plan, and is capped by a low-pitched, hipped roof with exposed rafter tails beneath the overhanging eaves. A single entrance door is centered on the narrow street front of the building. The cottage was built at grade on the sidewalk line of the property.

The Rutherford B. H. Yates Museum Inc purchased the property in 2004 and plans to use the site for educational and archaeological purposes. The workman's cottage will be restored and will house a Barber Shop Museum.

BIBLIOGRAPHY:

Harris County Contract Records, Vol. 30, Pg 551.
Harris County Deed Records, Vol. 192, Pg 7.
Harris County Plat Records, Porter and Baker Addition, Vol. 43, Pg 590.
Immigration Log, 1903, for S.S. Carpathia.
National Register of Historic Places, Nomination Form, Freedmen's Town District.
Sanborn Maps, 1907, 1925, 1934.
The City of Houston

Archaeological & Historical Commission  Planning and Development Department

United States Census 1910, 1930, Harris County, Texas.

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

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:

<table>
<thead>
<tr>
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<th>NA</th>
<th>S - satisfies</th>
<th>NA - not applicable</th>
</tr>
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</table>

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

☑ ☐ 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 recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Building at 1404 Victor Street.
SITE LOCATION MAP
BUILDING AT 1404 VICTOR STREET
1404 VICTOR STREET
NOT TO SCALE
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** An Ordinance authorizing the issuance of the City of Houston Taxable Pension Obligation Refunding Bonds, Series 2008A; approving and delegating certain authority to the Mayor and the City Controller with regard to the bonds; approving a bond purchase agreement; approving a paying agent/registrar agreement; making other provisions regarding such bonds and matters incident thereto, authorizing bond validation proceedings; making certain findings relating to the subject and matters incident thereto.

**FROM (Department or other point of origin):**
Finance Department and Office of City Controller

**DIRECTOR’S SIGNATURE:**

<table>
<thead>
<tr>
<th>Origination Date</th>
<th>Agenda Date</th>
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</thead>
<tbody>
<tr>
<td>July 18, 2008</td>
<td>JULY 23, 2008</td>
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</tbody>
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**Council District Affected:**
All

**For additional information contact:**
- Charles Leal 713-837-9892
- Jim Moncur 713-247-2950

**RECOMMENDATION:** Approve an Ordinance authorizing issuance of the City of Houston, Texas Taxable Pension Obligation Refunding Bonds, Series 2008A in an amount not expected to exceed $450 million; approving and delegating certain authority to the Mayor and City Controller with regard to the bonds; approving a preliminary official statement and the bond purchase agreement with JP Morgan; approving a paying agent/registrar agreement; making other provisions regarding such bonds and matters incident thereto.

**Amount of Funding:** Not Applicable

**Source of Funding:**
- General Fund
- Grant Fund
- Enterprise Fund

**SPECIFIC EXPLANATION:** Through a Meet and Confer Agreement previously approved by City Council, the City has agreed with the Houston Municipal Employees Pension System (HMEPS) to partially fund the unfunded actuarial accrued liabilities (UAAL) with proceeds of taxable pension obligation bonds issued over a period of years. Pursuant to this agreement, the City previously issued a $450 million Collateralized Pension Obligation Note in 2004 (the 2004 Note), secured by ad valorem taxes and a mortgage on certain City property (the Convention Center Hotel). The 2004 Note terms allow the City to defer interest on the 2004 Notes at the City’s election. The 2004 Note also contains a provision that allows the City to prepay the 2004 Note, including deferred interest. The proposed refunding bonds will be issued in an amount not to exceed $450 million, and the proceeds of such proposed refunding bonds, along with other funds of the City, will be used to refund the 2004 Note, previously deferred interest, and current interest to the date of the prepayment.

The proposed refunding bonds will also refund the Series 2008 pension note previously issued earlier this year in the amount of $35.04 million, which otherwise would be due and payable on February 18, 2009. In addition, the City anticipates an additional scheduled payment to HPOPs in February of 2009. In the interest of transactional efficiency and depending on the actual timing, the City may choose to fund this commitment at this time.

The Finance Working Group ("FWG") recommends that the bonds be sold through a negotiated financing with JP Morgan acting as the Senior Book Running Manager along with First Albany Capital Inc., Goldman Sachs & Co., and Ramirez & Co., as Co-Senior Managers. Bank of America, Morgan Stanley, RBC Dain Rauscher and Siebert Brandford will serve as Co-Managers. The FWG recommends that Vinson & Elkins LLP and the Law Offices of Francisco G. Medina act as co-bond counsel. Bracewell and Guliani LLP and the Law Office of Lynette D. Bratton are recommended to act as co-disclosure counsel. The co-financial advisors will be First Southwest Company and Estrada Hinojosa & Co., Inc.
In January of 2008 this transaction was presented to Fiscal Affairs and reported out favorably.

Due to certain structuring considerations, the transaction was delayed until the summer. Because of the unique terms of the 2004 Note, this ordinance also authorizes the City to file a court proceeding to validate the proposed issuance of refunding bonds, which will be done in conjunction with the Attorney General approval typically required for all bond issues of the City.

The Finance Working Group recommends approval of this item.
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement, in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. Parcels SY7-082A through D and KY7-248

Category #7

Page 1 of 2

Agenda Item # 27

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

DIRECTOR’S SIGNATURE:

Michael S. Marcotte, P.E., DEE, Director

Origination Date

Agenda Date

JUL 23 2008

Council District affected: H

Key Map 493J

For additional information contact:
Nancy P. Collins
Phone: (713) 837-0881
Senior Assistant Director-Real Estate

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement, in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. Parcels SY7-082A through D and KY7-248

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
By Council Motion 2007-0514, City Council authorized abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement, in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. Subsequent to the motion the underlying fee owner, ASN Multifamily Limited Partnership (SCA-North Carolina (1) LLC, a Delaware limited partnership [Archstone-Smith Operating Trust, a Maryland real estate investment trust, (Peter Grimm, Vice President), sole member], General Partner), transferred its interest in the property to Tishman Speyer Archstone-Smith Memorial Heights I, L.P. [Tishman Speyer Archstone-Smith Memorial Heights I GP, L.L.C., a Delaware limited liability company, (Kerry A. Garrett, Authorized Person), general partner]. This is the first phase of a multi-phase project to accommodate the construction of multi-family buildings in the location of the easements to be abandoned and sold.

Because the construction requirements associated with this transaction will be completed after the City Council passes the abandonment ordinance, Tishman Speyer Archstone-Smith Memorial Heights I, L.P. has provided a Letter of Credit (LOC) for $40,500.00, an amount equal to the total estimated construction costs required to (a) cut, plug, and abandon the existing 6-inch water line located in the 10-foot-wide water line easement being abandoned and sold, (b) cut, plug, and abandon the three fire hydrants being abandoned and sold, and (c) relocate the 10-foot by 28-foot fire hydrant at the main entrance to the apartment complex inside the complex’s fenced area. If the applicant does not complete all the construction requirements within twelve months from the effective date of the ordinance, the LOC will permit the City to complete all the construction requirements in place of the applicant.

Tishman Speyer Archstone-Smith Memorial Heights I, L.P. has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will sell to Tishman Speyer Archstone-Smith Memorial Heights I, L.P.

**Parcels SY7-082A**

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<tr>
<th>Parcel</th>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>SY7-082A</td>
<td>190 square feet of fire hydrant easement</td>
<td>$4,750.00</td>
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<tr>
<td>SY7-082B</td>
<td>164 square feet of fire hydrant easement</td>
<td>$4,100.00</td>
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**CUIC #20DOB031**

REQUIRED AUTHORIZATION:

Finance Department:

Other Authorization:

Other Authorization:

Andrew F. Icken, Deputy Director
Planning and Development Services Division
Date: 

Subject: Ordinance authorizing the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement, in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. **Parcels SY7-082A through D and KY7-248**

| Parcel SY7-082C | 400 square feet of fire hydrant easement | $10,000.00 
| Value at $25.00 per square foot |
| Parcel SY7-082D | 2,800 square feet of water line easement | $70,000.00 
| Value at $25.00 per square foot |

**TOTAL ABANDONMENT**

$88,850.00

In exchange, Tishman Speyer Archstone-Smith Memorial Heights I, L.P. will pay

- Cash $86,350.00
- Plus convey to the City

| Parcel KY7-248 | 100 square feet of fire hydrant easement | $2,500.00 
| Value at $25.00 per square foot |

**TOTAL CASH AND CONVEYANCE**

$88,850.00

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement, in exchange for a consideration of $86,350.00 plus the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. **Parcels SY7-082A through D and KY7-248**

MSM: NPC: dob
c: Marty Stein
Marlene Gafrick
Reid Mrsný, P.E.
Abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. **Parcels SY7-082A through D and KY7-248**
MOTION NO. 2007 0514

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie D. Harris of Brown & Gay Engineers, Inc., 10777 Westheimer Road, Suite 400, Houston, Texas 77042, on behalf of ASN Multifamily Limited Partnership [SCA-North Carolina (1) LLC, a Delaware limited partnership {Archstone-Smith Operating Trust, a Maryland real estate investment trust, (Peter Grimm, Vice President), sole member}, General Partner], for the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1, Parcels SY7-082A through D and KY7-248, be adopted as follows:

1. The City abandon and sell three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1;

2. The applicant be required to: (a) cut, plug, and abandon the existing 6-inch water line located in the 10-foot-wide water line easement being abandoned and sold, (b) cut, plug, and abandon the three fire hydrants being abandoned and sold, and (c) pay the depreciated value for the water line and the fire hydrants being abandoned. All of the foregoing items must be completed at no cost to the City and under the proper permits:

3. The applicant be required to prepare drawings that show the water line and fire hydrants that are being abandoned and conveyed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;

4. The applicant be required to relocate the 10-foot by 28-foot fire hydrant at the main entrance to the apartment complex inside the complex's fenced area;
5. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

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

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

8. Mr. John Fox and Mr. Patrick O'Connor, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed $25,000.00.

Seconded by Council Member Alvarado and carried.

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

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.

[Signature]

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

SUBJECT: Ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement, a water meter easement, two fire hydrant easements, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision. Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D, SY5-033E, KY5-124A, KY5-124B, KY5-124C, and VY5-005

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

DIRECTOR’S SIGNATURE:
Michael S. Marcotte, P.E., DEE, Director

For additional information contact:
Nancy P. Collins  
Senior Assistant Director-Real Estate

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement, a water meter easement, two fire hydrant easements, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision. Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D, SY5-033E, KY5-124A, KY5-124B, KY5-124C, and VY5-005

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
By Council Motion 2004-1214, City Council authorized the abandonment and sale of a 10-foot-wide water line easement, a water meter easement, a fire hydrant easement, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision. Thereafter, the applicant requested the abandonment and sale of an additional fire hydrant easement. The transaction was processed accordingly. As the subdivision plat includes an aerial easement adjacent to the utility easement, the aerial easement will be extinguished as part of this transaction. The property owner, Home Depot U.S.A., Inc. (Mark Rone, construction manager), requested the abandonments to facilitate construction of a Home Depot store located at 8400 Westheimer Road.

Home Depot U.S.A., Inc. has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City will abandon and sell to Home Depot U.S.A., Inc.:

**Parcel SY5-033A**
3,165-square-foot water line easement  
Valued at $9.00 per square foot  
$28,485.00

**Parcel SY5-033B**
200-square-foot water meter easement  
Valued at $9.00 per square foot  
$1,800.00

**Parcel SY5-033C**
100-square-foot fire hydrant easement  
Valued at $9.00 per square foot  
$900.00

**REQUIRED AUTHORIZATION**

Finance Department:  
Other Authorization:  
CUIC #20PSM152
Date: 

Subject: Ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement, a water meter easement, two fire hydrant easements, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision. **Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D, SY5-033E, KY5-124A, KY5-124B, KY5-124C, and VY5-005**

| Parcel SY5-033D | 100-square-foot fire hydrant easement | $900.00 |
| Parcel SY5-033E | 3,680-square-foot utility easement | $33,120.00 |

**TOTAL ABANDONMENTS** $65,205.00

In exchange, Home Depot U.S.A., Inc. will pay:

- Cash $8,000.00
- Plus convey to the City:

| Parcel KY5-124A | 2,949-square-foot water line easement | $26,540.00 (Rounded) |
| Parcel KY5-124B | 100-square-foot fire hydrant easement | $900.00 |
| Parcel KY5-124C | 100-square-foot fire hydrant easement | $900.00 |
| Parcel VY5-005 | 3,192-square-foot utility easement | $28,865.00 (Rounded) |

**TOTAL CONVEYANCES** $57,205.00

**TOTAL CASH AND CONVEYANCES** $65,205.00

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement, a water meter easement, two fire hydrant easements, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for a consideration of $8,000.00 plus the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision.

MSM: NPC: psm

c: Reid K. Mrsny, P.E.
Marty Stein
Jeff Taylor
Abandonment and sale of a 10-foot-wide water line easement, a water meter easement, two fire hydrant easements, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision. Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D, SY5-033E, KY5-124A, KY5-124B, KY5-124C, and VY5-004
MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from David A. Sepulveda of Bury+Partners-Houston, Inc., 1001 West Loop South, Suite 200, Houston, Texas 77027, on behalf of The Home Depot USA, Inc. (Mark Rone, construction manager), for the abandonment and sale of a 10-foot wide water line easement, a water meter easement, a fire hydrant easement, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, four fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision, Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D, KY5-124A, KY5-124B, KY5-124C and VY5-004, be adopted as follows:

1. The City abandon and sell a 10-foot wide water line easement, a water meter easement, a fire hydrant easement, a 16-foot-wide utility easement, and the attendant aerial easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, two fire hydrant easements, and a 16-foot-wide utility easement, all located within Continental 32 Fund Subdivision;

2. The applicant be required to cut, plug, abandon, and relocate the existing 8-inch water line and fire hydrants into the easements being conveyed to the City, all at no cost to the City and under the proper permits;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;

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

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

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

Seconded by Council Member Quan and carried.

Mayor White, Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green voting aye
Nays none
Council Members Goldberg, Edwards and Berry absent

PASSED AND ADOPTED this 15th day of December, 2004.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 21, 2004.

City Secretary
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of five (5) tracts of land totaling 294.67 acres to Fort Bend County Municipal Utility District No. 132 (Key Map No. 524-L & Q)

FROM (Department or other point of origin):

Department of Public Works and Engineering

Director’s Signature:

Michael S. Marcotte, P.E., DEE

For additional information contact:

Jun Chang, P.E.
Senior Assistant Director
Phone: (713) 837-0433

RECOMMENDATION: (Summary)

The petition for the addition of 294.67 acres of land to Fort Bend County Municipal Utility District No. 132 be approved.

Amount of Funding: NONE REQUIRED

SOURCE OF FUNDING:

[ ] General Fund [ ] Grant Fund [ ] Enterprise Fund

[ ] Other (Specify)

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 132 has petitioned the City of Houston for consent to add 294.67 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 Jones Creek, FM 723, FM 1093 and SR 99. The district desires to add 294.67 acres, thus yielding a total of 604.179 acres. The district is served by a regional wastewater treatment plant, Fort Bend County Municipal Utility District No. 133 Wastewater Treatment Facility. The other district served by this plant is Fort Bend County Municipal Utility District No. 132. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 132 is Jones Creek which flows into the Brazos River.

Potable water is provided by the district. 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 Mark Loethen Bill Zrioka Wayne Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

20JZC374

F & A Director

Deputy Director
Planning & Development Services Div.
Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the addition of 294.67 acres to Fort Bend County MUD No. 132 under the provisions of 49 Texas Water Code.

Attorney: Allen Boone Humphries Robinson LLP, James Boone
Address: 3200 Southwest Freeway, Suite 2600, Houston Zip: 77027 Phone: 713-860-6404

Engineer: Costello, Inc.
Address: 9990 Richmond Ave, Suite 450 77042 Phone: 713 783-7788

Owners: Pacific Richland Investments LP
Address: 10001 Westheimer, Suite 2888 Zip: 77042 Phone: 713 975-6288
(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): Fort Bend
Survey * See Page 4 for List Abstract 365, 434, 435, 93, 144 & 3

Geographic Location: List only major streets, bayous or creeks:
North of: Jones Creek
South of: FM 1093
East of: FM 723
West of: SR 99

WATER DISTRICT DATA

Total Acreage of District: 309.509 Existing Plus Proposed Land 604.179

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 96.0 Multi-Family Residential 0.0
Commercial 4.0 Industrial 0.0 Institutional 0.0

Sewage generated by the District will be served by a: District Plant □ Regional Plant □

Sewage Treatment Plant Name: FBC MUD 133 Wastewater Treatment Facility

NPDES/TPDES Permit No: TX 0126624 TCEQ Permit No: WQ0014514001
Existing Capacity (MGD): 0.16

Ultimate Capacity (MGD): 1.36

Size of treatment plant site: 8.08 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: 1.36

MGD of (Regional Plant).

Phase 1 – 0.16 MGD, Phase 2 – 0.32 MGD, Ultimate Phase 1.36 MGD

Name of District: Fort Bend County MUD No. 132

MGD Capacity Allocation: 0.68

Name of District: Fort Bend County MUD No. 133

MGD Capacity Allocation: 0.68

Water Treatment Plant Name: Water Plant No. 1 Serving Fort Bend County MUD 132

Water Treatment Plant Address: located North of Bellaire Blvd and East of FM 723 (lat 29-41-22 long 95-48-8)

Well Permit No: Fort Bend Subsidence District Permit No. 11489 (Well No. 1032)

**Existing Capacity:**

Well(s): N/A GPM

Booster Pump(s): N/A GPM

Tank(s): N/A MG

**Ultimate Capacity:**

Well(s): 1 @ 1,200 1,200 GPM

Booster Pump(s): 6 @ 800 4,800 GPM

Tank(s): 2 @ 0.3 0.60 MG

Size of Treatment Plant Site: +/- 1.2 acres

Comments or Additional Information: As surface water becomes available to this area of Fort Bend County, it will be used instead of ground water and the well will be used as a backup supply and ultimately placed out of service.

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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City’s consent to the addition of 20.698 acres of land to Harris County Municipal Utility District No. 61 (Key Map No. 445-Q, R)

FROM (Department or other point of origin):

Department of Public Works and Engineering

DIRECTOR’S SIGNATURE

Michael S. Marcotte, P.E., DEE

For additional information contact:

Jun Chang, P.E.
Senior Assistant Director
Phone: (713) 837-0433

RECOMMENDATION: (Summary)

The petition for the addition of 20.698 acres of land to Harris County Municipal Utility District No. 61 be approved.

Amount of Funding: NONE REQUIRED

F & A Budget:

SOURCE OF FUNDING:

[ ] General Fund [ ] Grant Fund [ ] Enterprise Fund

[ ] Other (Specify)

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 61 has petitioned the City of Houston for consent to add 20.698 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 Franz Road, Elrod Road, Clay Road and Mason Road. The district desires to add 20.698 acres, thus yielding a total of 514.0369 acres. The district is served by the Williamsburg Regional Sewage Authority Treatment Plant. The other districts served by this plant are Harris County Municipal Utility Districts Nos. 62, 63, 64, 65, West Harris County Municipal Utility Districts No. 2, 5, and Westside Ventures. The nearest major drainage facility for Harris County Municipal Utility District No. 61 is Mason Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by the Williamsburg Regional Water Plant. 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 Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

20JZC444

F & A Director

Other Authorization:

Andrew F. Icken
Deputy Director
Planning & Development Services Div.
Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the addition of 20.698 acres to Harris County MUD No. 61 under the provisions of Chapters 49 and 54 Texas Water Code.

Signatures:

Attorney: Kara E. Richardson, David M. Marks, P.C.
Address: 3700 Buffalo Speedway, Suite 830, Houston, Texas Zip: 77098 Phone: 713-942-9922

Engineer: Jim Ainsworth, A&S Engineers, Inc.
Address: 10377 Stella Link Road, Houston, Texas Zip: 77025 Phone: 713-942-2700

Owners: Mason & Franz Partners, LP
Address: PO Box 169, Barker, Texas Zip: 77413 Phone: 713-875-9599

(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 H&TC RR CO. Section 43

Geographic Location: List only major streets, bayous or creeks:

North of: Franz Rd East of: Elrod Road
South of: Clay Rd West of: Mason Road

WATER DISTRICT DATA

Total Acreage of District: 493.3389 Existing Plus Proposed Land 514.0369

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 0 Multi-Family Residential 75
Commercial 25 Industrial 0 Institutional 0

Sewage generated by the District will be served by a: District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Williamsburg Regional Sewage Authority

NPDES/TPDES Permit No: TCEQ Permit No: WQ0011598

Rev. 6/2006
Existing Capacity (MGD): 2.000  
Ultimate Capacity (MGD): ____

Size of treatment plant site: 4.00 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: Please see attached. MGD of (Regional Plant).

Name of District: Please see attached. MGD Capacity Allocation Please see attached.

or property owner(s)

Name of District: Please see attached. MGD Capacity Allocation Please see attached.

