

**AGENDA - COUNCIL MEETING - TUESDAY - MAY 5, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - MAY 6, 2009 - 9:00 A. M.**

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

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

**MAYOR'S REPORT** - Summer Jobs for Youth

**CONSENT AGENDA NUMBERS 1 through 38**

**AGENDA - MAY 6, 2009 - PAGE 2**

**MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MR. ALLEN DALE WATSON**, to Alternate Position Four, of the **AIRPORT BOARD OF ADJUSTMENT**, for an unexpired term ending February 1, 2011
2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **PUBLIC PARKING COMMISSION**, for terms to expire December 31, 2010:  
Position Seven - **MR. ANDREW J. LAYDEN, JR.**  
Position Eleven - **MR. BRIAN W. JACKSON**  
Position Fifteen - **MR. DALLAS S. JONES**
3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE)**:  
Position Two - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2010  
Position Five - **MR. HARRY SHANI**, for a term to expire December 20, 2009

**ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,090,058.00 and acceptance of work on contract with **WORKMAN COMMERCIAL CONSTRUCTION SERVICES, INC** for Clayton Library Renovation - 14.64% over the original contract amount - **DISTRICT D - ADAMS**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,610,408.16 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Three Ground Storage Tanks at Three Pumping Stations - 3.38% under the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G - HOLM**

**PROPERTY** - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2008-726, 9/24/08, AND AUTHORIZE** abandonment and sale of East Avenue O, from 96th Street to its eastern terminus and East Avenue N, from 96th Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A and SY8-009B - **DISTRICT I - RODRIGUEZ**
7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas Limited partnership, et al., Cause No. 922,728; for acquisition of Parcels AY7-423 and AY7-429; for the **MERCURY DRIVE PAVING PROJECT (IH-10 - Wallisville) - DISTRICT I - RODRIGUEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 11A

8. **21ST CENTURY MANUFACTURING, INC** for Installation and Fabrication of Professional and Organizational Development Systems for General Services Department and authorize funding to be provided from contingency funds previously appropriated pursuant to Ordinance No. 2007-713 for construction of the South Post Oak Multi-Service Center/Vinson Branch Library under contract with Comex Corporation - \$134,622.00 and contingencies for a total not to exceed \$141,003.00 - Public Library Consolidated Construction Fund

**PURCHASING AND TABULATION OF BIDS** - continued

9. **BELL HELICOPTER TRAINING ACADEMY** for Night Vision Goggle Flight Training Professional Services for Houston Police Department - \$79,230.00 - Police Special Services Fund
10. ORDINANCE appropriating \$231,651.33 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Carts for Parks & Recreation Department
  - a. **PROFESSIONAL TURF PRODUCTS, L.P.** for Purchase of Utility Carts through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Parks & Recreation Department \$274,995.85 Equipment Acquisition Consolidated and Park Special Revenue Funds
11. ORDINANCE appropriating \$38,460.00 out of Equipment Acquisition Consolidated Fund for Purchase of Air Compressors for Public Works & Engineering Department
  - a. **VOLVO CONSTRUCTION EQUIPMENT & SERVICES** for Purchase of Light Towers, Air Compressors and Generators through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$217,550.15 Enterprise and Equipment Acquisition Consolidated Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 38

12. RESOLUTION approving and authorizing the nomination of **ANHEUSER-BUSCH, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B - JOHNSON**
13. ORDINANCE delegating to the Mayor, in response to a Public Health Event only, authority to establish appropriate measures, including temporarily suspending, amending, or granting an exception to certain limitations of Chapter 14 of the Code of Ordinances, Houston, Texas, involving use of leave time and various personnel procedural matters
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Kelving Drive (Parcel SY8-068), containing 0.0017 acres of land, more or less; vacating and abandoning said tract to Stacey Fine Homes of Texas, Inc., abutting owner, in consideration of owner's conveyance to the City of a street easement (Parcel AY8-111), containing 0.0017 acres of land, more or less; all located in the P.W. Rose Survey, A-645, Houston, Harris County, Texas, and owner's payment to the City of \$300.00 - **DISTRICT C - CLUTTERBUCK**
15. ORDINANCE rescinding Ordinance 2008-629 and approving and authorizing Purchase Agreement between **MEDILIFE OF HOUSTON, INC**, Purchaser, and the City of Houston, Texas, Seller, for the sale of the Former Fire Station No. 27 located at 6302 Lyons Avenue, Houston, Texas, for a sale price of \$53,000.00; approving the subsequent sale of the property and assignment of a Development Agreement to the Society of Houston Latin Fire Fighters - **DISTRICT H**
16. ORDINANCE appropriating \$156,896.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON COMMUNITY COLLEGE SYSTEM** for improvements to the Houston Amateur Sports Park; providing funding for contingencies related to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS**
17. ORDINANCE consenting to the addition of 1,234.49 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 158**, for inclusion in its district