Water Treatment Plant Name: Williamsburg Regional Water Plant

Water Treatment Plant Address: 22434 N. Rebecca Burwell Drive

Well Permit No: 6703 and 6704

Existing Capacity:

Well(s): 150 and 896 = 2046 GPM
Booster Pump(s): 2,750 GPM
Tank(s): 2 = 840,000 MG

Ultimate Capacity:

Well(s): 2046 GPM
Booster Pump(s): 4625 GPM
Tank(s): 840,000 MG

Size of Treatment Plant Site: 0.8739 square feet/ acres.

Comments or Additional Information: ____

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Attachment to Water District Consent Application Form

**Districts:**

- **Harris County MUD No. 61**
  - MGD Capacity of Allocation: 0.460

- **West Harris County MUD No. 2**
  - MGD Capacity of Allocation: 0.340

- **Harris County MUD No. 62**
  - MGD Capacity of Allocation: 0.264

- **West Harris County MUD No. 5**
  - MGD Capacity of Allocation: 0.000

- **Harris County MUD No. 63**
  - MGD Capacity of Allocation: 0.095

- **Westside Ventures**
  - MGD Capacity of Allocation: 0.160

- **Harris County MUD No. 64**
  - MGD Capacity of Allocation: 0.420

- **Harris County MUD No. 65**
  - MGD Capacity of Allocation: 0.261
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 44.8019 acres of land to Harris County Municipal Utility District No. 172 (Key Map No. 407-B)

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

DIRECTOR'S SIGNATURE
Michael S. Marcotte, P.E., DEE 6/19/08

For additional information contact:
Jun Chang, P.E. 6/19/08
Senior Assistant Director Phone: (713) 837-0433

RECOMMENDATION: (Summary)
The petition for the addition of 44.8019 acres of land to Harris County Municipal Utility District No. 172 be approved.

Amount of Funding: NONE REQUIRED

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

[ ] Other (Specify)

SPECIFIC EXPLANATION:
Harris County Municipal Utility District No. 172 has petitioned the City of Houston for consent to add 44.8019 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 West Road, Fry Road, Horsepen Creek, and Barker Cypress. The district desires to add 44.8019 acres, thus yielding a total of 592.2898 acres. The district is served by the Harris County Municipal Utility District No. 155 Wastewater Treatment Plant. Other districts served by this plant are Harris County Municipal Utility District No. 156, Harris County Municipal Utility District No. 173, North Harris Montgomery County College and Cy-Fair ISD. The nearest major drainage facility for Harris County Municipal Utility District No. 172 is Horsepen Creek which flows to Langham Creek then to South Mayde Creek, then to Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by the district. 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 Mark Loethen
    Bill Zrioka Wayne Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION 20JZC443

F & A Director

Other Authorization:

Andrew F. Icken
Deputy Director
Planning & Development Services Div.
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 44.8019 acres to Harris County MUD No. 172 under the provisions of 49 and 54 Texas Water Code.

Attorney: W. James Murdaugh, Jr.
Address: 1100 Louisisna, Suite 400, Houston, TX Zip: 77002 Phone: 713-652-6500

Engineer: Gina Nelson, P.E.
Address: 3030 S. Gessner, Suite 100, Houston, TX Zip: 77063 Phone: 713-780-8871

Owners: CW SCOA West, L.P.
Address: 7904 N. Sam Houston Pkwy, 4th Floor, Houston, TX Zip: 77064 Phone: 713-690-0000

(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 Evan Thomas
Abstract 775

Geographic Location: List only major streets, bayous or creeks:
North of: West Road
East of: Fry Road
South of: Horsepen Creek
West of: Barker Cypress

WATER DISTRICT DATA

Total Acreage of District: 547.4879
Existing Plus Proposed Land 592.2898

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: Harris County Municipal Utility District No. 155

NPDES/TPDES Permit No: TX0100161 TCEQ Permit No: WQ0012726001
Existing Capacity (MGD): 0.64 MGD  
Ultimate Capacity (MGD): 1.55 MGD  

Size of treatment plant site: 5 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: 1.55 MGD of (Regional Plant).

Name of District: HCMUD No. 155  
MGD Capacity Allocation 0.28

or property owner(s)

Name of District: HCMUD No. 156  
MGD Capacity Allocation 0.34

Water Treatment Plant Name: Harris County MUD No. 172
Water Treatment Plant Address: 16219 Lasting Light Ln., Houston, TX 77095
Well Permit No: 4683 (HGCS D)

Existing Capacity:

- Well(s): 1 x 1000 GPM
- Booster Pump(s): 4 x 600 GPM
- Tank(s): 2 x 300,000 MG

Ultimate Capacity:

- Well(s): 1 x 1000 GPM
- Booster Pump(s): 4 x 600 GPM
- Tank(s): 2 x 300,000 MG

Size of Treatment Plant Site: 1.6335 acres square feet/ acres.

Comments or Additional Information:

See attached Exhibit "A" for continuation of information concerning districts served from sewage treatment plant and allocated capacities.

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**EXHIBIT “A”**

<table>
<thead>
<tr>
<th>Name of District/Owner</th>
<th>MGD Capacity Allocation</th>
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<tbody>
<tr>
<td>HCMUD No. 172</td>
<td>0.31</td>
</tr>
<tr>
<td>HCMUD No. 173</td>
<td>0.39</td>
</tr>
<tr>
<td>North Harris Montgomery County College</td>
<td>0.16</td>
</tr>
<tr>
<td>Cy-Fair ISD</td>
<td>0.07</td>
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</tbody>
</table>
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary  
REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City’s consent to the addition of two (2) tracts of land totaling 3.866 acres to Harris County Municipal Utility District No. 368 (Key Map No. 329-E, F)

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

DIRECTOR’S SIGNATURE
Michael S. Marcotte, P.E., DEE

For additional information contact:
Jun Chang, P.E.
Senior Assistant Director  Phone: (713) 837-0433

RECOMMENDATION: (Summary)
The petition for the addition of 3.866 acres of land to Harris County Municipal Utility District No. 368 be approved.

Amount of Funding: NONE REQUIRED  

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

SPECIFIC EXPLANATION:
Harris County Municipal Utility District No. 368 has petitioned the City of Houston for consent to add 3.866 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 Spring Cypress Road, Solomon Road, Coon Road and Kohrville-Huffsmith Road. The district desires to add 3.866 acres, thus yielding a total of 970.424 acres. The district is served by the Harris County Municipal Utility District No. 368 Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 368 is Pilot Gully which flows to Cypress Creek then Spring Creek and then to the San Jacinto River and finally into the Houston Ship Channel.

Potable water is provided by the district. 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 Gafnick  Jeff Taylor  Mark Loethen
    Bill Zrioka  Waynette Chan  Deborah McAbee  Gary Norman

REQUIRED AUTHORIZATION
20JZC433  

FIN Director
Other Authorization:
Andrew F. Ickes
Deputy Director
Planning & Development Services Div.
Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the addition of 3.866 acres to Harris County MUD #368 under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney: Johnson Radcliffe Petrov & Bobbitt PLLC
Address: 1001 McKinney Street, Suite 1000  Zip: 77002  Phone: 713-237-1221

Engineer: Mark Stendahl of Pate Engineers, Inc.
Address: 13333 Northwest Frwy. Suite 300  Zip: 77040  Phone: 713-462-3178

Owners: Harris County MUD #368
Address: 1001 McKinney, Suite 1000, Houston  Zip: 77002  Phone: 713-237-1221
(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION
INSIDE CITY [ ] OUTSIDE CITY [X] NAME OF COUNTY (S) Harris
Survey William Perkins
Geographic Location: List only major streets, bayous or creeks:
North of: Spring Cypress Road
South of: Solomon Road
East of: Coon Road
West of: Kohrville Huffsmith

WATER DISTRICT DATA
Total Acreage of District: 966.558  Existing Plus Proposed Land: 970.424
Development Breakdown (Percentage) for tract being considered for annexation:
Single Family Residential: 0%  Multi-Family Residential: 0%
Commercial: 0%  Industrial: 0%
Institutional: 100%
Sewage generated by the District will be served by a : District Plant [X]  Regional Plant [ ]
Sewage Treatment Plant Name: Harris County MUD #368 Wastewater Treatment Plant
NPDES/TPDES Permit No: 120-44-001  TCEQ Permit No: N/A

Rev. 6/2006
CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.575
Ultimate Capacity (MGD): 1.275

Size of treatment plant site: 1.20 square feet/ acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.90 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: N/A

Name of District: N/A
or property owner(s)
Name of District: N/A

Water Treatment Plant Name: Water Plant No. 1
Water Treatment Plant Address: 19412 -1/2 Scarlet Cove Drive, Tomball, TX 77375
Well Permit No: 70327 & 70328

Existing Capacity:

Well(s): 1958 GPM
Booster Pump(s): 5200 GPM
Tank(s): 0.60 MG

Ultimate Capacity:

Well(s): _____ GPM
Booster Pump(s): _____ GPM
Tank(s): _____ MG

Size of Treatment Plant Site: 1.85 acres square feet/ acres.

Comments or Additional Information: _____

_____

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HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 368
PROPOSED ANNEXATION OF
1.010 ACRES AND 2.855 ACRES
(KEY MAP 329-E AND F)
REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 - Lease Agreement between the City of Houston and Avis Rent A Car System, LLC - William P. Hobby Airport (HOU).

FROM (Department or other point of origin):
Houston Airport System

DIRECTOR'S SIGNATURE: 

For additional information contact:
Janet Schafer
Lucy S. Ortiz

AMOUNT & SOURCE OF FUNDING:
REVENUE: $8,638.08 per year ($719.84 monthly)

RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing the execution of Amendment No. 1 to a Lease Agreement between the City of Houston and Avis Rent A Car System, LLC at William P. Hobby Airport (HOU).

SPECIFIC EXPLANATION:

On August 30, 2006, the City approved Lease Agreement No. 70114 with Avis Rent A Car System, Inc. (Avis), effective September 14, 2006, in which Avis leased both land and improvements at 7714 Airport Boulevard at William P. Hobby Airport (HOU) for its operation of a maintenance and service facility to be used in connection with its automobile rental concession at HOU. In 2006, Avis filed a name change with the Secretary of State changing its name to Avis Rent A Car System, LLC (Lessee). Lessee now requests to amend the Lease Agreement to add an additional area to the leased premises to be used as an employee automobile parking lot in consideration for Lessee paying an increased rental rate and other lease modifications.

The pertinent terms and condition of this Amendment are as follows:

1. Term: Effective on countersignature the term remains unchanged, ending September 13, 2011. Should Lessee lose its concession operating rights under a separate agreement with the City, effective June 1, 2005, or any subsequent automobile rental concession agreement, the Director shall have the right to terminate the Lease Agreement contemporaneously therewith.

2. Leased Premises: Approximately 18,378.80 square feet (approximately 0.422 acres) of additional improved land.

RECOMMENDED AUTHORIZATION:

Finance Department: 
Other Authorization: 

Other Authorization:
3. Rent: Based on appraisal, additional rent, effective on countersignature date, will be $8,638.08 annually ($719.84 monthly).

4. Use: Solely as an employee parking lot in support of Lessee’s automobile rental concession at HOU.

All other terms and conditions of the Lease Agreement will remain in full force and effect.

RMV:iso

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo G. Michel  
Ms. Kathy Elek  
Mr. Aleks Mraovic  
Mr. David K. Arthur  
Mr. Carlos Ortiz  
Ms. Janet Schafer  
Mr. Charles Wall  
Ms. Mary Case  
Mr. Brian Rinehart  
Ms. Marlene McClinton  
Ms. Jan Clark
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 – Food and Beverage Agreement - 4 Families of Houston, Joint Venture - William P. Hobby Airport (HOU)

FROM (Department or other point of origin):
Houston Airport System

Director’s Signature:

For additional information contact:
Janet Schafer, Phone: 281/233-1796
Randy Goodman, Phone: 281/233-1822

AMOUNT & SOURCE OF FUNDING:
REVENUE: Minimum Annual Guarantee of $0.25 per enplaned passenger OR Percentage of Gross Sales, whichever is greater.

13% on Food/Non-Alcoholic Beverage Sales $0.00 - $17,000,000
14% on Food/Non-Alcoholic Beverage Sales $17,000,001 - $18,500,000
15% on Food/Non-Alcoholic Beverage Sales greater than $18,500,000

20% on Alcoholic Beverage Sales $0.00 - $4,500,000
22% on Alcoholic Beverage Sales greater than $4,500,000

12% on Concept Related Merchandise

RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing the execution of Amendment No. 1 to the Food and Beverage Agreement between the City of Houston and 4 Families of Houston, Joint Venture at William P. Hobby Airport.

SPECIFIC EXPLANATION:

On October 16, 2002, the City approved a Food and Beverage Concession Agreement with 4 Families of Houston, Joint Venture (“Concessionaire”) for the provision of food and beverage services at William P. Hobby Airport (“Airport”). Due to modifications in the Airport terminal improvement project, certain facilities designated for development are no longer available while other facilities have become available. The Airport terminal improvement project schedule and completion dates have also been modified which has delayed the Concessionaire’s original operational plans.

HAS is now proposing that the option years in the original agreement become part of the term and the effective date be adjusted to reflect the changes in the Airport terminal improvement project schedule. The fees to the City remain the same.

RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing the execution of Amendment No. 1 to the Food and Beverage Agreement between the City of Houston and 4 Families of Houston, Joint Venture at William P. Hobby Airport.

SPECIFIC EXPLANATION:

On October 16, 2002, the City approved a Food and Beverage Concession Agreement with 4 Families of Houston, Joint Venture (“Concessionaire”) for the provision of food and beverage services at William P. Hobby Airport (“Airport”). Due to modifications in the Airport terminal improvement project, certain facilities designated for development are no longer available while other facilities have become available. The Airport terminal improvement project schedule and completion dates have also been modified which has delayed the Concessionaire’s original operational plans.

HAS is now proposing that the option years in the original agreement become part of the term and the effective date be adjusted to reflect the changes in the Airport terminal improvement project schedule. The fees to the City remain the same.
The pertinent terms and conditions of this Amendment are as follows:

1. The effective date of the Agreement is deemed to be May 23, 2007 (the date when the remaining commercial airline activity was relocated to the new Concourse at the Airport). The Agreement shall expire thirteen years from the effective date (the current Agreement has a ten-year term, with three one-year option periods).
2. The Minimum Annual Guarantee of $0.25 per Enplaned Passenger shall commence on the effective date. The Minimum Annual Guarantee shall escalate by 3% annually.
3. Concessionaire will be obligated to design and construct facilities within 120 days of the date the facility is turned over to Concessionaire.
4. Concessionaire agrees to expend no less than $50.00 per square foot per facility for the upgrade, renovation and cosmetic improvements on or before the 5th anniversary of the Date of Beneficial Occupancy of each particular facility.
5. The Agreement exhibits will be updated to reflect additions and deletions of facility locations.
6. Concessionaire acknowledges the possibility of the Airport developing and requiring the use of a central warehouse for all deliveries to the airport.

All other terms and conditions of the Food and Beverage Agreement will remain in full force and effect.

RMV: rwg

cc:  Ms. Marty Stein
     Ms. Kathy Elek
     Mr. Anthony W. Hall, Jr.
     Mr. Randy Rivin
     Mr. Arturo G. Michel
     Mr. Richard M. Vacar, A.A.E.
     Mr. David K. Arthur
     Ms. Janet Schafer
     Mr. Mark McMullen
     Mr. Aleks Mraovic
REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 – News, Gifts and Specialty Retail Concession Agreement – Hudson News Company - William P. Hobby Airport (HOU)

FROM (Department or other point of origin):
Houston Airport System

DIRECTOR’S SIGNATURE: [Signature]

Origination Date: June 16, 2008

Council District affected: “F”

For additional information contact:
Janet Schafer Phone: 281/233-1796
Randy Goodman 281/233-1822

AMOUNT & SOURCE OF FUNDING:

REVENUE: Minimum Annual Guarantee of $0.20 per enplaned passenger OR Percentage of Gross Sales, whichever is greater.

- 20% on gross sales of $0.00 - $5,000,000
- 22% on gross sales of $5,000,001 - $7,500,000
- 24% on gross sales of $7,500,001 - $10,000,000
- 25% on gross sales over $10,000,000

Prior appropriations: N/A

RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing the execution of Amendment No. 1 to the News, Gifts and Specialty Retail Concession Agreement between the City of Houston and Hudson News Company at William P. Hobby Airport.

SPECIFIC EXPLANATION:

On November 26, 2002, the City approved a News, Gifts and Specialty Retail Concession Agreement with Hudson News Company ("Concessionaire") for the provision of retail concession services at William P. Hobby Airport ("Airport"). Due to modifications in the Airport terminal improvement project, certain facilities designated for development are no longer available while other facilities have become available. The Airport terminal improvement project schedule and completion dates have also been modified which has delayed the Concessionaire’s original operational plans.

HAS is now proposing that the option years in the original agreement become part of the term and the effective date be adjusted to reflect the changes in the Airport terminal improvement project schedule. The fees to the City remain the same.

The pertinent terms and conditions of this Amendment are as follows:

1. The effective date of the Agreement is deemed to be May 23, 2007 (the date when the remaining commercial airline activity was relocated to the new Concourse at the Airport). The Agreement shall expire eight years from the effective date (the current Agreement has a five-year term, with three one-year option periods).
2. The Minimum Annual Guarantee of $0.20 per Enplaned Passenger shall commence on the effective date. The Minimum Annual Guarantee shall escalate by 3% annually.

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:
3. Concessionaire will be obligated to design and construct facilities within 120 days of the date the facility is turned over to Concessionaire.

4. Concessionaire agrees to expend no less than $50.00 per square foot per facility for the upgrade, renovation and cosmetic improvements on or before the 5th anniversary of the Date of Beneficial Occupancy of each particular facility.

5. The Agreement exhibits will be updated to reflect additions and deletions of facility locations.

6. Concessionaire acknowledges the possibility of the Airport developing and requiring the use of a central warehouse for all deliveries to the airport.

All other terms and conditions of the News, Gift and Specialty Retail Agreement will remain in full force and effect.

RMV: rwg

cc: Ms. Marty Stein  
Ms. Kathy Elek  
Mr. Anthony W. Hall, Jr.  
Mr. Randy Rivin  
Mr. Arturo G. Michel  
Mr. Richard M. Vacar, A.A.E.  
Mr. David K. Arthur  
Ms. Janet Schafer  
Mr. Mark McMullen  
Mr. Aleks Mraovic
TO: Mayor via City Secretary  
REQUEST FOR COUNCIL ACTION

SUBJECT: A Professional City-wide Art Consulting Services Contract with Houston Arts Alliance

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

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.

COUNCIL DISTRICT(S) AFFECTED: All

FOR ADDITIONAL INFORMATION CONTACT: Jacquelyn L. Nisby  
Phone: 832-393-8023

RECOMMENDATION: Approve citywide art consulting services contract with the Houston Arts Alliance and allocate funds.

AMOUNT AND SOURCE OF FUNDING: $80,000.00 General Fund (1000)

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a 12-month professional services contract with the Houston Arts Alliance (HAA) to administer citywide art related business for all departments.

PROJECT DESCRIPTION: HAA's responsibilities will include reviewing and making recommendations regarding temporary exhibitions, art acquisitions and donated art; providing guidance on art-related issues; promoting programs to educate Houston's citizens and visitors about the City's art collection; and cataloguing the City's art collection.

FUNDING SUMMARY:  
$ 75,000.00 Basic Services  
$ 5,000.00 Reimbursable Expenses  
$ 80,000.00 Total Allocation

M/WBE INFORMATION: The contract requires that HAA make a good faith effort to award subcontractors or supply agreements in at least 5% of the value of the contract to certified M/WBE firms.

REQUIRED AUTHORIZATION

CUIC ID# 25MSCL16

General Services Department:

Phil Golembiewski, P.E.  
Chief of Design & Construction Division

Council action: Jarvis Cagle, Marty Stein, Jacquelyn L. Nisby, Anna Russell, Joseph Kurian, File
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing a First Contract Amendment between the City of Houston and Child Care Council of Greater Houston, Inc. for continued funding of the Emergency Shelter Grants Program.

FROM (Department or other point of origin):
Richard S. Celli, Director
Housing and Community Development

DIRECTOR'S SIGNATURE: 

For additional information contact: Keith Bynam
Phone: 713-868-8396

RECOMMENDATION: (Summary)
Approval of an Ordinance authorizing a First Contract Amendment between the City of Houston and Child Care Council of Greater Houston, Inc. to provide additional funding in the amount of $135,902.73 for the implementation, oversight and delivery of the Community Development Block Grant funded Emergency Shelter Grants Program.

Amount of Funding: $135,902.73

SOURCE OF FUNDING
[ ] General Fund [X] Grant Fund [ ] Enterprise Fund

[ ] Other (Specify) COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)

SPECIFIC EXPLANATION:
The Housing and Community Development Department recommends approval of a First Contract Amendment (Amendment) between the City of Houston and Child Care Council of Greater Houston, Inc. (Child Care Council). This Contract Amendment provides for an increase in program costs for the Community Development Block Grant funded Emergency Shelter Grants Program.

This Amendment provides for the continued implementation, oversight and delivery of the Community Development Block Grant funded Emergency Shelter Grants Program. The Amendment will provide additional funding in the amount of $135,902.73 to 18 agencies for the continuation of their programs for the homeless or near homeless. This additional funding will assist these agencies with program expenses due to a shortfall in funding due to the increase in demand for rent, mortgage and utility assistance, shelter and essential services. The original contract totaled $2,026,494.00 for funding twenty-five (25) agencies. The additional funding to the Amendment of the Contract in the amount of $135,902.73 will bring the total contract amount to $2,162,396.73. This First Contract Amendment performance period will remain the same, August 1, 2007 – July 31, 2008.

The City entered into a Contract with Child Care Council beginning March 9, 1994 to provide the above referenced services. These services include the selection of service providers through a Request for Proposal (RFP) process, negotiating contracts with providers; processing reimbursement requests; monitoring performance, providing technical assistance and training; and providing management assistance.

REQUIRED AUTHORIZATION
Finance Director: 
Other Authorization: 
Other Authorization:
The total funds and sources estimated and number of persons to be served and the category of persons for the proposed Amendment are as follows:

**Total funds and sources**: $2,162,396.73  
**Estimated number of unduplicated persons to be served**: 10,000  
**Category of persons**: Homeless or near homeless persons.

The Housing and Community Development Department recommends approval of this First Contract Amendment.

Approval of this Ordinance is recommended.

RSC:KB:PAB:pab

xc: City Secretary  
Legal Department  
Finance Department  
Mayor's Office
TO: Mayor via City Secretary
REQUEST FOR COUNCIL ACTION (Draft)

SUBJECT: An Ordinance approving Amended and Restated Single Family Home Repair Program Guidelines

FROM (Department or other point of origin): Richard S. Celli, Director
Housing and Community Development Department (HCDD)

DIRECTOR’S SIGNATURE: [Signature]

For additional information contact: Ray Daniels
Phone: (713) 868-8321

Council District affected: All

Origination Date: 05/07/08

Date and identification of prior authorizing Council action:
July 14, 2004 Ordinance No. 2004-0773
October 18, 2006 Ordinance No. 2006-1056

RECOMMENDATION: (Summary) An Ordinance approving the 1st Amended and Restated Single Family Home Repair Program Guidelines that include specific limitations for Tier II (Rehabilitation) and Tier III (Reconstruction) that current Revised Guidelines do not include.

Amount of Funding: None

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

SPECIFIC EXPLANATION:

Single Family Home Repair Program (SFHRP) Guidelines were approved by City Council on July 14, 2004 by Ordinance No. 2004-0773. Revised guidelines for SFHRP were approved October 18, 2006 by Ordinance No. 2006-1056 to increase the amount for Major Rehabilitation (Tier II) projects from $30,000 to $40,000 and defined projects over $40,000 as Substantial Rehabilitation or Reconstruction (Tier III).

The goals of the SFHRP are to assist as many Homeowners as possible, to address only repairs needed to alleviate threats to the health, life, and safety of Homeowners, to improve curb appeal and uplift the general street appearance of selected neighborhoods, and to keep costs at a minimum.

The differences in the previously approved guidelines (noted in 1st paragraph) and the 1st Amended and Restated Guidelines are as follows:

1. Tier II rehabilitation will be limited to the repair items identified in the guidelines and not to exceed an initial in-house estimate of $30,000.
2. Home repairs, except Tier I, limited to geographic areas specified as Houston Hope Neighborhoods, or other neighborhoods identified by the Mayor.
3. The HCDD annual plan and budget for Tier III (Reconstruction) will be limited to $1,000,000 for applicants meeting the following priorities:
   a. those homeowners who have lived in the structures to be replaced for at least ten (10) years,
   b. those who have friends or relatives who can provide them with interim housing,
   c. those who applied and met all other qualifications for assistance.
4. The eligibility income limit is being increased from 50% to 80% of area median income.
5. Age and disability eligibility criteria are eliminated, except for Tier I – emergency repair.

The Amended and Restated SFHRP Guidelines and Appendices, including the Exterior Appeal, Weatherization, Health and Safety Home Repair Items List are provided as an attachment to this request for Council action.

REQUIRED AUTHORIZATION

Finance Director: Other Authorization: Other Authorization:
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance appropriating funds for the Workforce Housing Downpayment Assistance Program.

FROM (Department or other point of origin):
Richard S. Celli, Director
Housing and Community Development Department

DIRECTOR’S SIGNATURE: [Signature]

cc: City Secretary
Legal Department
Finance Department
Mayor’s Office

Origination Date 06/19/2008
Agenda Date JUL 2 3 2008

Council District affected: "All"

Date and identification of prior authorizing Council action: Ordinance# 2007-1193 October 24, 2007

RECOMMENDATION: (Summary)
Approve ordinance appropriating $1,500,000 out of the TIRZ Affordable Housing Fund for the Workforce Housing Downpayment Assistance Program.

Amount of Funding: $1,500,000 TIRZ Affordable Housing Fund (2409)

Finance Department Budget:

SOURCE OF FUNDING

[ ] General Fund [ ] Grant Fund [ ] Enterprise Fund
[ X ] Other (Specify) TIRZ AFFORDABLE HOUSING FUND # 2409 [ ] CDBG

SPECIFIC EXPLANATION:
The City Of Houston Housing and Community Development Department (HCDD) has created the Workforce Housing Downpayment Assistance Program to assist qualified applicants to purchase new affordable housing in areas that have been designated by the Mayor for revitalization. Unlike existing downpayment assistance programs that use federal funds and target lower income applicants, the proposed program would provide assistance to potential homebuyers earning from 80% to 110% of area median income adjusted for family size. HCDD will administer the program in accordance with the attached Administrative Guidelines.

The guidelines specify the amount of assistance at $30,000 per applicant, to be used for downpayment, closing costs and certain pre-paid items. The applicant must occupy the property as his or her principal residence for 10 years, and the sales price of the house may not exceed $150,000.

Funding for the program would come from an appropriation of $1,500,000 from the TIRZ Affordable Housing Fund.

Attachment: WHDAP Administrative Guidelines

City Council approval is recommended.

RECOMMENDED AUTHORIZATION

Finance Department Director: Other Authorization:

[Signature] [Signature]
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract approval for professional services between the City of Houston and Kroll Laboratory Specialists, Inc., to conduct alcohol and controlled substance testing services.

FROM (Department or other point of origin):
Human Resources Department

DIRECTOR'S SIGNATURE:

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

RECOMMENDATION: (Summary)
Approve the contract with Kroll Laboratory Specialists, Inc., for the purpose of conducting alcohol and controlled substance testing services in order to comply with federal Department of Transportation requirements, the Mayor’s Amended Drug Detection and Deterrence Procedures in Executive Order 1-12, October 26, 1993 and CDL Drivers Alcohol & Controlled Substances Testing Procedures, E.O. 1-32, April 7, 1995.

Amount and Source of Funding:

SPECIFIC EXPLANATION: Since the City Council Amended Motion 92-1971 on July 21, 1992, the City of Houston has had an ongoing controlled substance abuse program that is in compliance with the federal Drug-Free Workplace Act of 1988 and the federal Department of Transportation requirement to monitor Commercial Driver Licensed (CDL) employees operating heavy equipment. This testing includes all pre-employment applicants, assignment, follow up, post-accident, reasonable suspicion and safety impact position random testing. Current City policy limits alcohol testing to only CDL drivers. The current contract for performing these testing services expires on July 31, 2008.

The Human Resources Department requests approval of a contract between Kroll Laboratory Specialists, Inc. and the City of Houston for the initial period of three years with the option to extend the contract for up to two (2), one (1) year extensions. The budgetary allocation of $2,500,000 for the five year contract is based on 12,000 enhanced controlled substance tests and 2,000 breath alcohol tests per year.

The Request For Proposal (RFP) was locally advertised and an e-mail notification was sent to all of the 31 federally certified laboratories requesting their participation. Three RFPs were received. An interdepartmental evaluation committee of five members determined Kroll Laboratory as the unanimous recommendation of the committee. Kroll Laboratory submitted the most complete proposal, a comprehensive service network of collection sites and an Internet based reporting system which is user friendly and yet highly secure. The fee schedule allows for a two-tier test panel should the Mayor wish to enhance the program to include alcohol and five of the most commonly abused prescription controlled drugs in addition to the base five panel currently in place. Also, the graduated fee schedule allows very modest increases of less than 3% per year in charges over the span of the potentially five year contract. As a federally certified laboratory for drug testing services by the Dept. of Health & Human Services and the Substance Abuse and Mental Health Services Administration, Kroll is also the incumbent provider that has consistently provided outstanding accuracy, demonstrated adaptability, ensured confidentiality and strictly maintained the overall quality of the compliance with the current contract.

REQUIRED AUTHORIZATION

Other Authorization:
Finance Department

Other Authorization:

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

SUBJECT: Ordinance appropriating funds from the FY08 Equipment Acquisition Fund for the purchase of information technology equipment for the Houston Public Library

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

DIRECTOR’S SIGNATURE: Rhea Brown Lawson, Ph.D.

For additional information contact: Greg Simpson
Phone: 832-393-1333

SPECIFIC EXPLANATION:
The Houston Public Library requests City Council approval for an appropriation of $328,914 from the Equipment Acquisition Fund. The appropriation will allow completion of the specific library projects listed below.

<table>
<thead>
<tr>
<th>Items to be appropriated</th>
<th>Amount</th>
<th>WBS Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reservation System Computers</td>
<td>$110,000</td>
<td>WBS X-340006</td>
</tr>
<tr>
<td>Printers</td>
<td>$60,558</td>
<td>WBS X-340004</td>
</tr>
<tr>
<td>Materials Security Systems</td>
<td>$133,356</td>
<td>WBS X-340002</td>
</tr>
<tr>
<td>Laptop Cart</td>
<td>$25,000</td>
<td>WBS X-340005</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$328,914</strong></td>
<td></td>
</tr>
</tbody>
</table>

All items will be purchased under approved contracts.

Reservation System is used by customers to reserve time on the public access computers. Approval of this item will allow for the purchase of 223 systems for use at 20 locations. These items will be purchased through the City’s Master Agreement with the Hewlett Packard.

Materials security systems will be purchased off of HPL’s existing contract with 3M. This approval will allow HPL to add security gates to two locations, upgrade RFID equipment at 14 locations to ISO standard, and replace one aging non-upgradeable Desensitizer/sensitizer.

The printer project will replace older printers assuring that we have high speed network printing at our 37 neighborhood libraries. Printers are purchased through the DIR contract.

The laptop cart and 20 laptops will provide secure storage and move from one location to another, allowing greater flexibility in our computer training efforts. These items will be purchased off of the DIR contract.

RECOMMENDATION: Adopt an ordinance appropriating $328,914 from the Equipment Acquisition Fund for the purchase of equipment for specific library projects.
TO: Mayor via City Secretary
REQUEST FOR COUNCIL ACTION

SUBJECT: FY 2008 Justice Assistance Grant

FROM: (Department or other point of origin):
Houston Police Department

DIRECTOR'S SIGNATURE:
Harold L. Hurtt, Chief of Police

For additional information contact:
Joseph A. Fenninger, Deputy Director 713-308-1700
Chandra T. Davis, Sergeant 713-308-1972

Date and identification of prior authorizing Council Action: Ordinance 2007-975 Passed on 09/07/07

RECOMMENDATION: (Summary)
Approval of an ordinance authorizing application for and acceptance of the FY2008 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice and Interlocal Agreement between the City of Houston and Harris County (a subrecipient) under the 2008 Byrne Memorial Justice Assistance Grant.

Amount of Funding:

<table>
<thead>
<tr>
<th>JAG FUNDING</th>
<th>TOTAL FUNDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>$562,571 - HPD</td>
<td>$1,125,140</td>
</tr>
<tr>
<td>$562,569 - HCSO</td>
<td></td>
</tr>
</tbody>
</table>

Source of Funding: [x] Grant Fund [ ] General Fund [ ] Enterprise Fund [ ] Other (specify)

Specific Explanation:
The City of Houston and Harris County are eligible to submit a joint application to the US Department of Justice for $1,125,140 through the FY 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Background
This is a continuous grant. The Houston Police Department received grant funds from the Justice Assistance Grant (JAG) during FY2005, FY2006 and FY2007. The director of The Bureau of Justice Assistance certified that the calculated allocations for Houston and Harris County are disparate; this decision was reached because Houston's allocation exceeded Harris County's by more than one and one-half times, and because Harris County is responsible for more than 50% of the costs of prosecution and incarceration of Houston's violent criminals. This disparate funding certification requires that the allocations for Houston and Harris County be combined. One of the two jurisdictions must apply for the funds, and must pass a negotiated percentage of the funds on to the other. Harris County has agreed that the Houston Police Department will be the lead applicant and fiscal agent; a 50/50 split of the funding is proposed.

Planned Expenditures
The Harris County Sheriff’s Office intends to use their share on upgrading equipment and one civilian position (salaries and fringe benefits). HPD’S planned expenditures include:
- **Salaries and fringe benefits** (associated with seven civilian positions that have been funded by the JAG). These positions are primarily technical in nature.
- **Court Overtime** for Patrol

Requested Action
The requested action authorizes the Chief of Police to submit the grant application and to accept any subsequent awards.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

Finance Department: [ ] Other Authorization: [ ] Other Authorization:
To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Public Safety Interoperable Communications (PSIC) Grant Award

FROM (Department or other point of origin):
Dennis J. Storemski, Mayor’s Office of Public Safety and Homeland Security

DIRECTOR’S SIGNATURE:

For additional information contact: Cheryl Murray
Phone: 832-393-0929

Amount of Funding: $10,029,120

SOURCE OF FUNDING: [X] Grant Funds: $10,029,120 Governor’s Division of Emergency Management (GDEM)/SAA Section

SPECIFIC EXPLANATION:

BACKGROUND
In anticipation of Houston’s major purchase of a new radio system, the Mayor’s Office of Public Safety & Homeland Security has worked aggressively to secure federal grants toward which the City can leverage the voter authorized bond funding of $34 million. One such source is the Public Safety Interoperable Communications (PSIC) grant program.

PSIC
The Deficit Reduction Act of 2005 established a $1 billion grant program for public safety interoperable communications, and the US Departments of Commerce and Homeland Security began the lengthy task of developing the program. Frustrated by the delay, Congress passed the Call Home Act of 2006, requiring funds to be awarded by September 2007.

Mayor Bill White led a coalition of mayors from the country’s highest threat urban areas (Tier I UASI cities), which successfully argued that the funds should not be spread across the entire nation, but rather that some concentrated allocations be targeted to address the interoperable communications needs of the high threat areas. When the PSIC program guidance was issued in August 2007, Houston learned that our urban area would receive an allocation of $14,586,120. Including this amount, Texas received more than $70 million through the PSIC program.

HOUSTON’S PSIC AWARD
There are two components to Houston’s PSIC grant award (subrecipient agreement):
- $9,000,000: This funding is from the $14,586,120 allocation to our urban area. Other jurisdictions receiving funds through this allotment to our region include Harris County ($4,086,120) and Montgomery County ($1,500,000).
- $1,029,120: This amount is from an allocation to H-GAC. The state accepted proposals from all of the 24 Councils of Government. The H-GAC region received $3,601,001, of which Houston is receiving $1,029,120.

REQUIRED LOCAL MATCH
The grant requires a 20% local match, which essentially means that the federal government will contribute $4 for every $1 dollar of local funds spent. This means that the City of Houston will need to provide more than $2.5 million in matching funds, which will come from the voter authorized bonds.

\[
\begin{array}{ccc}
\text{Federal Share (80\%)} & \text{Local Match (20\%)} & \text{Total (100\%)} \\
$10,029,120 & $2,507,280 & $12,536,400 \\
\end{array}
\]

PROJECT MANAGEMENT AND GRANT OVERSIGHT
ITD’s deputy director of radio communication services, Tom Sorley, will serve as the project manager. The Office of Public Safety & Homeland Security will provide grant management and administration. All grant funds must be expended by 6/30/2010. Without Congressional intervention, no grant extensions are permissible.

DJS/GSM

REQUIRED AUTHORIZATION

F & A Director: 

Other Authorization: 

Other Authorization:
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation to the Agreement between the City of Houston and the Metropolitan Transit Authority (METRO) for the Downtown/Midtown Transit Street Program – Travis Street from Pierce Street to Commerce Street; WBS Nos. R-000537-0032-4 and M-000672-0002-4.

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

DIRECTOR’S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director

For additional information contact: Reid K. Mrsny, P.E. Senior Assistant Director Phone: (713) 837-0452

RECOMMENDATION: (Summary)
Adopt an ordinance approving an additional appropriation to reimburse METRO for the City's final cost participation.

Amount and Source of Funding: Total amount requested is $1,183,080.00. $555,386.00 from Water and Sewer System Consolidated Construction Fund No. 8500 and $627,694.00 from Drainage Improvements Commercial Paper Series F Fund No. 4030. Previous original appropriation of $3,491,964.12; $2,488,327.71 from the Water and Sewer System Consolidated Construction Fund No. 755 and $1,003,636.41 from Drainage Improvements Commercial Paper Series F Fund No. 49R.

PROJECT NOTICE/JUSTIFICATION: In accordance with the Transportation Improvement Agreement approved by Council on March 17, 1993 (Ordinance No. 93-274), METRO is requesting reimbursement for City’s final share of costs for this project. According to the Agreement, the design and construction costs associated with roadway paving is funded by METRO and the design and construction cost associated with the water main, sanitary sewer, and some portion of the storm sewer are funded by the City.

DESCRIPTION/SCOPE: This project consisted of the total reconstruction of Travis Street from Pierce Street to Commerce Street and includes paving, signals, street lighting, sidewalks, streetscaping, and all necessary underground utilities such as water lines, storm sewers, and sanitary sewers.

LOCATION: The project area is Travis Street from Pierce Street to Commerce Street. The project is located in Key Map grids 493 L, M and Q.

PREVIOUS HISTORY AND SCOPE: In accordance with the Agreement, METRO has completed this project and is requesting an additional $1,116,588.26 from the City in order to close out the project. This increase in cost is primarily due to additional work associated with the installation of the sanitary sewer system and storm sewer system that were encountered during the construction. The work was mainly unforeseen conflict conditions that were not reflected on the contract plans and rectification was necessary to complete the works proposed in this Project.

The total City's share for the final cost incurred by METRO is $4,187,457.60. Previously, City made an initial payment in the amount of $3,070,869.34 to METRO in accordance with Ordinance No. 2005-75 approved by City Council on January 25, 2005. METRO is currently requesting for the remaining in the amount of $1,116,588.26. Therefore, it is necessary to appropriate additional funds in the amount of $1,183,080.00 which includes $66,491.74 for City's salary recovery.

REQUIRED AUTHORIZATION

Finance Department:

Michelle Mitchell

Other Authorization:

Jeff Taylor, Deputy Director Public Utilities Division

CUIC ID #20TAA19
**Date**

**Subject:** Additional Appropriation to the Agreement between the City of Houston and the Metropolitan Transit Authority (METRO) for the Downtown/Midtown Transit Street Program – Travis Street from Pierce Street to Commerce Street; WBS Nos. R-000537-0032-4 and M-000672-0002-4.

**ACTION RECOMMENDED:** It is recommended that City Council adopt an ordinance approving an additional appropriation in the amount of $1,183,080.00 for the City’s final cost participation.

**c:**  Marty Stein  
Susan Bandy  
Velma Laws  
Craig Foster  
File: METRO - Travis Street from Pierce Street to Commerce Street
LEGEND:
- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY

CITY OF HOUSTON

MEMO PROJECT: TRAVIS STREET COUNCIL DIST 11 CTR
FROM PIERCE TO COMMERCE BOUNDARY

COUNCIL DISTRICT "H"
COUNCIL DISTRICT "I"
COUNCIL DISTRICT "D"
TO: Mayor via City Secretary  
REQUEST FOR COUNCIL ACTION  
SUBJECT: Water Supply Agreement between the North Fort Bend Water Authority and City of Houston

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

DIRECTOR’S SIGNATURE  
Michael S. Marcotte, P.E., DEE, Director

Origination Date  
Council District affected: All

Agenda Date  
JUL 2 3 2008

For additional information contact: 
Jun Chang, P.E.  Phone: (713) 837-0433

Date and identification of prior authorizing Council action  
3/8/2006 2006-0230

RECOMMENDATION: (Summary)  
Approve the Water Supply Agreement between the North Fort Bend Water Authority and City of Houston

Amount and Source of Funding: No funds required. Revenue contract for treated water.