**RESOLUTIONS AND ORDINANCES** - continued

18. ORDINANCE approving and authorizing the City of Houston to submit the 2009 Consolidated Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2009-2010 grant applications: (1) 35th Program Year Community Development Block Grant in the amount of \$33,717,217 (\$29,798,698 Entitlement Grant and \$3,918,519 Program Income); (2) Home Investment Partnerships Grant in the amount of \$13,130,151 (\$12,722,540 Grant, \$300,000 Program Income, and \$107,611 from the American Dream Down Payment Initiative ["ADDI"]); (3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,038,000; and (4) Emergency Shelter Grants in the amount of \$1,326,597; and to accept the aforementioned grant funds, if awarded
19. ORDINANCE appropriating \$585,000.00 out of TIRZ Affordable Housing Fund and approving and authorizing Development Agreement between the City and **BURGLI INVESTMENTS, LLC** to develop thirteen (13) Solar Powered Affordable Single-Family Homes to be sold to qualified low-income and very low-income families - **DISTRICT I - RODRIGUEZ**
20. ORDINANCE amending the Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC** to change the amounts of the sources of funding to \$670,969 in Community Development Block Grant Funds and \$215,031 in Home Investment Partnerships Funds, revise the scope of work, and extend the period of time to commence the work in connection with the rehabilitation of a 100 unit apartment building for the elderly and disabled known as the W. Leo Daniel Towers - **DISTRICT H**
21. ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide additional funding in the amount of \$770,000.00 in Community Development Block Grant Funds for Construction of a Gymnasium located at 7318 Avenue F - **DISTRICT I - RODRIGUEZ**
22. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **HOUSTON AERONAUTICAL HERITAGE SOCIETY, INC**, a Texas 501(C)(3) Non-Profit Corporation, for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**
23. ORDINANCE appropriating \$48,500.00 out of HAS Consolidated 2000 AMT Construction Fund (8200); authorizing the purchase of land in Greenview Manor Section One Subdivision, Houston, Harris County, Texas, for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.81; approving Purchase and Sale Agreement with the owner of the land (Helene L. Trocmet Macaluso) - **DISTRICT B - JOHNSON**
24. ORDINANCE appropriating \$756,075.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing an Architectural Services Contract between the City of Houston and **PERKINS & WILL - CRA, L.P.** for the Palm Center/Young Library Replacement; providing funding for the Civic Art Program and contingencies related to the construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT D - ADAMS**
25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WHALEY ENERGY CONSULTING LLC** for Professional Consulting Services - \$365,000.00 Central Service Revolving Fund
26. ORDINANCE appropriating \$470,675.00 out of Police Consolidated Construction Fund, approving and authorizing second amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1359) between the City of Houston and **GILBANE BUILDING COMPANY** for the Construction of the HPD Qualification Pistol Range; providing funding for Modular Office, Design Services and contingencies related to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - continued

27. ORDINANCE appropriating \$47,890.00 out of Public Health Consolidated Construction Fund for Purchase and Installation of Security Equipment, Remote HVAC Equipment, and Fan Coil Units for the Department of Health and Human Services - **DISTRICT B - JOHNSON**
28. ORDINANCE appropriating \$500,000.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment for the Enterprise Geographic Information System (EGIS)
29. ORDINANCE related to accounting for available funds of the City; amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds; appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Fund Balance; making provisions related to the subject; providing a repealer; providing for severability
30. Omitted
31. ORDINANCE approving and authorizing Contract between the City and **PMAM CORPORATION** for Burglar Alarm Administration Services for the Administration & Regulatory Affairs Department; providing a maximum contract amount - 5 Years with two one-year options - \$9,000,000.00 General Fund
32. ORDINANCE appropriating \$1,243,402.38 out of Equipment Acquisition Consolidated Fund and approving and authorizing Contract between the City of Houston and **TIBURON, INC** for an Automated Records Management System for the Houston Police Department
  - a. ORDINANCE approving and authorizing Lease Agreement between **AMERICAN NATIONAL INSURANCE COMPANY, as Landlord**, and the City of Houston, Texas, as Tenant, for 14,859 square feet of office space at 811 Dallas Street, Houston, Texas, at a monthly rental of \$33,432.75 for the first eighteen (18) months and a monthly rental of \$34,671.00 for the following eighteen (18) months, with a resulting aggregate rent for thirty-six (36) months of \$1,225,867.56, and \$158,213.04 estimated operating and parking expenses, for a sum of \$1,384,080.60, for use by the Records Management System Project Team of the Houston Police Department **DISTRICT I - RODRIGUEZ**
  - b. ORDINANCE appropriating \$248,866.62 out of Equipment Acquisition Consolidated Fund for Purchase of Office Furniture for Houston Police Department
  - c. RECOMMENDATION from Purchasing Agent to award to **J. TYLER SERVICES, INC** for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department
33. ORDINANCE appropriating \$12,000.00 out of Drainage Improvement Commercial Paper Series F; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for the Kirby Drive Relief Storm Sewer, Phase Two - **DISTRICT G - HOLM**
34. ORDINANCE appropriating \$384,400.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant - **DISTRICT E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