SPECIFIC EXPLANATION:  
The North Fort Bend Water Authority ("Authority") was created by the 79th Legislature (Senate Bill 1798) and the existing legislation was signed into law by the governor on June 17, 2005. The Authority was created for the purpose of reducing groundwater withdrawals and subsidence, acquiring or developing surface water and groundwater supplies, and distributing such water so as to promote regionalization of water treatment and distribution.

The Authority and the City propose to enter into a Water Supply Agreement whereby the Authority will initially secure 19.5 million gallons per day of treated surface water from the City of Houston. In lieu of the contract rate, the Authority will pay the City upon execution of the contract $48,369,094 for the Authority's pro rata share of the construction costs of the East Water Purification Plant and a portion of the water supply distribution system. In addition, upon taking water, the Authority will pay $13,712,603 for its pro rata share of the City's untreated water facilities. The Authority will then, on a monthly basis, pay a pro rata share of the costs to operate and maintain the City facilities required to treat and deliver the Authority's demand.

The terms and conditions of the agreement are basically the same as those provided the North, West, and Central Harris County Regional Water Authorities.

CC: Marty Stein  Jeff Taylor  Susan Bandy  Waynette Chan

Gary Norman

CUIC# 20JZC448

F & A Director  
Andrew F. Icken, Deputy Director  Planning and Development Services
**TO:** Mayor via City Secretary  
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Extend an Interlocal Cost Sharing Contract between City of Houston and Harris County Municipal Utility District No. 410 for the construction of water, sanitary sewer and storm sewer lines.

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

**Director’s Signature:** Michael S. Marcotte, P.E.

**Origination Date:**  
**Agenda Date:** JUL 23 2008

**Council District affected:** D

**For additional information contact:**  
Jun Chang, P.E.  
(713) 837-0433

**Date and identification of prior authorizing Council action:**  
Ordinance #: 05-0198 Dated: 03/09/05  
Ordinance #: 07-0265 Dated: 02/28/07

**Recommendation:** (Summary)  
Approve an extension of an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410.

**Amount & Source of Funding:** NONE REQUIRED

**Specific Explanation:**

On February 28, 2007 Council approved an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 to construct water, sanitary sewer and storm sewer lines in a 74-lot subdivision, Bayou Oaks at West Orem Section 1. The Contract was signed on March 19, 2007. However, due to unforeseen economic conditions the development has not proceeded and the time allowed to begin construction will expire on September 19, 2008. Therefore, Harris County Municipal Utility District No. 410 is requesting 12-month extension of the time to begin construction until September 19, 2009.

**REQUIRED AUTHORIZATION:** 20JZC400 A

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

Andrew F. Icken, Deputy Director  
Planning & Development Services
TO: Mayor via City Secretary  
REQUEST FOR COUNCIL ACTION

SUBJECT: Extend an Interlocal Cost Sharing Contract between City of Houston and Harris County Municipal Utility District No. 410 for the construction of water, sanitary sewer and storm sewer lines.

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

Director’s Signature:  
Michael S. Marcotte, P.E. DEE

For additional information contact:  
Jun Chang, P.E.  
(713) 837-0433

Recommendation: (Summary)  
Approve an extension of an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410.

Amount & Source of Funding: NONE REQUIRED

Specific Explanation:

On February 28, 2007 Council approved an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 to construct water, sanitary sewer and storm sewer lines in a 70-lot subdivision, Bayou Oaks at West Orem Section 2. The Contract was signed on March 12, 2007. However, due to unforeseen economic conditions the development has not proceeded and the time allowed to begin construction will expire on September 12, 2008. Therefore, Harris County Municipal Utility District No. 410 is requesting 12-month extension of the time to begin construction until September 12, 2009.

REQUIRED AUTHORIZATION: 20JZC4014

Director:  
Other Authorization:  
Other Authorization:  
Andrew F. Icken, Deputy Director  
Planning & Development Services
VICINITY MAP
N.T.S.
(KEY MAP # 572P, 572Q)
(GIMS MAP # 5351D, 5350B)
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve an Amending Ordinance Authorizing a Third Amendment to Extend the Contract Term and Increase the Spending Authority for Contract No. C52034 for Local Telephone and Data Services for the Information Technology Department

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

FOR ADDITIONAL INFORMATION CONTACT:
Janis Benton
Phone: (832) 393-0004
Douglas Moore
Phone: (832) 393-8724

RECOMMENDATION: (Summary)
Approve an amending ordinance authorizing a third amendment to Contract No. C52034 between the City of Houston and Southwestern Bell Telephone Company dba AT&T Texas ("AT&T Texas" or "SWBT") (successor to Southwestern Bell Telephone L.P.), extending the term from July 31, 2008 to February 28, 2009, and increasing the spending authority from $61,300,000.00 to $65,800,000.00 for local telephone and data services citywide for the Information Technology Department.

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a third amendment to Contract No. C52034 between the City of Houston and Southwestern Bell Telephone Company dba AT&T Texas ("AT&T Texas" or "SWBT") (successor to Southwestern Bell Telephone L.P.), extending the term from July 31, 2008 to February 28, 2009, and increasing the spending authority from $61,300,000.00 to $65,800,000.00 for local telephone and data services citywide.

This contract was awarded on October 10, 2000, by Ordinance No. 2000-882 for a five-year term, in the amount of $48,300,000.00. A first amendment was approved on May 29, 2002, by Ordinance No. 2002-0453, to include an add/delete provision for services as needed citywide. A second amendment was approved on July 30, 2003, by Ordinance No. 2003-728, to extend the term from October 15, 2005 to July 30, 2008. An amending ordinance was approved on May 30, 2007 by Ordinance No. 2007-637 to increase the spending authority from $48,300,000.00 to $61,300,000.00.

This contract provides equipment, facilities, labor, materials, parts, and supervision necessary to provide local telephone services (dial tone), data circuits, and other related services. These data and voice circuits are critical components of the City's communication and information systems and are used at every City facility.

City staff began negotiating with "AT&T Texas" in February and the negotiations have reached a critical juncture in terms of the "minimum annual revenue commitment" or MARC, which allows greater flexibility for the City in terms of migrating to new technologies and managing costs to focus on improved value for City users.

An extension is recommended in order to complete the procurement process.

Buyer: Joyce Hays

DEPARTMENT | FY 2009 | TOTAL
--- | --- | ---
Information Technology | $4,500,000.00 | $4,500,000.00

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Professional Materials Engineering Laboratory Contract between the City and Kenall Inc. for testing laboratory services.

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

**DIRECTOR'S SIGNATURE:**
Michael S. Marcotte, P.E., DEE, Director

**For additional information contact:**
Michael K. Ho, P.E., F. ASCE
Assistant Director
Phone: 713-837-7067

**RECOMMENDATION:** (Summary)
Approve Professional Materials Engineering Laboratory Contract with Kenall Inc. for engineering materials testing services for the Department of Public Works and Engineering.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This Professional Materials Engineering Laboratory Contract will support the construction of Capital Improvement Plan (CIP) and maintenance projects. The testing laboratory will be assigned to various projects when the contracts are awarded.

**DESCRIPTION/SCOPE:** Materials testing assures the quality control of the construction of the project and compliance with the engineering design specifications. The specific engineering testing and analysis will be identified in the technical specifications contained in the contract assigned.

**LOCATION:** This contract will cover various locations throughout the City.

**SCOPE OF CONTRACT AND FEES:** Under the terms of the contract, the testing laboratories will perform quality control of construction materials through testing. The testing laboratory will be paid for the tests performed, based on the established City of Houston Schedule of Fees. The cost of the testing services will be included with the construction award appropriation.

**REQUISITED AUTHORIZATION**

<table>
<thead>
<tr>
<th>Other Authorization:</th>
<th>Authorization:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reid Mrsny, Sr. Assistant Director, Engineering and Construction Division</td>
<td></td>
</tr>
</tbody>
</table>

**Attachments**
c: Marty Stein  Velma Laws  Susan Bandy  Craig Foster
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract
Eagle Construction and Environmental Services, L.P.
Remediation and Underground Storage Tank Removal
Fire Station 56 and Fire Station 66
WBS No. C-000170-0011-4

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

DIRECTOR'S SIGNATURE:
Issa Z. Dadoush, P.E.

For additional information contact:
Jacquelyn L. Nisby
Phone: 832-393-8023

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding:
$119,584.00 Fire Consolidated Construction Fund (4500)

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to Eagle Construction and Environmental Services, L.P., on the low bid amount of $80,559.60 to provide construction services at Fire Station 56 and Fire Station 66 for the Houston Fire Department.

PROJECT LOCATIONS: Fire Station 56, 5820 East Little York Road, Houston, Texas (Key Map 414-V)
Fire Station 66, 5800 Teague Road, Houston, Texas (Key Map 450-A)

PROJECT DESCRIPTION: The scope of work consists of removing one 1,000 gallon gasoline underground storage tank (UST) and one 1,000 gallon diesel UST from each Fire Station along with associated lines, observation wells, manholes and ancillary equipment. The work also includes disposal of aqueous liquid, saw-cutting, demolition and removal of concrete paving over the USTs, off-site disposal of concrete, product lines and debris generated as a result of all activities, backfilling and compaction, sodding and concrete replacement, waste classification, loading, hauling and proper disposal.

The contract duration for this project is 40 calendar days.

BIDS: The following four bids were received on April 10, 2008.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Eagle Construction and Environmental Services, L.P.</td>
<td>$80,559.60</td>
</tr>
<tr>
<td>2. Separation Systems Consultants, Inc.</td>
<td>$81,200.00</td>
</tr>
<tr>
<td>3. ECMS, Inc.</td>
<td>$92,462.00</td>
</tr>
<tr>
<td>4. B &amp; K Services, Inc.</td>
<td>$93,612.00</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

General Services Department:
Phil Golembiewski, P.E.
Chief of Design and Construction Division

Other Authorization:
Houston Fire Department:
Phil Boriskie
Chief

CUIC ID # 25GM168
AWARD: It is recommended that City Council award the construction contract to Eagle Construction and Environmental Services, L.P and appropriate funds for the project, including an additional appropriation of $34,996.42 for project management and construction oversight services under the existing contract with SKA Consulting, L.P., which includes, but is not limited to, soil and groundwater sampling, analytical testing, sample evaluation in accordance with regulatory requirements, site closure report and request for site closure approval from Texas Commission on Environmental Quality (TCEQ).

FUNDING SUMMARY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Contract Services</td>
<td>$80,559.60</td>
</tr>
<tr>
<td>5% Contingency</td>
<td>$4,027.98</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$84,587.58</strong></td>
</tr>
<tr>
<td>Project Management and Construction Oversight</td>
<td>$34,996.42</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$119,584.00</strong></td>
</tr>
</tbody>
</table>

IZD:PJG:JLN:GM:MCJ:fk

c: Marty Stein  
   Jacquelyn L. Nisby  
   Velma Laws  
   Gabriel Mussio  
   File
Fire Station No. 56
Remediation and Underground Storage Tank Removal
5820 East Little York Road
Houston, TX 77016
Fire Station No. 66
Remediation and Underground Storage Tank Removal
5800 Teague Road
Houston, TX 77041

COUNCIL DISTRICT "A"  KEY MAP NO. 450 A
TO: Mayor via City Secretary  REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Trinity Houston Gardens Drainage Improvements
          WBS Nos. M-000292-0001-4; S-000500-0065-4 and R-000500-0065-4

FROM: Department of Public Works and Engineering

DIRECTOR’S SIGNATURE: Michael S. Marcotte, P.E. DEE

For additional information contact:
Reid K. Mrspy, P.E.
Phone: (713) 837-0452
Senior Assistant Director

RECOMMENDATION: (Summary)
Accept low bid, award Construction Contract, appropriate funds and allocate CDBG funds contingent on receipt.

Amount and Source of Funding: Total $8,616,000.00
$4,275,000.00 from Drainage Improvements Commercial Paper Series F, Fund No. 40300
$1,291,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500
50,000.00 From CDBG funding
$3,000,000.00 is allocated from CDBG funding conditioned on the receipt of funds from the U.S. DHUD

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. The total funding appropriation for this project will include $3,000,000.00 (CDBG) cost participation by Housing Community Development (HCD). At this time, availability of CDBG funds is pending HUD’s approval. Upon availability of the funds, a supplemental allocation will be executed to capture HCD funding commitment for this project.

DESCRIPTION/SCOPE: This project consists of approximately 3,080 linear feet of reinforce concrete box storm sewers; 5,560 linear feet of 24-inch, 36-inch, 42-inch, 48-inch, 54-inch and 60-inch storm sewers; 2,617 linear feet of 8-inch, 12-inch and 18-inch sanitary sewers; 14,725 linear feet of 8-inch waterlines, roadside ditch re-grade and culvert replacement, concrete roadway reconstruction with curb and gutter.

The Contract duration for this project is 362 calendar days. This project was designed by United Engineers, Incorporated.

LOCATION: This project is generally bounded by Laura Koppe Road on the north, Denmark Street on the south, Lockwood Drive on the west and Westcott Road on the east. The project is located in Key Map Grids 454G, 454H, 454L and 454M.

BIDS: Bids were received on February 7, 2008. The eleven (11) bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Triple B Services L.L.P.</td>
<td>$ 7,572,822.50</td>
</tr>
<tr>
<td>D.L. Elliott Enterprises, Inc.</td>
<td>$ 7,777,776.00</td>
</tr>
<tr>
<td>Pace Services, LP</td>
<td>$ 7,834,116.50</td>
</tr>
<tr>
<td>Huff &amp; Mitchell, Inc.</td>
<td>$ 7,962,149.00</td>
</tr>
<tr>
<td>Reytec Construction Resources, Inc.</td>
<td>$ 8,198,101.00</td>
</tr>
<tr>
<td>TJ&amp;T Enterprises, Inc.</td>
<td>$ 8,480,765.00</td>
</tr>
<tr>
<td>C.E. Barker, Ltd</td>
<td>$ 8,800,886.84</td>
</tr>
<tr>
<td>Texas Sterling Construction Company</td>
<td>$ 8,912,387.00</td>
</tr>
<tr>
<td>George Construction, Inc.</td>
<td>$ 9,452,903.00</td>
</tr>
<tr>
<td>Total Site, Inc.</td>
<td>$ 9,481,025.75</td>
</tr>
<tr>
<td>Total Contracting Limited</td>
<td>$10,460,585.00</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

Finance Department: Other Authorization:
Richard Celli, Director Housing & Community Development
**AWARD:** It is recommended that this Construction Contract be awarded to the low bidder, Triple B Services, L.L.P. with a bid of $7,572,822.50 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is $8,616,000.00 to be appropriated as follows:

- **Bid Amount** $ 7,572,822.50
- **Contingencies** $ 378,642.00
- **Engineering and Testing Services** $ 210,000.00
- **Project Management** $ 454,535.50

Engineering and Testing Services will be provided by HTS, Inc. Consultants under a previously approved Contract.

**MWBE/SBE 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.

<table>
<thead>
<tr>
<th>MBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Curb Planet, Inc.</td>
<td>Concrete/Curb</td>
<td>$ 5,300.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>2. A &amp; C Environmental Solutions</td>
<td>Sodding</td>
<td>$ 58,920.00</td>
<td>0.78%</td>
</tr>
<tr>
<td>3. Environmental Allies, L.P.</td>
<td>SWPPP</td>
<td>$ 3,290.00</td>
<td>0.04%</td>
</tr>
<tr>
<td>4. D. Solis Trucking Company, Inc.</td>
<td>Trucking</td>
<td>$ 858,891.00</td>
<td>11.34%</td>
</tr>
<tr>
<td>5. Angel's Security &amp; Associates</td>
<td>Flagman</td>
<td>$ 37,900.00</td>
<td>0.50%</td>
</tr>
<tr>
<td>6. Statewide Tree Services dba Statewide Services</td>
<td>Tree Protection</td>
<td>$ 124,973.00</td>
<td>1.65%</td>
</tr>
</tbody>
</table>

**TOTAL** $ 1,089,274.00 14.38%

<table>
<thead>
<tr>
<th>WBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Access Data Supply, Inc.</td>
<td>Trucking/RCP</td>
<td>$ 481,205.00</td>
<td>6.35%</td>
</tr>
</tbody>
</table>

**TOTAL** $ 481,205.00 6.35%

<table>
<thead>
<tr>
<th>SBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Contractors Paving Supply, LLP</td>
<td>Paving</td>
<td>$ 55,139.00</td>
<td>0.73%</td>
</tr>
<tr>
<td>2. Stripes &amp; Stops Company, Inc.</td>
<td>Traffic Control</td>
<td>$ 98,110.50</td>
<td>1.29%</td>
</tr>
<tr>
<td>3. Mickie Service Company, Inc</td>
<td>Water TS&amp;V</td>
<td>$ 4,400.00</td>
<td>0.06%</td>
</tr>
<tr>
<td>4. Eldorado Paving Company, Inc.</td>
<td>Asphalt</td>
<td>$ 108,450.00</td>
<td>1.43%</td>
</tr>
</tbody>
</table>

**TOTAL** $ 266,099.50 3.51%

All known rights-of-way, easements and/or rights-of-entry required for this project have been identified.
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation
WBS# R-000266-0124-4

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

DIRECTOR'S SIGNATURE
Michael S. Marcotte, P.E., DEE, Director

For additional information contact:
Joseph G. Majdalani, P.E.
Senior Assistant Director
Phone: (713) 641-9182

RECOMMENDATION: (Summary)
Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: $602,599.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.

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

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

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

BIDS: Five (5) bids were received on April 17, 2008 for this project as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Specialized Maintenance Services, Inc.</td>
<td>$561,126.00</td>
</tr>
<tr>
<td>2. SHE-Co., Inc.</td>
<td>$587,035.76</td>
</tr>
<tr>
<td>3. Envirowaste Services Group, Inc.</td>
<td>$598,988.40</td>
</tr>
<tr>
<td>4. CleanServe, Inc.</td>
<td>$605,670.00</td>
</tr>
<tr>
<td>5. Chief Solutions, Inc.</td>
<td>$653,777.52</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

Finance Department

Other Authorization:
Jeff Taylor, Deputy Director
Public Utilities Division
**Date** | **Subject:** Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation  
WBS# R-000266-0124-4 | **Originator’s Initials** | **Page**  
2 of 2

**AWARD:** It is recommended that this construction contract be awarded to Specialized Maintenance Services, Inc. with a low bid of $561,126.00, and that Addendum No. 1, dated 03/31/2008 be made part of this contract.

**PROJECT COST:** The total cost of this project is $602,599.00 to be appropriated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid Amount</td>
<td>$561,126.00</td>
</tr>
<tr>
<td>Contingencies</td>
<td>$28,056.30</td>
</tr>
<tr>
<td>Project Management</td>
<td>$8,416.70</td>
</tr>
<tr>
<td>Engineering Testing Services</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Engineering Testing Services will be provided by Rone Engineering Services, LTD, under a previously approved contract.

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

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

cc: Marty Stein  
    Jeff Taylor  
    Susan Bandy, CPA  
    Velma Laws  
    Michael Ho, P.E.  
    File No. WW 4277-37
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Shepherd Park Terrace Area.
WBS. No. S-000035-00N5-4

FROM: Department of Public Works and Engineering

DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E. DEE, Director

For additional information contact:
Reid K. Mrsny, P.E. Phone: (713) 837-0452
Senior Assistant Director

RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
$3,276,700.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

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

DESCRIPTION/SCOPE: This project consists of approximately 48,293 linear feet of 8-inch diameter water lines, valves, and appurtenances. The contract duration for this project is 380 calendar days. This project was designed by Amani Engineering, Inc.

LOCATION: The project area is generally bound by Pinemont on the north, Chantilly on the south, N. Shepherd on the east and Ella Boulevard on the west. The project is located in Key Map Grids 452 F and G.

BIDS: Bids were received on May 1, 2008. The six (6) bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. R. K. Wheaton, Inc.</td>
<td>$2,879,884.50</td>
</tr>
<tr>
<td>2. Collins Construction, L.L.C.</td>
<td>$2,920,837.11</td>
</tr>
<tr>
<td>3. D.L. Elliot Enterprises, Inc</td>
<td>$2,989,226.00</td>
</tr>
<tr>
<td>4. ACM Contractors, Inc.</td>
<td>$3,355,030.39</td>
</tr>
<tr>
<td>5. C.E. Barker, Ltd.</td>
<td>$3,459,099.72</td>
</tr>
<tr>
<td>6. RWL Construction, Inc.</td>
<td>$3,519,401.11</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

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

REV 3.06

Agenda Item # 53
AWARD: It is recommended that this construction contract be awarded to R. K. Wheaton, Inc. with a low bid of $2,879,884.50 and that no Addendum be made a part of this contract.

PROJECT COST: The total cost of this project is $3,276,700.00 to be appropriated as follows:

- Bid Amount $2,879,884.50
- Contingencies $143,994.23
- Engineering and Testing Services $80,000.00
- Project Management $172,821.27

Engineering and Testing Services will be provided by A & R Engineering and Testing, 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 and 3% SBE goal for this project.

<table>
<thead>
<tr>
<th>MBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Texas Hauling</td>
<td>Trucking Services</td>
<td>$403,300.00</td>
<td>14.0%</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$403,300.00</td>
<td>14.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gama Contracting Services</td>
<td>Pipe Installation</td>
<td>$145,000.00</td>
<td>5.03%</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$145,000.00</td>
<td>5.03%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SBE - Name of Firms</th>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mickie Service Company, Inc.</td>
<td>Install T S &amp; V</td>
<td>$86,500.00</td>
<td>3.0%</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$86,500.00</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

Marty Stein
Velma Laws
Susan Bandy
Michael Ho, P.E.
Craig Foster

File: S-000035-00N5-4 (3.7)
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Condition Assessment of Large Diameter Water Lines.
W.B.S. No. S-000901-0005-4.

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

DIRECTOR’S SIGNATURE:
Michael S. Marcotte, P.E. DEE

FOR ADDITIONAL INFORMATION CONTACT:
Reid K. Mrsny, P.E., Phone: (713) 837-0452
Senior Assistant Director

RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

PROJECT NOTICE/JUSTIFICATION: This project is part of the Large Diameter Water Lines Inspection, Replacement, and Rehabilitation Program and is required to provide construction and labor support for installation of interconnections, inspection of and preparation for future long-term monitoring of the existing 66-inch surface water refill line along Wheeler and Richmond.

DESCRIPTION/SCOPE: This project includes preparatory work necessary to permit a shut-down of the 66-inch surface water refill line for condition assessment, including construction of surface water line interconnections, installation of valves, installation of temporary traffic control, and dewatering of pipe lines. The project also includes installation of acoustic monitoring cables, confined space entry support such as ventilation and air monitoring, and construction of immediate rehabilitations.

The contract duration for this project is 730 calendar days. This project was designed by Lockwood, Andrews and Newnam, Inc.

LOCATION: The project area is generally bound by Richmond on the north, Wheeler on the south, Newcastle on the west and Dowling on the east. The project is located in Key Map Grids 491-Z, 492-W, X, Y, Z; 493-W, X, Y, 533-B.

BIDS: Bids were received on June 12, 2008. The four (4) bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Huff &amp; Mitchell, Inc.</td>
<td>$4,182,778.30</td>
</tr>
<tr>
<td>2. Texas Sterling Construction Co.</td>
<td>$4,982,266.60</td>
</tr>
<tr>
<td>3. Reytec Construction Resources, Inc.</td>
<td>$5,287,723.00</td>
</tr>
<tr>
<td>4. George Construction, Inc.</td>
<td>$6,550,749.00</td>
</tr>
</tbody>
</table>

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:
Jeff Taylor, Deputy Director
Public Utilities Division

CUIC#20BLL20
AWARD: It is recommended that this construction contract be awarded to Huff & Mitchell, Inc. with a low bid of $4,182,778.30 and that Addendum Number 1 be made a part of this contract.

PROJECT COST: The total cost of this project is $4,988,400.00 to be appropriated as follows:

- **Bid Amount**: $4,182,778.30
- **Contingencies**: $209,138.92
- **Engineering and Testing Services**: $145,000.00
- **Project Management**: $83,691.78
- **Construction Management**: $367,791.00

Engineering and Testing Services will be provided by Geotest Engineering, Inc. under a previously approved contract.

Construction Management Services will be provided by Lockwood, Andrews & Newnam, Inc. under a previously approved contract.

Bonus for early completion is included in this project. Incentive bonus will be paid for every day in advance of the Interim Completion deadlines stated in the contract. The maximum incentive bonus allotted is $60,000.

M/WBE PARTICIPATION: The Affirmative Action & Contract Compliance Department has reviewed and approved the good faith efforts of the contractor in complying with the MWSBE goal as set forth by the City's Affirmative Action Program. The low bidder has submitted the following proposed MBE participation of 7.3%, WBE participation of 5.0%, and SBE participation of 3.0% to satisfy the goal for this project.

### MBE - Name of Firms

<table>
<thead>
<tr>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chief Solutions, Inc.</td>
<td>Line Cleaning</td>
<td>$54,500.00</td>
</tr>
<tr>
<td>2. City Build Utility Supply</td>
<td>Utility Supplies</td>
<td>$250,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$304,500.00</td>
<td>7.3%</td>
</tr>
</tbody>
</table>

### WBE - Name of Firms

<table>
<thead>
<tr>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Choctaw Pipe &amp; Equipment, Inc.</td>
<td>Pipe Supplies</td>
<td>$210,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$210,000.00</td>
<td>5.0%</td>
</tr>
</tbody>
</table>

### SBE - Name of Firms

<table>
<thead>
<tr>
<th>Work Description</th>
<th>Amount</th>
<th>% of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. APCON SERVICES LLC</td>
<td>Trucking</td>
<td>$125,500.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$125,000.00</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

Marty Stein
Velma Laws
Susan Bandy
Michael Ho, P.E.
Craig Foster
File S-000901-0005-3 (3.7)
Our office reviewed and evaluated Huff & Mitchell’s Good Faith Efforts (GFEs) as it relates to the project listed above. The following goals apply to this project: 14% MBE, 5% WBE and 3% SBE. Amount and source of funding for this project is $4,988,400, from the Water & Sewer System Consolidated Construction Fund Number 8500.

- Huff & Mitchell’s original MBE, WBE and SBE goal attainment was 4% for all three categories. The Office of Affirmative Action denied their Good Faith Efforts and recommended a more vigorous effort be done to justify and satisfy GFEs.
- After speaking to the President of Huff & Mitchell, our office granted an additional 10 days for Huff & Mitchell to come up with GFEs.
- Huff & Mitchell submitted another GFE report which has the following percentages: 7.3% MBE, 5% WBE and 3% SBE. Huff & Mitchell also reached out to various minority-owned newspapers, contacted Mr. Juan Padilla (Mr. Padilla works for Affirmative Action and he sent notice to bid to our certified S/M/W/BEs via e-mails). Huff & Mitchell also contacted HMBC and WBEA.
- Although the overall S/M/W/BE percentages equal 15.3%, this total is a major improvement from the original overall percentage of 4%.
- As part of the GFEs review process, the Office of Affirmative Action evaluates the general contract’s S/M/W/BE participation data. The City of Houston has awarded Huff & Mitchell a total of 5 projects. Of these, 2 had no S/M/W/BE goal, 2 received Satisfactory ratings and 1 received an Outstanding rating.

Based on the findings listed above, we recommend approval of Huff & Mitchell’s Good Faith Efforts.
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinances granting Commercial Solid Waste Operator Franchises

FROM: (Department or other point of origin):
Alfred J. Moran Jr., Director
Administration & Regulatory Affairs

DIRECTOR'S SIGNATURE:

For additional information contact:
Juan Olguin
Phone: (713) 837-9623
Nikki Cooper
Phone: (713) 837-9889

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

SOURCE OF FUNDING:

S C R I P T I C A L EXPLANATION:

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

1. Gonzalez Trucking Company
2. Joaquina Trucking
3. Repipe Construction LTD.

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

Finance Director:
F&A 011.A Rev. 5/11/98
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary
SUBJECT: Ordinances granting Commercial Solid Waste Operator Franchises

FROM: (Department or other point of origin):
Alfred J. Moran Jr., Director
Administration & Regulatory Affairs

DIRECTOR’S SIGNATURE: [Signature]

For additional information contact:
Juan Olguin  Phone: (713) 837-9623
Nikki Cooper  Phone: (713) 837-9889

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding: REVENUE

SPECIFIC EXPLANATION:

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

1. Martin Garza Clean Up Service

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

REQUIRED AUTHORIZATION

Finance Director:

F&A 011-A Rev. 5/11/98
NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from July 23, 2008 to receive nominations for Positions 9, 10, and 11 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term. Current members terms expired June 14, 2008:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Nominated by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position 9</td>
<td>Ms. Sharron B. Beale</td>
<td>CM Garcia</td>
</tr>
<tr>
<td>Position 10</td>
<td>Dr. Suraiya Saleem</td>
<td>CM Khan</td>
</tr>
<tr>
<td>Position 11</td>
<td>Mr. J. D. Bartell</td>
<td>CM Brown</td>
</tr>
</tbody>
</table>

/ksk

cc: Ms. Marty Stein
WRITTEN Motion by Council Member Holm to amend the proposed Ordinance

Amending Article VI of Chapter 2 of the Code of Ordinances as follows:

I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed.

On 7/9/08 the above motion was tagged by Council Member Jones.

cr
July 9, 2008

RE: Agenda Item 13

I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed.
TO: Mayor via City Secretary
REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance Amending Article VI of Chapter 2 of the Code of Ordinances relating to Appraisals for Sales or Leases of Real Property

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

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.

For additional information contact:
Jacquelyn L. Nisby, 713-393-8023

Date and identification of prior authorizing council action:
JUL 23 2008

RECOMMENDATION: Approve an Amendment to Article VI of Chapter 2 of the Code of Ordinances relating to Appraisals for Sales or Leases of Real Property Owned by the City.

Amount and Source Of Funding: N/A

Finance Budget:

SPECIFIC EXPLANATION: Article VII, Section 9 of the City Charter, provides that Council "shall establish the minimum monetary value of the real estate or interest therein at which Council must appoint two qualified appraisers for the purpose of determining fair market value ..." Section 2-240, Houston Code of Ordinances, currently provides that the City must obtain two independent appraisals when the City intends to sell or lease real estate with an expected value over $25,000.00.

The proposed amendment to Article VI of Chapter 2 of the Code of Ordinances will raise the minimum property value amount at which the City must obtain two appraisals to over $1 million, and makes other changes to the City appraisal process. The objectives of the changes are to obtain: (i) more reliable estimations of value, (ii) higher quality appraisal reports with fewer errors, (iii) faster and when-promised delivery of appraisal reports, and (iv) appraisals at a lower cost to the City (that is, not obtaining two appraisals when one is sufficient).

The General Services Department (GSD) and Public Works and Engineering Department (PWE) handle sales and leases of City owned real estate and have worked together in developing the recommended changes to the City’s processes for obtaining real estate appraisals. Representatives of these Departments discussed issues with the current appraisal procedures and presented the proposed amendments to the Council Committee on Budget & Fiscal Affairs on January 28 and April 1, 2008.

GSD and PWE have developed new internal procedures for obtaining and maintaining a list of qualified appraisers. The City will broadly solicit appraisers to submit their qualifications, and the City will undertake special outreach to encourage M/WBE appraisers to submit their qualifications. Appraisal assignments will be made on a rotating basis to the next appraiser on the City maintained list with (i) qualifications which match the type of property (e.g., residential, commercial, industrial), and (ii) expertise in the particular area of town. Appraisers who have repeated performance violations may be removed from the list. GSD and PWE will provide a monthly report to Council on appraisal assignments made.

The City will receive one appraisal report for the sale or lease of City real estate unless (i) the unique character of the real estate indicates the need for two appraisal reports, or (ii) the expected value of the real estate is over $1 million. In all cases where the value exceeds $1 million, Council approval of the appointment of two appraisers chosen by PWE or GSD, will be required.

Therefore, GSD and PWE recommend that City Council approve the Amendment to Article VI of Chapter 2 of the Code of Ordinances.

NGD:BC:JLN:RB:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Nancy Collins, Arturo G. Michel

REQUIRED AUTHORIZATION

Department of Public Works and Engineering:
Michael S. Marcotte, P.E., DEE
Director

General Services Department:
Forest R. Christy, Jr., Director
Real Estate Division
AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO APPRAISALS FOR SALES OR LEASES OF CITY REAL PROPERTY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, City Council, to expedite and reduce the costs of property disposals, seeks to raise the property value above which the City is required to obtain two independent appraisals for real estate sales or leases; and

WHEREAS, City Council also seeks to revise the method of appointing real estate appraisers, and to establish performance standards for receiving subsequent appraisal assignments; 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 Subsections (c) and (d) of Section 2-240 of the Code of Ordinances, Houston, Texas, are hereby deleted.

Section 3. That Section 2-241 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 2-241. Appointment of appraisers.

(a) The director of public works and engineering and the director of general services shall jointly develop and maintain policies and procedures (i) for obtaining and maintaining a list of qualified appraisers who have applied to receive appraisal engagements from the city, and (ii) for appraisals of city owned real estate. Appraisers with repeated performance violations including refusal of engagements, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, and similar performance issues may be removed from the list of qualified appraisers for no less than one year or more than three years."
(b) The director of public works and engineering or director of general services who is selling or leasing city real estate or an interest therein shall make recommendations of qualified appraisers for council appointment under subsection (c) or engage appraisers under subsection (e) on a rotating basis to the next appraiser(s) on the city maintained list of appraisers with (i) appraisal qualifications for the type of real estate or interest therein being sold or leased (such as residential, commercial, or industrial) and of the size and complexity of the appraisal, and/or (ii) appraisal experience in the locality of the subject real estate.

(c) In any sale of real estate or interest therein for which the value is estimated to exceed $1,000,000 or in any lease in which the value of the fee estate is estimated to exceed $1,000,000, the director of public works and engineering or director of general services shall recommend qualified appraisers and request council to appoint a minimum of two qualified appraisers, and one alternate appraiser if appropriate under applicable policies and procedures, for the purpose of determining fair market value.

(d) An alternate appraiser who has been appointed under subsection (c) shall not be engaged to perform an actual appraisal or be entitled to any compensation therefor, unless the director making the appointment recommendation to council substitutes the alternate for one of the regularly appointed appraisers after finding that the regularly appointed appraiser has declined to accept the engagement, has not been located, is unable or unwilling for any reason to accept the engagement, or is unable or unwilling to complete the engagement within a reasonable period of time that is consistent with the scope of the work and the city's need to complete the transaction. When the alternate appraiser is substituted for one of the regularly appointed appraisers, the director making the substitution will notify council in writing of the substitution.

(e) In any sale of real estate or interest therein for which the value is estimated to not exceed $1,000,000, the director of public works and engineering or director of general services, as applicable, shall receive a minimum of one appraisal report from a qualified appraiser for the purpose of determining fair market value. In any sale of real estate or interest therein for which the value is estimated to not exceed $50,000, an appraisal report may be provided by a city employee with professional appraisal qualifications.

(f) In any transactions involving the Houston Airport System, the director of the Houston Airport System shall have the responsibilities of and be substituted for the director of public works and engineering and director of general services in subsections (b), (c), (d) and (e) hereof.
Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND ADOPTED on this ___ day of ________________, 2008.

APPROVED on this ___ day of ________________, 2008.

Mayor of the City of Houston

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

City Secretary

(Prepared by Legal Dept.  Sr. Assistant City Attorney
Requested by Michael S. Marcotte, P.E., DEE, and Issa Z. Dadoush, P.E.
L.D. File No. 033-0800005-001
H:/(rrj)/wpfiles\wpdocs\appraisal ordinanceV5.wpd)
TO: Mayor via City Secretary  REQUEST FOR COUNCIL ACTION

SUBJECT:
AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO CONTRACTOR EMPLOYEE CLASSIFICATION

FROM (Department or other point of origin):
Affirmative Action and Contract Compliance

DIRECTOR’S SIGNATURE:

For additional information contact:
Phone: Velma Laws, 713.837.9015

RECOMMENDATION: (Summary)
Enact an ordinance to prevent contractors who are awarded contracts by the city from misclassifying employees as independent contractors by requiring contractors to keep certain records.

Amount of Funding:
None required.

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

SPECIFIC EXPLANATION:
The proposed Ordinance was prepared at the request of the Council MWBE, Small Contractor Development and Contract Compliance Committee. The Committee found that some contractors are attempting to gain an unfair financial advantage over competitors by misclassifying employees as independent contractors.

The purpose of the Ordinance is to prevent any unfairness or inequity for contractors who comply with applicable employment laws. The Ordinance creates a record keeping requirement, and makes violation of the Ordinance a penal offense and grounds for debarment. Specifically, contractors must:

- Maintain a list of all persons working on city contracts by classification, including duties and benefits; IRS-1099 Misc. forms for all independent contractors; and any written agreement with independent contractors.
- Produce these records upon request of city (city departments will not have burden of managing records).
- Submit to the IRS an SS-8 “Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding” for any person classified as an independent contractor, upon request of the City.

Enforcement is accomplished by: 1) the presumption that anyone who is not listed as independent contractor, without 1099 and without a contract is an employee; 2) a fine of up to 500.00 per violation; and 3) debarment for failure to comply.

REQUIRED AUTHORIZATION

F&A Director: Other Authorization: Other Authorization:
City of Houston, Texas Ordinance No. 

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO CONTRACTOR EMPLOYEE CLASSIFICATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, the City of Houston promotes fair competition and public welfare by requiring contractors and bidders to comply with laws and regulations pertaining to, among other things, prevailing wages, workers compensation insurance, health insurance, taxes and other employment laws; and

WHEREAS, City Council finds that some contractors are attempting to gain an unfair financial advantage over competitors by misclassifying employees as independent contractors; and

WHEREAS, City Council desires to create reporting and record keeping requirement for contractors and to make a violation of this requirement a penal offense and grounds for debarment; 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.

Section 2. That Chapter 15 of Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article X that reads as follows:

"ARTICLE X. CONTRACTOR EMPLOYEE CLASSIFICATION

Sec. 15-151. Declaration of policy.

(a) It is the policy of the city to encourage fair competition for city contracts by requiring all contractors to comply with applicable employment laws, statutes and ordinances. It is city policy to prevent any unfairness or inequity for contractors who comply with applicable employment laws.

(b) It is the policy of the city to place an affirmative duty on contractors to demonstrate compliance with all employment laws, statutes and ordinances."
Sec. 15-152. Definitions.

The words and phrases defined in this section shall have the meanings ascribed when used in this article, unless the context clearly indicates another meaning.

Contractor means any person or legal entity providing goods, labor, or services to the city by contract for profit and their agents.

Independent contractor means a person performing work for a contractor under a city contract for whom the contractor has the right to control or direct only the result of the work and not the means and methods of accomplishing the result, or a person the Internal Revenue Service has determined is an independent contractor for purposes of federal employment taxes and income tax withholding.

Sec. 15-153. Records regarding classification.

(a) A contractor must maintain a list of all persons performing work under a city contract classifying each person as either an employee or independent contractor, including a description of each person's duties and any benefits provided, and produce a copy of the list upon request of the city.

(b) A contractor must produce a copy of the Internal Revenue Service Form 1099-Misc. for each independent contractor performing work under a city contract upon request of the city.

(c) A contractor must produce a copy of any written contract or agreement describing the relationship with each independent contractor performing work under a contract with the city upon request of the city.

(d) A contractor must submit to the Internal Revenue Service an SS-8 "Determination of Worker Status for Purposes of Federal Employment Tax and Income Tax Withholding" for any person classified as an independent contractor upon request of the city.

Sec. 15-154. Violation of article.

It is unlawful for a contractor to fail to maintain, fail to produce or fail to submit the records, documents or forms required by this article.
Sec. 15-155. Presumption.

Any person performing work for a contractor under a city contract who is not classified as an independent contractor on the list required by this article, and who has not been provided a 1099-Misc. form as required by this article, and with whom a written contract or other agreement describing the relationship with the person does not exist, is presumed to be an employee of the contractor.

Sec. 15-156. Debarment.

Failure to comply with the terms of this article constitutes grounds for debarment as defined in section 15-103 of this Code.

Sec. 15-157. Penalty.

A violation of this article is a misdemeanor criminal offense and is punishable pursuant to section 1-6 of this Code.

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

Section 4. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 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 ____________, 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.   
L.D. File No. 0390800082001

Assistant City Attorney

G:\CONTRACT\JKC\1099 ord FINAL.doc
LD File No. 0990800082001
FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance amending the contract between the City of Houston and Houston MediaSource (HMS) and appropriating funds

FROM: (Department or other point of origin):
Alfred J. Moran, Jr., Director
Administration & Regulatory Affairs Department

DIRECTOR'S SIGNATURE:

For additional information contact:
Tina Paez Phone: 713-837-9630
Juan Olguin Phone: 713-837-9623

RECOMMENDATION: (Summary)
Adopt an ordinance amending the contract with Houston MediaSource (HMS) for the development and production of programming for public access television to allow for a one-time payment to assist with relocation expenses and appropriating funds.

Amount of Funding: $165,000

SOURCE OF FUNDING: [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other (Specify)
Cable Television Fund (2401)

SPECIFIC EXPLANATION:
The Director of Administration and Regulatory Affairs recommends that City Council adopt an ordinance amending the contract with Houston MediaSource (HMS) to allow for a one-time payment of $165,000 to assist with relocation expenses, and appropriate funds for same.