35. ORDINANCE appropriating \$1,070,000.00 out of Drainage Improvement Commercial Paper Series F, Fund; and allocating \$500,000.00 out of Stormwater Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for On-Call Drainage Construction; providing a maximum contract amount; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F, Fund and the Stormwater Fund
  
36. ORDINANCE appropriating \$2,596,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Lockwood Lift Station Rehabilitation, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
  
37. ORDINANCE granting to **ARC ABATEMENT, INC., A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**
  
38. ORDINANCE granting to **SWEEPING SERVICES OF TEXAS - OPERATING, L.P., A TEXAS LIMITED PARTNERSHIP**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**AGENDA - MAY 6, 2009 - PAGE 7**

**MATTERS HELD** - NUMBERS 39 through 41

39. ORDINANCE appropriating \$11,862.41 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Construction Contract between the City of Houston and **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive (Approved by Ordinance No. 2006-510 and 2007-1333) - **DISTRICT G - HOLM**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,192,437.11 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive - 14.25% over the original contract amount - **DISTRICT G - HOLM**  
**TAGGED BY COUNCIL MEMBER BROWN**  
These were Items 6 and 6A on Agenda of April 29, 2009
40. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council - **TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 13 on Agenda of April 29, 2009
41. ORDINANCE making findings concerning the use of the median of Martin Luther King Boulevard within MacGregor Park for Construction and Operation of a Light Rail Line by the Metropolitan Transit Authority of Harris County (METRO) - **DISTRICT D - ADAMS**  
**TAGGED BY COUNCIL MEMBER ADAMS**  
This was Item 23 on Agenda of April 29, 2009

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Clutterbuck first

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

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

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





BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

MAY 06 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: H. J. 22-09  
date

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

April 21, 2009

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 241, Texas Local Government Code and Article VI of Chapter 9 of the City Code of Ordinances, I am nominating the following individual for appointment to the Airport Board of Adjustment, subject to Council confirmation:

Mr. Allen Dale Watson, appointment to Alternate Position Four, for an unexpired term ending February 1, 2011;  
and

Résumé of the nominee is attached for your review.

Sincerely,

Handwritten signature of Bill White in black ink.

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Mr. Richard Vacar, Director, Houston Airport System  
Mr. Eric Potts, Deputy Director, Planning, Design and Construction, Houston Airport System  
Ms. Deborah McAbee, Sr. Asst. City Attorney, Legal Department

RECEIVED  
CITY SECRETARY



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2  
MAY 9 6 2009

April 22, 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: H 22:09  
COUNCIL MEMBER: \_\_\_\_\_  
date

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Chapter 26, Article I, of the City of Houston Code of Ordinances, I appoint or reappoint the following individuals to the Public Parking Commission, subject to City Council confirmation:

Mr. Andrew J. Layden, Jr., appointment to Position Seven, for a term to expire December 31, 2010;

Mr. Brian W. Jackson, appointment to Position Eleven, for a term to expire December 31, 2010;  
and

Mr. Dallas S. Jones, appointment to Position Fifteen, for a term to expire December 31, 2010.

The résumés are attached for your review.

Sincerely,

Handwritten signature of Bill White in cursive.

Bill White  
Mayor

BW:CC:jsk

Attachment

cc: Mr. Issa Dadoush, Director, General Service Department  
Ms. Liliana Rambo, Assistant Director, Parking Management



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3  
MAY 0 0 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: H date 2-3-09  
COUNCIL MEMBER: \_\_\_\_\_

April 21, 2009

The Honorable City Council  
Houston, Texas

Dear Council Members:

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

- Mr. Welcome W. Wilson, Jr., appointment to Position Two, for a term to expire December 20, 2010; and
- Mr. Harry Shani, appointment to Position Five, for a term to expire December 20, 2009.