HMS is currently located at 2302 Texas Avenue, a property owned by the City of Houston pursuant to the Purchase and Sale Agreement authorized by City Council on March 5, 2008. At the request of the City, HMS has agreed to relinquish its current lease and relocate to new quarters at 410 Robert Street. In light of this unanticipated move, HMS has requested the City appropriate additional funds to their contract to assist with moving and build-out expenses.

HMS is one of four cable channels set aside to provide Public, Educational and Governmental (PEG) programming as required by the Code of Ordinances and the Texas Utilities Code. The three other channels are HTV, the City’s government channel, and channels operated by the Houston Community College System and the Houston Independent School District. In addition to providing channels, City and State cable franchisees provide annual funding for the ongoing operations of PEG programming and for the support of PEG access channel facilities, including the physical facilities, production studios and capital equipment purchases.

The primary contract term expires June 30, 2010, with five annual one-year options to renew. The City may terminate this contract at any time upon 30-days notice to the contractor, should termination become necessary.
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program

FROM (Department or other point of origin):
Harold L. Hurtt, Chief of Police
Houston Police Department

DIRECTOR'S SIGNATURE: [Signature]

For additional information contact:
Byron Cleggett, Division Manager Phone: 713-308-1738

Approved by:
Joseph A. Fenninger, Deputy Director Phone: 713-308-1708

DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:
Ord. No. 2006-0973, 9/20/06
Ord. No. 2007-0907, 8/8/07

RECOMMENDATION: (Summary)
Approve an amending ordinance to increase the maximum contract amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program.

AMOUNT AND SOURCE OF FUNDING: $2,148,129.00 (FY09)
Police Special Services Fund 2201 (From METRO Mobility Fund)

SPECIFIC EXPLANATION:
The Chief of Police recommends that City Council approve an amending ordinance to increase the spending authority for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program by $2,148,129.00 for fiscal year 2009. The amending ordinance would increase the maximum contract amount from $3,751,888.00 to $5,900,017.00. The City currently contracts with eleven operators to perform the obligations and services related to this program.

In June, 2005, City Council approved the current eleven amended contracts for the Safe Clear Major Freeway Towing program, which expires in 2010. City Council is required to approve subsequent annual allocations for each fiscal year in order to facilitate payments to the participating operators. The $2,148,129.00 requested for the FY09 allocation is established by the formula outlined in the agreements passed. This formula is based on the actual number of tows and service calls during the period of March 1, 2007 - February 28, 2008, plus a 6.77% CPI increase adjustment.

Funding was approved and appropriated during the FY09 budget process. The actual funds will come from METRO, under the City's ongoing mobility funding agreement.

REQUIRED AUTHORIZATION

Finance Department: 
Other Authorization: [Signature]
**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program

**Category #** | **Page** | **Agenda Item #**
---|---|---
4 | 2 of 2 | #

**SPECIFIC EXPLANATION:** (Continued)

<table>
<thead>
<tr>
<th>OPERATOR</th>
<th>SEGMENTS</th>
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<tbody>
<tr>
<td>North Houston Motors, Inc.</td>
<td>#1 Eastex FW (59) outside 610</td>
</tr>
<tr>
<td></td>
<td>#2 Beltway 8 between Hardy Toll Road and Eastex FW (59)</td>
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<tr>
<td></td>
<td>#6 East FW (I-10) outside 610</td>
</tr>
<tr>
<td>Unified Auto Works</td>
<td>#3 Eastex FW (59) inside 610</td>
</tr>
<tr>
<td></td>
<td>#4 East FW (I-10) inside 610</td>
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<tr>
<td>T &amp; T Motors</td>
<td>#5 N Loop E between Eastex FW (59) &amp; East FW (I-10)</td>
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<td>#7 E Loop N between East FW (I-10) &amp; LaPorte FW (225)</td>
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<td>Cannino West, Inc.</td>
<td>#8 Gulf FW (I-45) inside 610</td>
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<tr>
<td>Fiesta Wrecker Service</td>
<td>#9 E Loop S between LaPorte FW (225) &amp; Gulf FW (I-45), and LaPorte FW (225)</td>
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<td></td>
<td>#11 Gulf FW (I-45) outside 610</td>
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<td>National Auto Collision, Inc.</td>
<td>#10 S Loop E between S FW (288) and Gulf FW (I-45)</td>
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<td>#12 S FW (288) inside 610 to SW FW (59)</td>
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<td>#16 S Loop to W Loop between W Loop S @ Beechnut &amp; S FW (288)</td>
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<td>#17 S FW (288) outside 610</td>
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<td>Milam Street Auto Storage, Inc.</td>
<td>#13 South FW (288) between SW FW (59) and I-45</td>
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<td>#14 Spur 527</td>
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<td>#15 SW FW (59) inside 610 to S FW (288)</td>
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<td>#28 Downtown Inner Loop</td>
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<td>Allied Collision Center</td>
<td>#18 SW FW (59) outside 610</td>
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<td>#19 W Loop between Katy FW (I-10) &amp; Westpark</td>
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<td>KTL Enterprises, Inc.</td>
<td>#20 Katy FW (I-10) between Wirt Rd &amp; N FW (I-45)</td>
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<td>#27 Katy FW (I-10) outside Sam Houston</td>
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<td>#29 Katy FW (I-10) between Blalock &amp; Sam Houston</td>
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<td>Westside Wrecker Service, Inc.</td>
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<td>#22 N FW (I-45) between 610 &amp; Sam Houston</td>
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<td>#23 N FW (I-45) outside Sam Houston</td>
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<td></td>
<td>#24 Beltway 8 between Hardy Toll Road and Ella</td>
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<td>Corporate Auto Services, Inc</td>
<td>#25 N Loop W between NW FW (290) &amp; N FW (I-45), W Loop N between NW FW (290) and Katy FW (I-10)</td>
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<td></td>
<td>#26 NW FW (290) outside 610</td>
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve Ordinances Awarding Contracts to the Best Respondents for Assessment Process Services for Sergeants and Lieutenants for the Houston Police Department

S10-T22764

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

Director's Signature:

For additional information contact:
Joseph Fenniger
Phone: (713) 308-1708
Ray DuRousseau
Phone: (832) 393-8726

Origination Date: June 12, 2008
Agenda Date: JUL 23 2008

Council District(s) affected:
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve ordinances awarding contracts to Morris & McDaniel, Inc., in the amount of $441,420.00 for assessment process services for sergeants, and Industrial/Organizational Solutions, Inc., in the amount of $388,860.00 for assessment process services for lieutenants for the Police Department.

Maximum Contract Amount: $830,280.00

$830,280.00 - General Fund (1000)

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council approve ordinances awarding three-year contracts with two one-year options, to Morris & McDaniel, Inc., in the amount of $441,420.00 for assessment process services for sergeants, and Industrial/Organizational Solutions, Inc., in the amount of $388,860.00 for assessment process services for lieutenants for the Police Department. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractor.

The scope of work requires the contractors to provide services to develop, administer, score written tests, rank, and assess top candidates competing for sergeant and lieutenant promotional positions within the Police Department. These assessment processes include preparing candidates for assessment, selecting and training assessors, supporting the technical aspects of assessment administration, providing candidate feedback, and submitting written and verbal communications to the assessment subcommittee.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from three firms: Morris & McDaniel, Inc.; Industrial/Organizational Solutions, Inc.; and Booth Research Group. The evaluation committee consisted of Police Department lieutenants and sergeants, and they evaluated the proposals based upon the following criteria:

A. Concept and Solutions/Process Services/Methodology for Project Completion
B. Conformance of Technical Specifications
C. Price/Price Incentives
D. Previous History/Project Experience/Personnel Qualifications
E. Financial Strength

REQUIRED AUTHORIZATION

Finance Department: Other Authorization: Other Authorization:
Morris & McDaniel, Inc. received the highest overall score for the assessment process services for sergeants, and Industrial/Organizational Solutions, Inc. received the highest overall score for the assessment process services for lieutenants.

Buyer: Greg Hubbard

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

**Estimated Spending Authority:**

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>FY 2009</th>
<th>OUT YEARS</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>POLICE</td>
<td>$368,280.00</td>
<td>$462,000.00</td>
<td>$830,280.00</td>
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</table>
To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Greg Hubbard

Date: January 28, 2008

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes [ ] No [x] Original Goal: [ ] New Goal: [ ]

If requesting a revision, how many solicitations were received:
Solicitation Number: S10-T22764
Anticipated Advertisement Date: 2/8/2008
Estimated Dollar Amount: $450,000.00

Goal On Last Contract: 0%
Was Goal met: Yes [x] No [ ]

If goal was not met, what did the vendor achieve: [ ]

Name and Intent of this Solicitation:
Assessment Center Process Services for Sergeants and Lieutenants.

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

It is recommended that the MWBE subcontracting goal be waived for the Assessment Center Process Services for Sergeants and Lieutenants proposal. The requested services must be performed by law enforcement personnel equivalent to the rank of the promotion or above (a requirement that applies for cities with populations greater than 200,000 people). This requirement excludes any opportunity to capture MWBE subcontracting dollars; therefore, a zero-percent (0%) MWBE goal is being sought.

Concurrence:

[Signature] SPD Initiator

[Signature] Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

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

REVISED: 07/09/2007
RE: Agenda Item No. 30 (07/08/2008)

I move to amend Item 30 on the July 9, 2008 Agenda as follows:

1. By amending Section 2 of the proposed Ordinance to read as follows:

   "That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms floodway conveyance offset volume and Lake Houston, in the appropriate alphabetical order, that read as follows:

   'Floodway conveyance offset volume shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.'

   'Lake Houston shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.'"

2. By amending Section 4 of the proposed Ordinance to read as follows:

   "That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

   '(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that..."
obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.'

3. By amending Section 5 of the proposed Ordinance to read as follows:

"That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

'(1) Identifies an amount of fill associated with pier and beam construction that, although the amount may be approaching zero, is recognized by the city engineer as sufficiently important to be addressed, but for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or""

4. By amending Section 8 of the proposed Ordinance to read as follows:

"That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:

'(f) The city engineer shall grant a variance for reconstruction of a structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing foundation that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the foundation.'"

5. By amending Section 10 of the proposed Ordinance to read as follows:

"That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:

'(c) The city engineer may issue a permit for development for an addition to, or for the repair, renovation, replacement or reconstruction of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;

(2) The foundation system for the structure will be pier and beam construction;
(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and

(4) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;

(2) The foundation system for the structure will be pier and beam construction;

(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);

(4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
(2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

(1) The improvement is insubstantial;

(2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and

(3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.’”

6. By adding a new Section 11A to the proposed Ordinance, which shall read as follows:

“That Subsection (d) of Section 19-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated June 18, 2007, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.’”

7. By adding a new Section 11B to the proposed Ordinance, which shall read as follows:

“That Subsection (d) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall establish a case on behalf of the city that presents sufficient evidence, that unless it were otherwise rebutted, shows that grounds exist for revocation of the permit in question.’”

8. By adding a new Section 11C to the proposed Ordinance, which shall read as follows:
“That Subsection (g) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.’”
SUBJECT: Ordinance amending Chapter 19 of the Code of Ordinances relating to Flood Plain

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

Director's Signature: Michael S. Marcotte, P.E., DEE, Director

For additional information contact: Andrew F. Icken, Phone: (713) 837-0510

RECOMMENDATION: Adopt Ordinance amending Chapter 19 of the Code of Ordinances relating to development in the Flood Plain

EXPLANATION: Communities that adopt and enforce flood plain management regulations are eligible to participate in the FEMA-administered National Flood Insurance Program (NFIP). The provisions now found in Chapter 19 were added to the Code of Ordinances in 1985 to ensure the availability of reasonably priced flood insurance. Houston’s flood plain regulations are based on a model ordinance developed by FEMA, and Chapter 19 has been revised over the years to meet or exceed FEMA’s minimum requirements. The last revisions were approved by City Council in August 2006. The administration is proposing to amend development regulations that apply to FEMA-defined flood plain maps, in order to address issues that have arisen since implementing the amended ordinance in October 2006.

The current ordinance makes no distinction between the reconstruction of existing structures related to flooding or to other catastrophic events, such as fire, wind or hail. The proposed amendments would continue current requirements for flood-related reconstruction, but would allow the City Engineer to issue a development permit for reconstruction necessitated by other catastrophe, as long as the reconstruction is on an existing slab and will not increase the footprint of the slab.

The proposed amendments also provide that a development permit will be granted for reconstruction or expansion of existing structures in the floodway if they will be built on pier and beam, at certain elevations above the basic flood level and if the applicant provides an engineer-certified plan for flood mitigation at the site.

Similarly, construction on vacant floodway property may have a development permit issued, if built on pier and beam, above certain elevations and if on-site or off-site flood conveyance mitigation is provided.

All permits issued for permissible floodway construction and reconstruction will require that the applicant be notified of increased flood insurance premiums that will apply to such development. The development permit issued will require inspection by the City Engineer upon completion of construction and at any subsequent transfer of title to the property.

Other proposed Chapter 19 revisions include the deletion of provisions regarding 10-year accumulation of improvements to structures, and revised regulations for boathouses and piers based on a revised definition of the floodway on portions of Lake Houston.

The Department of Public Works and Engineering has been working with stakeholders to develop the proposed revisions. Participants included floodway property owners, the engineering, environmental and development communities and applicable government entities. The Council Committee on Flooding and Drainage Committee considered proposed Chapter 19 revisions on May 6 and June 19, 2008. These amendments will become effective September 1, 2008.

REQUIRED AUTHORIZATION

Other Authorization: Other Authorization: Other Authorization:
The Chapter 19 changes to last weeks Chapter 19 amendments can be summarized as follows:

- De-Latinized version – Legal has looked for opportunities to remove certain phrases such as de novo, etc. and put in plain spoken English.
- Perpetuity – References to this phrase have been removed from the ordinance.

In addition, there are wording changes that can usefully be made without compromising our goals but also clarify our intentions. Some of these changes, listed below, were proposed by Council Members and the Floodway Coalition.

- Section 19-43(c) – now applies to all existing structures in the floodway – a phrase has been removed that could have created ambiguity in allowing reconstruction from flooding damage. Reconstruction is permitted under specified conditions.
- Section 19-22(f) - we have replaced the word slab with foundation to allow for a broader range of projects that are allowed to be reconstructed.
- Section 19-43(d) – we have removed the requirement that a citizen acknowledge receipt of a variance for newly constructed properties in the floodway that meet the City’s performance standard.
- We have specified within the definitions of the Flood Insurance Rate Maps (FIRM) the date adopted – June 18, 2007.
- We have clarified the elevation required for construction in the floodway to be the “lowest horizontal structural member”.

Finally, we have concluded we should maintain the definition of repetitive loss in the Chapter 19 amendments.

- Including the definition in the ordinance helps enable citizens to apply for FEMA ICC grants (Increased Costs of Compliance) to raise foundations of homes repeatedly damaged by floods). There is no impact of including this definition elsewhere in the ordinance that hinder homeowners from reconstructing homes based on the standards defined in the ordinance.

Andrew F. Icken

Michael S. Marcotte, P.E., DEE
Chapter 19
FLOOD PLAIN*

ARTICLE I.
IN GENERAL

Sec. 19-1. Statement of purpose.

(a) The purpose of this chapter is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health.

(2) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(3) Minimize prolonged business interruptions.

(4) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.

(5) Provide for the sound use and development of flood-prone areas in such a manner as to minimize the future flood-blight areas.

(b) This chapter provides a regulatory system to monitor the issuance of plats and permits to reduce the likelihood that development within this city will increase the dangers of flooding. To accomplish this purpose, this chapter utilizes the following methods:

(1) Restrictions or prohibitions of land uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.

(2) Requirements that land uses particularly vulnerable to floods, including facilities that serve such land uses, be protected against flood damage at the time of initial construction.

(3) Maintenance of control of the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) Mitigation of filling, grading, dredging and other development which may increase flood damage.

(5) Prevention or regulation of the construction of flood barriers which will unnaturally divert floodwaters or which may otherwise increase flood hazards to other lands.
The degree of regulation for flood protection established by this chapter is considered reasonable for regulatory purposes and is based on maps promulgated by the Federal Emergency Management Agency which are required to be used as a condition of obtaining flood insurance. These maps are based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Neither the regulations established hereunder nor the issuance of permits hereunder or other approvals granted pursuant to this chapter are intended to imply that lands outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage.

These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated April 20, 2000, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.

The flood insurance study and the flood insurance rate map, and any subsequent revisions or amendments thereto that are being administered as provided in Section 19-4 of this Code, shall be available for public inspection in the office of the city engineer during normal business hours. The city engineer shall be custodian of these records for all purposes.

The director of the public works and engineering department is authorized to promulgate guidelines for administration of this chapter that are consistent with the requirements of this chapter and applicable state and federal laws and regulations.

Sec. 19-2. Definitions.

As used in this chapter the following words and terms shall have the following meanings unless the context of their usage clearly indicates another meaning:

*AO, AH, or VO Zones* (areas of shallow flooding) shall mean those areas designated on the flood insurance rate map with a one percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Addition* shall mean any alteration to an existing structure that increases its footprint.

*Basement* shall mean any area of a building having its floor subgrade (below natural ground elevation) on all sides.

*Base flood* shall mean a flood having a one percent chance of being equalled or exceeded in any one year.

*Base flood elevation (BFE) or base flood level* shall mean the elevation above mean sea level that
floodwaters have been calculated to reach during the base flood at a specific location.

*Base flood level*—See definition of "base flood elevation."

*Board*—See definition for "general appeals board."

*Breakaway wall* shall mean an open wooden lattice, insect screening or any other suitable building material approved by the city engineer that is not part of the structural support of the associated structure and that is intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or damage to the structural integrity of the structure on which breakaway walls are used. In addition, breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and not more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a professional engineer, licensed in the State of Texas, certifies that the designs proposed meet the following conditions:

1. Wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one hundred-year mean recurrence interval).

*Certificate of compliance* shall mean a notarized statement, from the applicant for any permit issued under this chapter, to the effect that the applicant has received all permits, licenses, or approvals then required by federal law, statute or regulation, including but not limited to, permits issued under the authority of Section 404 of the Federal Water Pollution Control Act Amendments of 1972, or required by or under any statute, rule or regulation of the State of Texas.

*Coastal high hazard area*—See definition of V1 through V30 Zones, VE Zones or V Zones.

*Conveyance* shall mean, unless otherwise determined by the city engineer, the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

*Cost of improvement* shall mean that cost required for any addition, restoration, repair, or other construction that increases the value of the structure based on an estimate prepared, signed, and dated by a professional engineer or architect, each licensed by the State of Texas, or other documentation acceptable to the city engineer.

*Cost of restoration* shall mean that cost required to restore a structure to its condition prior to the
event causing damage, based on an estimate prepared, signed, and dated by an insurance adjustor, professional engineer or architect, each licensed by the State of Texas, or other documentation acceptable to the city engineer.

*Critical facilities* shall mean facilities that materially affect the public health and welfare. Such facilities include, but are not be limited to:

1. Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
2. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;
3. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; and
4. Structures or facilities that produce, use, treat, store, or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

*Development* shall mean any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

*Development permit* shall mean a permit issued under the provisions of this chapter for any development of a site located within a special flood hazard area. The term shall also include a permit for the placement of a recreational vehicle for more than 180 days in Zones A1-A30, AH and AE.

*Elevation certificate* shall mean a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.

*Existing structure* shall mean a structure that was lawfully constructed prior to the promulgation of the FIRM that established the floodplain or floodway for the property on which the structure is located.

*FIRM or flood insurance rate map* shall mean the official flood insurance rate map promulgated by the federal insurance administrator of the Federal Emergency Management Agency which delineates both the special flood hazard areas and the risk premium zones applicable to the city, as amended and supplemented from time to time. Under certain circumstances as provided in section 19-4 of this Code, the effective FIRM may be supplemented with additional flood elevation data for purposes of the administration of this chapter.

*Fill* shall mean any material that is placed in an area and increases the elevation of that area or displaces water volume.
Flood shall mean a general and temporary condition of complete or partial inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source; or

(3) A combination of (1) and (2).

Floodproofing shall mean any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate shall mean a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structures or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

(1) The floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and,

(2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the height specified for the site in the flood insurance study.

Floodway conveyance offset volume shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.

Flood insurance rate map--See definition of "FIRM."

Flood insurance study shall mean the effective report provided by the Federal Emergency Management Agency containing current flood profiles of the water surface elevations of the base flood as well as the flood boundary-floodway map.

Functionally dependent use shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
General appeals board shall mean that board organized and created under the provisions of the Building Code.

Highest adjacent grade shall mean the highest natural elevation of the ground surface next to the proposed walls of a structure immediately prior to construction.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the Texas Inventory of Historic Places.

Lake Houston shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.

Lowest floor means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this chapter or any other state or federal statute, rule, or regulation.

Manufactured home shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities including, but not limited to, a manufactured home as defined in section 29-1 of this Code.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale including, but not limited to, a manufactured home park or manufactured home subdivision as defined in section 29-1 of this Code.

Market value shall mean the value of a structure as established by one of the following:

(1) The improvement value assigned to the structure by the central appraisal district for the county in which the structure is located;
(2) The computed actual cash value as determined by the FEMA-approved Residential
Substantial Damage Estimator (RSDE) methodology;

(3) An appraisal performed by a certified real estate appraiser licensed by the Texas
Appraiser Licensing and Certification Board; or

(4) Any other similar method acceptable to the city engineer.

Market value shall not include land value.

*Mean high tide* shall mean the average of all recorded high tides as recorded and reported by the
National Weather Service.

*Mean sea level* shall mean the National Geodetic Vertical Datum (NGVD) of 1929 or other
datum, to which base flood elevations shown on the FIRM are referenced.

*Minimum flood protection elevation* shall mean the base flood elevation plus 12 inches.

*Modular home* shall mean a structure or building module that is manufactured at a location other
than the location where it is installed and used as a residence by a consumer, transportable in one or
more sections on a temporary chassis or other conveyance device, and designed to be used as a
permanent dwelling when installed and placed upon a permanent foundation system. This term shall
include the plumbing, heating, air conditioning and electrical systems contained in the structure. This
term does not include a manufactured home as defined herein or building modules utilizing concrete or
masonry as the primary structural component.

*New construction* shall mean the initial construction of a structure.

*Permit* shall mean a development permit issued under the provisions of this chapter.

*Plat* means any of the following: a Class II or Class III subdivision plat and a street dedication
plat as those terms are defined in chapter 42 of this Code or a manufactured home subdivision plat as
that term is used in chapter 29 of this Code.

*Recreational vehicle* shall mean a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projections;

(3) Designed to be self propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
for recreational, camping, travel, or seasonal use.
Repetitive loss shall mean flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. For the purpose of this definition, the market value of a structure is established on October 1, 2006, or on the date of the first flood-related loss, whichever occurs later.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream or brook.

Special area--See definition of "special flood hazard area."

Special flood hazard area or special area shall mean the land in the floodplain within the city, that is subject to a one percent or greater chance of flooding in any given year and is designated as unnumbered A Zones, AE Zones, AO Zones, AH Zones, A1 through A99 Zones, VO Zones, V1 through V30 Zones, VE Zones or V Zones.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq.) shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the placement of concrete slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure shall mean an edifice or building of any kind or piece of work that is artificially built up or composed of parts joined together in a definite manner, including, but not limited to, a modular home or a manufactured home, or a gas or liquid storage tank when such tank is principally located above ground.

Substantial damage shall mean the damage of any origin sustained by a structure whereby the cost of restoration of the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure. For the purpose of this definition, the market value refers to the value of the structure immediately preceding the event that caused substantial damage.

Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term shall include structures that have incurred repetitive loss or substantial damage, regardless of the repair work performed. This term also shall include any combination of repairs for flood damage or additions, occurring during any period of ten years, for which the cumulative percentage of the cost of each addition or repair divided by the
market-value of the structure before the start of construction of each addition or repair equals or exceeds 50 percent. The term shall not include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Utilities shall mean all building utilities including, but not limited to, electrical, heating, ductwork, ventilating, plumbing, air conditioning equipment, and any other service facilities.

Utility construction permit means a permit issued to a developer under chapter 47 of this Code to construct a water or sewer main.

V1 through V30 Zones or VE Zones or V Zones or coastal high hazard area shall mean an area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis.

Variance shall mean a grant of relief to a person from the requirements of this chapter that allows development in a manner otherwise prohibited by this chapter.

Watercourse shall mean any river, channel or stream for which base flood elevations have been identified in the flood insurance study for the city.

Sec. 19-3. Certain prohibitions relating to recreational vehicles.

All recreational vehicles placed in Zones A1-30, A99, AH, AE or V, VE, V1-30 on the FIRM must be:

(1) On the site for less than 180 consecutive days, and ready for highway use; or

(2) Be permitted under article IV herein and meet the elevation and anchoring requirements for manufactured homes.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, has no permanently attached additions and has current vehicle registration and inspection stickers or tags affixed.

Sec. 19-4. Use of other flood hazard data to supplement the effective firm.

(a) From time to time elevation and flooding studies are undertaken by or under the auspices of the Federal Emergency Management Agency and local political subdivisions, such as the Harris County Flood Control District, that have responsibility to abate flooding. Upon determination that the data generated by such a study appears to be reliable and based upon sound engineering and surveying practices and further that the study's data indicate that the effective FIRMs are materially inaccurate, the city engineer may cause the study data to be administered for purposes of this chapter as though it were a part of the effective FIRM. Any such
determination shall be issued in writing and a copy shall be placed on file in the office of the city secretary.

(b) Where the study data are being administered as provided in subsection (a), the following procedures shall apply:

(1) To the extent of any inconsistencies between the study data and the effective FIRM, the more restrictive base flood elevations and special flood hazard areas shall be controlling, and in no instance may any determination or designation that is based on the effective FIRM be reduced by study data.

(2) If alternative base flood elevations exist for the property because of the administration of supplemental data as provided in this section 19-4, the applicant shall provide two surveys, one of which shall be based in the effective FIRM and one of which shall be based on the study data.

(3) Any applicant for a plat, permit or other approval that is denied because of the application of the study data may appeal the denial of the permit, plat or other approval based on the validity of the study data as applied to the applicant's property or project. The appeal shall be considered in the same manner as a variance application under article II of the chapter. In any such appeal, the city engineer shall provide the documentation for the study data; however, the burden of demonstrating that the study data are incorrect as applied to the applicant's property shall rest upon the applicant, and must be supported by the agency then responsible for the study data. Any appeal pursuant to this section shall not result in the change in any of the study data. In addition, if the study data being used has been published by the Federal Emergency Management Administration for comment as a draft or preliminary FIRM:

a. The appeal process shall be limited to the application of the study data by the city to the specific application that is the subject of the appeal;

b. The appeal process shall not be regarded as an appeal under part 67, or a request for map amendment under part 69, of Title 44 of the Code of Federal Regulations;

c. Any outcome of the appeal to the city is in no way binding on the Federal Emergency Management Administration, nor will it affect or limit any action the agency may take; and

d. Any challenge to the use of the study data as the basis for a FIRM should be separately addressed to the Federal Emergency Management Administration under the applicable federal rules.

(c) For any special flood hazard area for which a floodway has not been designated, the applicant may submit an engineering analysis by a registered professional engineer licensed in the State of Texas that defines the floodway with respect to the site for which a development permit is sought.

Secs. 19-5-19-10. Reserved.

ARTICLE II.
REGULATORY SYSTEM FOR PERMITS AND PLATS

DIVISION 1.

GENERALLY

Sec. 19-11. In general.

No building permit, paving permit, utility construction permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.

Sec. 19-12. Duties of city engineer.

The city engineer is charged with exercising best engineering judgement in the administration and implementation of the provisions of this chapter. His duties in this regard shall include, but are not limited to, the following:

(1) Maintaining and holding open for public inspection all records pertaining to the provisions of this chapter including a record of all floodproofing certificates filed hereunder with the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(2) Reviewing, approving, or denying all applications for development permits required by the adoption of this chapter.

(3) Reviewing applications for development permits to ensure that all necessary licenses, approvals, or permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(4) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), making the necessary interpretation of the maps which shall be liberally construed by the city engineer in favor of inclusion of the site in a special flood hazard area.

(5) Notifying adjacent communities, the Harris County Flood Control District and the Texas Commission on Environmental Quality prior to any alteration or relocation of a watercourse within the city, and submitting evidence of such notification to the Federal Emergency Management Agency.

(6) Cooperate with the responsible local, state and federal agency to maintain the flood-carrying capacity of the altered or relocated portion of any watercourse within the city.

(7) When and where base flood elevation data has not been provided, obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal,
state or other source including any information obtained in connection with the provisions of section
19-13(b) of this chapter, as criteria in administering the applicable provisions of this chapter.

(8) Where an amendment or supplement to a FIRM that is being administered as provided in section
19-4 of this Code expresses base flood elevation based on different data than the FIRM it amends
or supplements, reconciling the conflicting data to determine the more restrictive base flood
elevation.

DIVISION 2.

PLAT PROCEDURE

Sec. 19-13. Plat approval; issuance.

(a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this
chapter, if applicable.

(b) When a person files an application for approval of a plat, the approval of the plat is subject to the
approval of a drainage plan for the property that is the subject of the plat application if the property is located in
whole or in part in a special flood hazard area within the city. The drainage plan shall include the base flood
elevation data for the property certified as true and correct on the face of the drainage plan by a registered
professional engineer licensed in the State of Texas. If alternative base flood elevations exist for the property
because of the administration of supplemental data as provided in section 19-4 of this Code, the drainage plan
shall include both base flood elevations.

(c) The city engineer shall review the drainage plan and determine whether the development will be
reasonably safe from flooding and whether such proposed development is:

(1) Consistent with the need to minimize flood damage within the special flood hazard area;

(2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer,
gas, water and electrical systems are located and constructed so as to minimize flood damage
from the base flood;

(3) To be constructed so that drainage is provided to reduce exposure of such development to flood
hazards; and

(4) Would comply with the applicable requirements of article III of this chapter.

(d) If the proposed development satisfies the criteria in subsection (c) of this section, the city
engineer shall approve the drainage plan and shall so notify the city planning commission in writing.

(e) The city planning commission shall not approve a final plat until the city engineer has approved
the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17(e) or
section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a
The obligation to have a mitigation feature shall continue in perpetuity and shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.

**See. 19-14, 19-15. Reserved.**

**DIVISION 3.**

**PERMIT PROCESS**

**Sec. 19-16. Regulatory process for permits; term.**

(a) Any development within a special flood hazard area shall be unlawful without a development permit, regardless of whether a plat is required under chapter 42 of this Code. A development permit is required in addition to any other permit that may be required for the development activities.

(b) A development permit will expire if development has not commenced within 18 months of issuance, and upon completion of the project for which it is granted, or after five years has elapsed from the date of permit issuance, whichever occurs first.

**Sec. 19-17. Development permit application.**

(a) An applicant for a development permit shall submit a development permit application on forms furnished by the city engineer for that permit along with plans in duplicate, drawn to scale, showing:

1. The existing topography and the location, dimensions, and elevation of any proposed alterations;
2. Existing and proposed structures;
3. The location of the proposed alterations in relation to special flood hazard areas;
4. Elevation in relation to mean sea level of the lowest floor of all proposed structures and substantial improvements;
5. Elevation in relation to mean sea level to which any structures will be or have been floodproofed;
6. If the site is adjacent to a watercourse or drainage channel, the definition of how that watercourse or drainage channel will be impacted;
7. Base flood elevations from effective FIRM data for all structures and substantial improvements; except that, this information is not required for Zone A where base flood elevation data has not been provided and must be developed from federal, state, or other sources; and
8. For all new construction, additions to existing structures, and substantial improvements, all base flood elevation lines and corresponding labels, as shown on the FIRM, that intersect the
proposed development, as well as the nearest base flood elevation lines and corresponding labels both upstream and downstream of the site.

Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the site benchmark used for vertical control; except that, if the plan elevations are not on the same vertical datum as the base flood elevations shown on the effective FIRM, each sheet in the plans on which elevations are marked shall also show tabulated vertical datum differences.

(b) The applicant shall also provide a certificate of compliance with copies of all supporting permits, licenses and approvals, and a floodproofing certificate where floodproofing is or may be required by the applicable provisions of this chapter.

(c) For areas that the city engineer has determined have no conveyance capacity, the applicant shall submit documentation that demonstrates that the development will not, at any time, diminish the storage volume of the special flood hazard area and:

(1) Identifies an amount of de minimis fill associated with pier and beam construction for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or

(2) Demonstrates that any loss of storage volume will be mitigated on-site, such that there is no net fill; or

(3) Demonstrates that any loss of storage volume will be mitigated off-site in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or

(4) Demonstrates any combination of items (1) through (3) of this subsection.

(d) For areas that the city engineer has determined to have conveyance capacity and for areas for which the city engineer has made no determination of conveyance capacity, the applicant shall submit an engineering analysis certified by a professional engineer licensed in the State of Texas that demonstrates that the development will not, at any time, either change the conveyance capacity or diminish storage volume of the special flood hazard area; except that, if the applicant submits a Conditional Letter of Map Revision approved by the Federal Emergency Management Agency, the engineering analysis need only demonstrate that the development will not, at any time, diminish storage volume of the special flood hazard area.

(e) The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a development permit or a variance, as set forth in section 19-21 of this Code. Payment of any applicable fees when due is a condition of the processing of any application under this article.

(f) In addition to other responsibilities under this Code or the Construction Code, the city engineer shall review each permit application to verify compliance with the provisions of this chapter.
Sec. 19-18. Additional requirements for permit applications.

At the discretion of the city engineer, an applicant may be required to submit any or all of the following:

1. Plans with the "official coordinate system" of the city as defined in section 33-81 of this Code as their horizontal datum. Where required, each sheet shall be marked with horizontal datum information and with the combined scale factor required to convert from surface coordinates to grid coordinates;

2. Datum differences between the vertical datum and adjustment of elevations used on the sheet and any other vertical datum(s) and adjustment(s) typically used in the watershed tabulated on each sheet in the plans on which elevations are marked, or separate survey(s) based on said additional vertical datum(s) and adjustment(s);

3. A survey of property ownership of the site, which is signed and sealed by public surveyor licensed in the State of Texas;

4. An interim drainage plan for the site during the activity;

5. An indication of the source of fill material and the proposed disposal site, if applicable, and the expected duration of the activity;

6. An engineering analysis signed and sealed by a registered professional engineer licensed in the State of Texas as required by the city engineer; and

7. Any other relevant documentation requested by the city engineer.

Sec. 19-19. Review.

(a) The city engineer shall review permit applications and the plans submitted in accordance with sections 19-17 and 19-18 of this Code and shall either approve or deny the issuance of the permit. Approval or denial of a permit by the city engineer shall be based on compliance with the applicable provisions of this chapter. In addition to employing the standards contained in article III of this chapter, the city engineer may deny a permit application if the issuance of the permit could result in:

1. Danger to life or property due to flooding or erosion damage in the vicinity of the site;

2. Susceptibility of the development and the contents of any structure to flood damage and the effect of such damage on the individual owner;

3. Danger that materials may be swept onto other lands to the injury of others;

4. Impairment of the access to and exit from the site in times of flood for ordinary and emergency vehicles; or
(5) Unusually high costs of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, public utilities and facilities such as sewer, gas, electrical and water systems.

(b) In connection with this determination, the city engineer shall consider the following factors:

(1) Unusual circumstances affecting the expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site in the presence of floodwaters;

(2) The necessity of a waterfront location for the structure, where applicable; and

(3) The lack of alternative locations not subject to flooding or erosion damage for the proposed use.

(c) A permittee shall submit an elevation certificate to the city engineer before the framing of a structure has started. Failure to do so may result in the revocation of a permit issued hereunder.

(d) The city engineer may enter any structure or premises to perform any duties or responsibilities imposed by this chapter.


(a) Any applicant for a permit may apply for a variance from the requirements of this chapter. Except as may be otherwise provided in subsection 19-22(f), a variance may be sought only on the basis that the imposition of the requirements of this chapter for the issuance of a permit to the applicant constitutes an exceptional hardship. Variances shall not be granted for development within any floodway if the development cannot meet the requirements of section 19-43(b) of this Code.

(b) An applicant may file a request for variance at any time. However, no variance may be granted for development on vacant land in a floodway, and no variance may be granted after an applicant has complied with the provisions of this chapter and a permit has been issued. An applicant shall file the application for a variance on a written form to be supplied by the city engineer, and shall specify in connection therewith:

(1) The particular requirement from which a variance is sought;

(2) The nature of the hardship presented by the imposition of the requirements;

(3) The proposed alternative method or procedure to be utilized in lieu of the required method, practice or procedure that is proposed;

(4) The effect of the proposed construction on flood levels within the city;

(5) The estimated cost in dollars of complying with the requirement;

(6) The estimated cost in dollars of construction by the proposed alternative method of procedure;
(7) The size, in acres, of the land area or the number of lots involved in the permit application; and

(8) The existence of lots contiguous to or surrounding the land area which are located below the base flood level.

c) In addition, the applicant shall file a verified acknowledgment that:

(1) The granting of a variance for construction below the flood level will result in increased flood insurance rates commensurate with the increased risk resulting from the reduced lowest floor elevation; and,

(2) Construction below the base flood level increases risks to life and property to the applicant and the residents of this city and the surrounding area.

**Sec. 19-21. Restriction on applicants; fee for application.**

A variance application may be filed by the owner of the property or the attorney-in-fact for the owner of such property. Such application shall be submitted as a verified statement. A fee as provided in subsection 19-17(c) of this Code shall accompany each variance application.

**Sec. 19-22. Review by the board of variance application; determination by city engineer.**

(a) The city engineer shall receive, and transmit to the general appeals board, all applications for variances, except for those applications specified in subsection 19-22(f). Except for those applications specified in subsection 19-22(f), the board shall be the body that determines whether a variance is to be granted. The board may consider the granting of a variance under the following circumstances:

(1) The application is for the reconstruction, rehabilitation, or restoration of an historic structure and the reconstruction, rehabilitation, or restoration of the structure will not preclude the structure's continued designation as an historic structure.

(2) The application is for improvement of an existing structure that is required to correct an existing violation of a state or local health, sanitary or safety code specification that has been identified by the neighborhood protection official and that is the minimum necessary to ensure safe living conditions.

(3) The application is for a development for which the city engineer finds that the granting of the variance is consistent with the procedures and standards established for the granting of variances. As the lot size increases, the burden on the applicant to provide a technical justification in favor of a variance under the facts of the case shall increase.

(4) The application is for an addition, new construction of, or substantial improvements to, a structure necessary for the conduct of a functionally dependent use provided that:

a. The applicable requirements of sections 19-20, 19-21 and 19-22 are met;
b. The structure will be protected by methods designed to minimize flood damage during the base flood; and

c. The structure will create no additional threats to public safety.

(5) The variance is in effect an appeal from the application of a special flood hazard area or base flood elevation determination or both being administered on the basis of supplemental data pursuant to section 19-4 of this Code and the applicant demonstrates, with the concurrence of the agency then responsible for the study data, that the determination is scientifically or technically incorrect. The variance shall be limited to approval, with or without conditions, or denial of the permit, plat or other approval that was denied and shall not constitute a change in the study data.

The board shall deny variances to disaggregated lots of proposed larger developments or subdivisions or structures when that larger development has been the subject of or included within a permit application that has been previously disapproved by the city engineer.

(b) In addition, in order to grant a variance, the board must affirmatively find that:

(1) The imposition of the requirements of this chapter constitutes an exceptional hardship on the applicant;

(2) No feasible method or procedure is currently available to comply with the requirement; and

(3) The imposition of the requirements of this chapter to the particular circumstances would be unjustified in light of a good and sufficient cause which can be demonstrated to the board.

(c) In granting a variance, the board must find that the variance, if allowed, will not have the effect of:

(1) Increasing flood level height due to impedence of the stream of channel flow;

(2) Introducing or increasing any threat to public safety;

(3) Creating a nuisance which unreasonably interferes with the use of adjacent property;

(4) Causing a fraud to be worked upon the public or any individual member of the public;

(5) Causing extraordinary public expense for any reason; and;

(6) Creating conflict with the codes and ordinances of the city, or with any provisions of a state or federal regulation other than the applicable requirements of this chapter.

(d) The board, in granting a variance, shall grant only the minimum variance necessary to afford relief from the complained of hardship.

(e) A notice of variance shall be addressed to the applicant, and shall be signed by the chairman of
the board or in his absence, the vice-chairman, and shall state:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation; and,

(2) The construction under a variance of any structure below the base flood level may increase risks to life and property to the applicant and the residents of this city and the surrounding area.

Upon receipt of the notice of variance, the applicant shall file a copy of that notice in the permanent deed records of the county or counties in which the property is located. Upon the receipt of a copy of the notice of variance certified by the county clerk of the county in which the property is located, the city engineer shall issue a permit complying with all provisions of this chapter with the exception of the variance granted.

(f) The city engineer shall grant a variance for reconstruction of an existing structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing slab that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the slab.

(fg) The city engineer shall maintain a permanent public record of all notices of variance and the variances granted. The written justification for the granting of each variance shall be included in such records.

(hg) The denial of a variance by the board shall be final and is not subject to reconsideration.

Sec. 19-23. Revocation of permits.

(a) In addition to the remedies provided in section 19-91 of this Code, whenever the city engineer finds that there are grounds for revocation of a permit, he shall give written notice to the permittee by personal service or by certified mail, return receipt requested, addressed to the applicant at the address set forth in the permit application. That notice shall set forth:

(1) The specific grounds upon which the permit in question may be revoked;

(2) The fact that there will be a hearing before the board in which the city will seek the revocation of the permit;

(3) The date, time and place of such hearing; and

(4) The fact that the permittee may appear in person or be represented by an attorney.

(b) All hearings shall be held by the board. The chair of the board or, in the chair's absence, the vice-chair of the board, shall serve as the hearing officer for all hearings held hereunder, moderating the discussion and ensuring the rules of this section are observed. However, no person shall perform the duties of hearing officer under this section if the person has participated in the investigation or has prior knowledge of the allegations or circumstances discovered in the course of said investigation except as may be set forth in the
notice given pursuant to this section.

(c) All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, that the following rules shall apply to such hearings:

1. All parties shall have the right to representation by a licensed attorney, though an attorney is not required.

2. Each party may present witnesses in his own behalf.

3. Each party has the right to cross-examine all witnesses.

4. Only evidence presented before the board at such hearing may be considered in rendering the final order.

(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall introduce evidence to establish a prima facie case on behalf of the city showing that grounds exist for revocation of the permit in question.

(e) After completion of the presentation of evidence by all parties appearing, the board shall make written findings and render a written order as to whether or not there are grounds for revocation of the permit. If there are such grounds, the board shall revoke the permit; provided, the board may, in the interest of justice, take such other lesser actions as the board may deem appropriate including, but not limited to, the temporary suspension of the permit, the revision of the permit, or the addition of permit conditions. A true and accurate copy of the board's order shall be personally delivered or mailed by certified mail, return receipt requested, to the permittee.

(f) In the event a permit is revoked, suspended, or revised hereunder by the board, the city shall not be liable to any person for any refund of any part of the any permit fees.

(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed de novo to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.


ARTICLE III.

STANDARDS FOR FLOOD HAZARD REDUCTION

DIVISION 1.

GENERALLY

All structures, including modular homes, shall be constructed, regardless of location within the city, so as to be reasonably safe from flooding. For those structures located within a special flood hazard area, the provisions of the Construction Code and division 2 of this article shall apply. For those structures to be constructed in a watercourse or floodway, the provisions of the Construction Code and divisions 2 and 3 of this article shall apply. For those structures located within a coastal high hazard area, the provisions of the Construction Code and divisions 2 and 4 of this article shall apply.

DIVISION 2.

STANDARDS IN SPECIAL FLOOD HAZARD AREAS

Sec. 19-32. General standards.

All new construction and improvement of any existing structure in special flood hazard areas shall be performed so as to keep the structure reasonably safe from flooding and in accordance with the following standards:

1. All improvements shall be designed or so modified so as to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in the presence of floodwaters;

2. All improvements shall be constructed by methods and practices so as to minimize flood damage;

3. All improvements shall be constructed with materials and equipment resistant to flood damage;

4. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All water supply systems shall be designed to prevent or eliminate infiltration of floodwaters into the system;

6. All sanitary sewer systems shall be designed to prevent or eliminate infiltration of floodwaters into the structure's systems and discharge of sewage into floodwaters;

7. All on-site disposal systems, including but not limited to sewage treatment plants and septic tank systems located on the site of the structure, shall be located so as to prevent impairment of the function of those systems in the presence of floodwaters and to prevent contamination of floodwaters from those systems during flooding; and

8. Fully enclosed areas below the lowest floor that are used solely for parking, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered
architect or professional engineer licensed in the State of Texas or meet or exceed the following minimum criterion: have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, with the top of all such openings no higher than one foot above grade or BFE, whichever is lower. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

Sec. 19-33. Base flood elevation requirements in special flood hazard areas.

(a) The following additional requirements shall apply in Zones A1-30, AE, AH, A and A99:

(1) All additions to, and new construction and substantial improvement of, any residential structures within the special flood hazard areas shall have the lowest floor and all utilities elevated to at least the minimum flood protection elevation. If the flood elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (8) of section 19-32 of this Code.

(2) All additions to, and new construction and substantial improvement of, nonresidential structures:
   a. Shall be elevated to at least the minimum flood protection elevation measured to the lowest floor; or
   b. Shall, along with sanitary sewerage facilities, be floodproofed to the minimum flood protection elevation.

(b) The following additional requirements shall apply in Zone AO:

(1) All additions to, and new construction and substantial improvement of, any residential structure within Zone AO shall have the lowest floor and all utilities elevated above the highest adjacent grade to at least 12 inches above the depth number in feet specified on the FIRM for the site or at least three feet above the highest adjacent grade if no depth number is specified. If the floor elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (8) of section 19-32 of this Code.

(2) All additions to, and new construction and substantial improvement of, any nonresidential structure within Zone AO shall have the lowest floor elevated above the highest adjacent grade at least 12 inches above the depth number specified in feet on the FIRM or at least three feet above the highest adjacent grade where no depth number is specified or, together with utility and sanitary sewerage facilities, be completely floodproofed to or above that level.

(c) All structures to be constructed in whole or in part within these zones shall be designed with adequate drainage paths around structures on slopes to guide floodwaters around and away from those structures.

(d) For critical facilities located in an area that is subject to a 0.2 percent or greater chance of flooding in any given year (shaded Zone X), all additions, new construction, and substantial improvements shall
have the lowest floor elevated or floodproofed to at least 12 inches above the elevation that is subject to a 0.2 percent or greater chance of flooding.

Sec. 19-34. Reserved.


DIVISION 3.

DEVELOPMENT IN A WATERCOURSE AND FLOODWAY

Sec. 19-41. Generally.

In addition to complying with the standards set out in division 2 of this article, development in a watercourse or a floodway shall comply with the provisions of this division.

Sec. 19-42. Watercourses.

The alteration or relocation of any watercourse maintained by a county or a county agency shall not be permitted unless the county engineer who is responsible for flood control in the county in which the property is located certifies in writing to the city engineer that the flood-carrying capacity of the watercourse will be the same as or greater than the flood-carrying capacity that existed prior to the proposed development.

Sec. 19-43. Floodways.

(a) Except as may be otherwise provided in this chapter, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:

(1) Encroachment by the deposition of fill, or other similar construction, within the floodway, or the special flood hazard area if no floodway has been designated; or

(2) New construction, additions to existing structures, or substantial improvement of any structure within the floodway, or the special flood hazard area if no floodway has been designated.

(b) For those facilities necessary to protect the health, safety and welfare of the general public, the city engineer may issue a permit for development of a site or the new construction, addition to an existing structure, or substantial improvement of a structure within the floodway, or any special flood hazard area for which a floodway has not been designated, if a professional engineer licensed in the State of Texas submits supporting documentation or an engineering analysis acceptable to the city engineer and written certification to the effect that:

(1) The cumulative effect of the proposed development when combined with all other existing development, and if a floodway has not been designated, all anticipated development, will not have an adverse effect on flood levels at any point within the city during occurrence of the base flood;
(2) The construction will not impede the flow of floodwaters; and

(3) The construction will not result in an adverse effect on the conveyance capacity during the occurrence of the base flood.

(e) The city engineer may issue a permit for development for the repair, renovation, replacement or reconstruction of an existing structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The repair, renovation, replacement or reconstruction is not the result of flood damage;

(2) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;

(3) The foundation system for the structure will be pier and beam construction;

(4) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. The applicant shall also comply with the requirements of section 19-17(e), including the obligation to have a mitigation feature that continues in perpetuity; and

(5) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The bottom of the lowest structural member of the structure will be elevated at least 18 inches above the base flood level;

(2) The foundation system for the structure will be pier and beam construction;

(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. The applicant shall also comply with the requirements of section 19-17(e), including the obligation to have a mitigation feature that continues in perpetuity;
The applicant has filed a verified acknowledgement that:

(a) construction in a floodway will result in increased flood insurance rates commensurate with the resulting increased risk; and

(b) construction in the floodway increases risks to life and property to the applicant and the residents of this city and the surrounding area; and

(5) The applicant has paid all fees required by section 19-17(c) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(c) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and

(2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e)(2) of this Code and the general appeals board finds and determines in writing that:

(1) The improvement is insubstantial;

(2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and

(3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.

Sec. 19-44. Boathouses and piers; Lake Houston.
Within special flood hazard areas, certain areas have been designated as coastal high hazard areas. These areas have special flood hazards associated with high velocity waters requiring additional conditions on construction within these areas.

Sec. 19-52. Building restrictions.

(a) In addition to the requirements of division 2 of this article, the following provisions shall apply in coastal high hazard areas:

1. All buildings or structures shall be located landward of the reach of the mean high tide.

2. All structures shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, exclusive of pilings or columns, is elevated at least the minimum flood protection elevation, with all space below the lowest horizontal structural member open so as not to impede the flow of water.

3. All structures shall be elevated on and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash and to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

4. Pilings or columns used as structural support shall be designed and anchored so as to withstand velocity water and hurricane wave wash and to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components (wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval)).

5. There shall be no fill used as structural support of any structure.

6. There shall be no alteration of the topography prior to development that would increase potential flood damage.

7. Breakaway walls are allowed below the base flood elevation but the space enclosed by
breakaway walls may be used only for parking of vehicles, building access, or storage.

(8) If breakaway walls are utilized, the space enclosed by the breakaway walls shall not be used for human habitation.

(9) No alteration, repair, reconstruction, or improvement to a structure or other obstruction shall enclose or obstruct the space below the lowest floor, except for breakaway walls as provided herein.

(b) When a development permit application is filed under the provisions of section 19-17, a registered professional engineer licensed in the State of Texas shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction of the structure to be built are in accordance with accepted standards of practice for meeting the provisions of subsections (a)(2), (a)(3) and (a)(4) hereof when built. Plans for any structure that include breakaway walls must be specifically identified as such when submitted to the city engineer for approval.

Secs. 19-53--19-60. Reserved.

ARTICLE IV.
MANUFACTURED HOMES
DIVISION 1.
REQUIREMENTS IN ADDITION TO MANUFACTURED HOME CODE

Sec. 19-61. Generally.

(a) The provisions of this chapter shall be in addition to all other requirements, standards, and restrictions contained in the Code of Ordinances relating to manufactured homes, including, but not limited to, chapter 29 of the Code of Ordinances. In the event of conflict between the requirements of this chapter and any other requirement of the Code of Ordinances, the provisions of this chapter shall prevail.

(b) The applicants for a city manufactured home permit where the manufactured home will be located within a special flood hazard area shall submit a development permit application and shall comply with the standards set forth in this chapter specifically including those standards contained in this article.


DIVISION 2.
PLACEMENT STANDARDS

Sec. 19-71. Generally.

All manufactured homes shall be placed in locations in the city that are reasonably safe from flooding,
and the city engineer is hereby authorized to promulgate such written standards as may be deemed appropriate to determine such flood safety. In addition to such standards within special flood hazard areas, the requirements of this division 2 shall apply.

Sec. 19-72. Flood safety.

The manufactured home and its site and substantial improvements to manufactured home sites shall:

1. Be designed or modified to prevent flotation, collapse, or lateral movement of the manufactured home in the presence of floodwaters;

2. Be constructed with materials and types of utility equipment which are resistant to flood damage; and,

3. Be constructed by methods and practices that minimize flood damage.

Sec. 19-73. Utility systems protection.

(a) All new and replacement water supply systems for manufactured homes shall be designed to prevent or eliminate the infiltration of floodwaters into the water supply system and the utility system supplying water to the manufactured homes.

(b) All new and replacement sanitary sewage systems for manufactured homes shall be designed to prevent:

1. The infiltration of floodwaters into such system; and,

2. Discharge from such systems into floodwaters.

(c) All on-site disposal systems, including but not limited to, sewage treatment plants and septic tanks located on the lot or site of the manufactured home or connected by a utility system to the manufactured home, shall be located so as to:

1. Prevent impairment of the function of the system during flooding; and

2. Prevent contamination of floodwaters from the system during flooding.

Sec. 19-74. Special requirements for manufactured homes.

All manufactured homes placed in, and all substantial improvements to manufactured home sites within, special flood hazard areas shall be secured as follows:

1. Anchors: All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement in the presence of floodwaters by providing over-the-top or frame ties to
comply with divisions 3 and 4 of article III of this chapter.

Secs. 19-76--19-80. Reserved.

DIVISION 3.

SUBDIVISIONS AND DEVELOPMENT

Sec. 19-81. Plats for manufactured home parks and subdivisions.

No plat shall be issued for a manufactured home park or subdivision unless it complies with the provisions of section 19-13 and the provisions of this article.

Sec. 19-82. Evacuation plan.

All persons who operate a manufactured home park or subdivision within any special flood hazard area and who are licensed by the city under chapter 29 of the Code of Ordinances shall file an evacuation plan with the fire chief indicating alternate vehicular access and escape routes for such park or subdivision prior to the granting of a permit.

Secs. 19-83--19-90. Reserved.

ARTICLE V.

ENFORCEMENT

Sec. 19-941. Actions authorized to enforce chapter.

(a) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to file an action in a court of competent jurisdiction to:

(1) Enjoin any person from violating the terms, conditions and restrictions of any permit issued under this chapter;

(2) Enjoin the violation of the provisions of this chapter;

(3) Recover civil penalties for violation of the terms, conditions and restrictions of any permit issued under this article;

(4) Recover civil penalties for violation for the provisions of this article; or

(5) Recover damages from the owner of a site in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.
This authority is in addition to all provisions of this Code and the Construction Code relative to the
definition of offenses and the provision of penalties for violations of such ordinances.

(b) The city, acting through the city attorney or any other attorney representing the city, is hereby
authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and
restrictions of any permit issued under this article or the provisions of this article.

(c) The city engineer is authorized to:

(1) Whenever any work authorized by a development permit is being performed contrary to the
provisions of this chapter, or other pertinent laws or ordinances implemented through the
enforcement of this article, order the work (other than work to cure a violation) stopped by notice
in writing served on any persons performing the work or causing the work to be performed. Any
such persons shall forthwith stop the work until authorized by the city engineer to proceed with
the work.

(2) At the time a stop order is issued, the person performing the work and the permit holder shall be
given notice of a right to a hearing on the matter pursuant to Section 116.2 of the Building Code
for permits authorized by that Code. Upon request, such a hearing shall be held within three
business days unless the permit holder or person who was performing the work requests an
extension of time. Any stop order that has been issued shall remain in effect pending any hearing
that has been requested unless the stop order is withdrawn by the city engineer.

| Sec. 19-9292. Criminal sanctions.

Any person violating any provision of this chapter within the corporate limits of the city shall be guilty
of a misdemeanor punishable by a fine of not less than $250.00 nor more than $2,000.00. Each day that any
violation continues shall constitute a separate offense.
AN ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FLOOD PLAIN; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * * * *

WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City has previously enacted Chapter 19 of the Code of Ordinances, which regulates development in the areas of the City that have been designated as flood plain; and

WHEREAS, the City Council finds that the adoption of amendments to Chapter 19 of the Code of Ordinances would further enhance the benefits derived to the public health, safety and welfare through regulation of development in the flood plain; and

WHEREAS, the City Council finds that it is appropriate to recover the City's costs of administering the program established by the Ordinance through the assessment of permit fees; and

WHEREAS, the City Council finds that the Departments of Public Works and Engineering has analyzed the costs of administering the program, and related those costs to the types of permits issued by the City; and
WHEREAS, the City Council finds that the fees are reasonably related to the cost of administering the program; NOW, THEREFORE;

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

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

Section 2. That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms existing structure, floodway conveyance offset volume and Lake Houston, in the appropriate alphabetical order, that read as follows:

"Existing structure shall mean a structure that was lawfully constructed prior to the promulgation of the FIRM that established the floodplain or floodway for the property on which the structure is located."

"Floodway conveyance offset volume shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway."

"Lake Houston shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W."

Section 3. That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby further amended by amending the definition of the term substantial improvement to read as follows:

"Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the
start of construction of the improvement. This term shall include structures that have incurred repetitive loss or substantial damage, regardless of the repair work performed. The term shall not include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.”

Section 4. That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall continue in perpetuity and shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.”

Section 5. That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the term "de minimus" with "de minimis."

Section 6. Subsection (a) and the introductory paragraph of Subsection (b) of Section 19-20 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(a) Any applicant for a permit may apply for a variance from the requirements of this chapter. Except as may be otherwise provided in subsection 19-22(f), a variance may be sought only on the basis that the imposition of the requirements of this chapter for the issuance of a permit to
the applicant constitutes an exceptional hardship.

(b) An applicant may file a request for variance at any time. However, no variance may be granted for development on vacant land in a floodway, and no variance may be granted after an applicant has complied with the provisions of this chapter and a permit has been issued. An applicant shall file the application for a variance on a written form to be supplied by the city engineer, and shall specify in connection therewith:

Section 7. That the caption and the introductory paragraph of Subsection (a) of Section 19-22 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 19-22. Review by the board of variance application; determination by city engineer.

(a) The city engineer shall receive, and transmit to the general appeals board, all applications for variances, except for those applications specified in subsection 19-22(f). Except for those applications specified in subsection 19-22(f), the board shall be the body that determines whether a variance is to be granted. The board may consider the granting of a variance under the following circumstances:"

Section 8. That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:

"(f) The city engineer shall grant a variance for reconstruction of an existing structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing slab that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the slab."

Section 9. That the introductory paragraph of Subsection (a) of Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Except as may be otherwise provided in this chapter, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:"
Section 10. That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), which shall read as follows, and renumbering the remaining Subsections accordingly:

"(c) The city engineer may issue a permit for development for the repair, renovation, replacement or reconstruction of an existing structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The repair, renovation, replacement or reconstruction is not the result of flood damage;

(2) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;

(3) The foundation system for the structure will be pier and beam construction;

(4) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c), including the obligation to have a mitigation feature that continues in perpetuity; and

(5) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The bottom of the lowest structural member of the structure will be elevated at least 18 inches above the base flood level;
(2) The foundation system for the structure will be pier and beam construction;

(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c), including the obligation to have a mitigation feature that continues in perpetuity;

(4) The applicant has filed a verified acknowledgement that:
   a. construction in a floodway will result in increased flood insurance rates commensurate with the resulting increased risk; and
   b. construction in the floodway increases risks to life and property to the applicant and the residents of this city and the surrounding area; and

(5) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council."

Section 11. That Chapter 19 of the Code of Ordinances, Houston, Texas, is further amended by adding a new Section 19-44, which shall read as follows:

“Sec. 19-44. Boathouses and piers; Lake Houston.

Where a floodway has been designated, the city engineer may issue a permit for construction of a boathouse or pier provided the proposed development meets the requirements for bridge construction provided in section 19-43(e) of this Code. No development permit shall be necessary for construction of a boathouse or pier on Lake Houston.”
Section 12. That the City Council hereby approves the initial schedule of application fees for development permits and variances that is attached to and made a part of this Ordinance as Exhibit A.

Section 13. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 14. 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 be passed finally on such date and shall take effect at 12:01 a.m. on September 1, 2008.

PASSED AND APPROVED this ____ day of _______________, 2008.

Mayor of the City of Houston

Prepared by the Legal Dept.
June 30, 2008, Ceil Price, Senior Assistant City Attorney
Requested by Michael Marcotte, P.E., DEE, Director, Public Works and Engineering Department
Exhibit A

The schedule for the development permit fees is based on the type and location of the proposed development, the size of the proposed development, and its ranking in terms of the effort and time required to process the permit. The following table breaks down the development permit categories and their corresponding fees.

<table>
<thead>
<tr>
<th>PROJECT TYPE</th>
<th>PERMIT CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-conveyance w/ Mitigation*</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
</tr>
<tr>
<td>Not Substantial Improvement/No Addition</td>
<td>N/A</td>
</tr>
<tr>
<td>New</td>
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</tr>
<tr>
<td>Substantial Improvement/Addition</td>
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</tr>
<tr>
<td>Residential Re-plat</td>
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</tr>
<tr>
<td>Floodway/Existing Structure - Section 19-43(b)</td>
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</tr>
<tr>
<td>Floodway/Vacant Land - Section 19-43(c)</td>
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</tr>
<tr>
<td>Floodway (Inspection at Transfer of Title)</td>
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</tr>
<tr>
<td>Commercial/Multi-Family Residential</td>
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</tr>
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<td>Not Substantial Improvement/No Addition</td>
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<td>Grading and Fill Sitework &lt; 1 acre</td>
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</tr>
<tr>
<td>Grading and Fill Sitework ≥ 1 acre</td>
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<tr>
<td>Substantial Improvement/Addition &lt; 1 acre</td>
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<tr>
<td>Substantial Improvement/Addition ≥ 1 acre</td>
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<tr>
<td>Redevelopment &lt; 1 acre</td>
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<tr>
<td>Redevelopment ≥ 1 acre</td>
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<tr>
<td>New &lt; 1 acre</td>
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</tr>
<tr>
<td>New ≥ 1 acre</td>
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<tr>
<td>Floodway/Existing Structure - Section 19-43(b)</td>
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</tr>
<tr>
<td>Floodway/Vacant Land - Section 19-43(c)</td>
<td>N/A</td>
</tr>
<tr>
<td>Floodway (Inspection at Transfer of Title)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**NOTES**

* Mitigation refers to the compensation of the loss of floodplain storage volume (requires cut and fill calculations)