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

The résumés of the nominees are attached for your review.

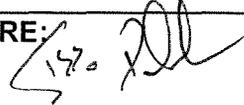
Sincerely,

Bill White  
Mayor

BW:CC:jsk

RECEIVED  
APR 21 2009  
CITY SECRETARY

- cc: Mr. Mike Laster, Chair, Southwest Houston Redevelopment Authority
- Mr. Bill Calderón, Legal Administrator, Hawes Hill Calderon, L.L.P.

<b>SUBJECT:</b> Accept Work Workman Commercial Construction Services, Inc. Clayton Library Renovation WBS No. E-000156-0001-4		<b>Page</b> 1 of 2	<b>Agenda Item</b> 
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 4-24-09	<b>Agenda Date</b> MAY 06 2009
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E.  4/13/09		<b>Council District(s) affected:</b> D	
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832.393.8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance 07-0289, dated 03-07-07 Ordinance 07-0555, dated 05-09-07 Ordinance 08-0289, dated 04-09-08	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$5,090,058.00, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required		<b>Finance Budget:</b>	
<b>Previous Funding:</b> \$4,230,000.00 Library Capital Project Fund (4018) \$ 572,700.00 Library Capital Project Fund (4018) \$ 372,300.00 Public Library Consolidated Construction Fund (4507) <b>\$5,175,000.00 TOTAL</b>			
<p><b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve the final contract amount of \$ 5,090,058.00 or 14.64% over the original contract amount, accept the work and authorize final payment to Workman Commercial Construction Services, Inc. for the Clayton Library Renovation for the Houston Public Library.</p> <p><b>PROJECT LOCATION:</b> 5300 Caroline (493W)</p> <p><b>PROJECT DESCRIPTION:</b> The Clayton Library Center for Genealogical Research is a part of the Houston Public Library system. The Clayton Family Buildings were donated to the City and consist of the main house, the guesthouse and the carriage house. The project renovated all three buildings including new mechanical, electrical, plumbing, and elevator systems; restored windows and millwork of the main house. Renovated guesthouse to serve as a training room and offices, and carriage house to serve as a meeting room.</p> <p><b>PREVIOUS HISTORY AND PROJECT SCOPE:</b> On March 7, 2007, City Council approved a Renovation Agreement with Clayton Library Friends (CLF) for construction administration services in connection with the repair and renovation of the Clayton Family Buildings. Under the Agreement, CLF agreed to transfer private funding in the amount of \$5,472,700.00 into the Library Capital Project Fund referenced above.</p>			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID#25CONS90 <span style="float: right;">MCA</span>	
<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division		<b>Houston Public Library:</b>  Rhea Brown Lawson, Ph.D., Director	

<b>Date</b>	<b>Subject:</b> Accept Work Workman Commercial Construction Services, Inc. Clayton Library Renovation WBS No. E-000156-0001-4	<b>Originator's Initials</b> JBW	<b>Page</b> 2 of 2
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On May 9, 2007, City Council awarded the construction contract to Workman Commercial Construction Services, LTD. (Workman) and appropriated \$4,230,000.00 for FY07 construction costs. On April 9, 2008, City Council approved a First Amendment to increase the director's authority to approve Change Orders up to 15% of the original contract price to address additional unforeseen conditions relating to the structural foundation and hazardous materials abatement.

**CONTRACT COMPLETION AND COST:** The contract was awarded with a 10% contingency to address unforeseen conditions. The contractor completed the project within 572 days: the original contract time of 365 days plus 207 days approved by Change Orders. The final cost of the project, including Change Orders 1-13 is \$5,090,058.00, an increase of \$650,058.00 over the original contract amount.

The project design consultant was Glassman Shoemake Maldonado Architects.

**PREVIOUS CHANGE ORDERS:** Change Orders 1-13 addressed unforeseen conditions discovered during demolition and changes in the scope of work which included the following: foundation repairs that consisted of epoxy repair of grade beams, abated lead paint, demolished and replaced structural wood, multiple building revisions and upgrades were required to meet current elevator, building and fire codes, replaced Carriage House roof, added communication links between all three buildings, upgraded the sanitary sewer system, revised landscaping and planting areas including the upgrade of site drainage to prevent flooding, demolished and replaced the Guest House porch ceiling, upgraded the HVAC system, repaired or replaced existing fencing and gates that included added security fencing at outside mechanical equipment and upgraded handrails and guardrails for increased safety.

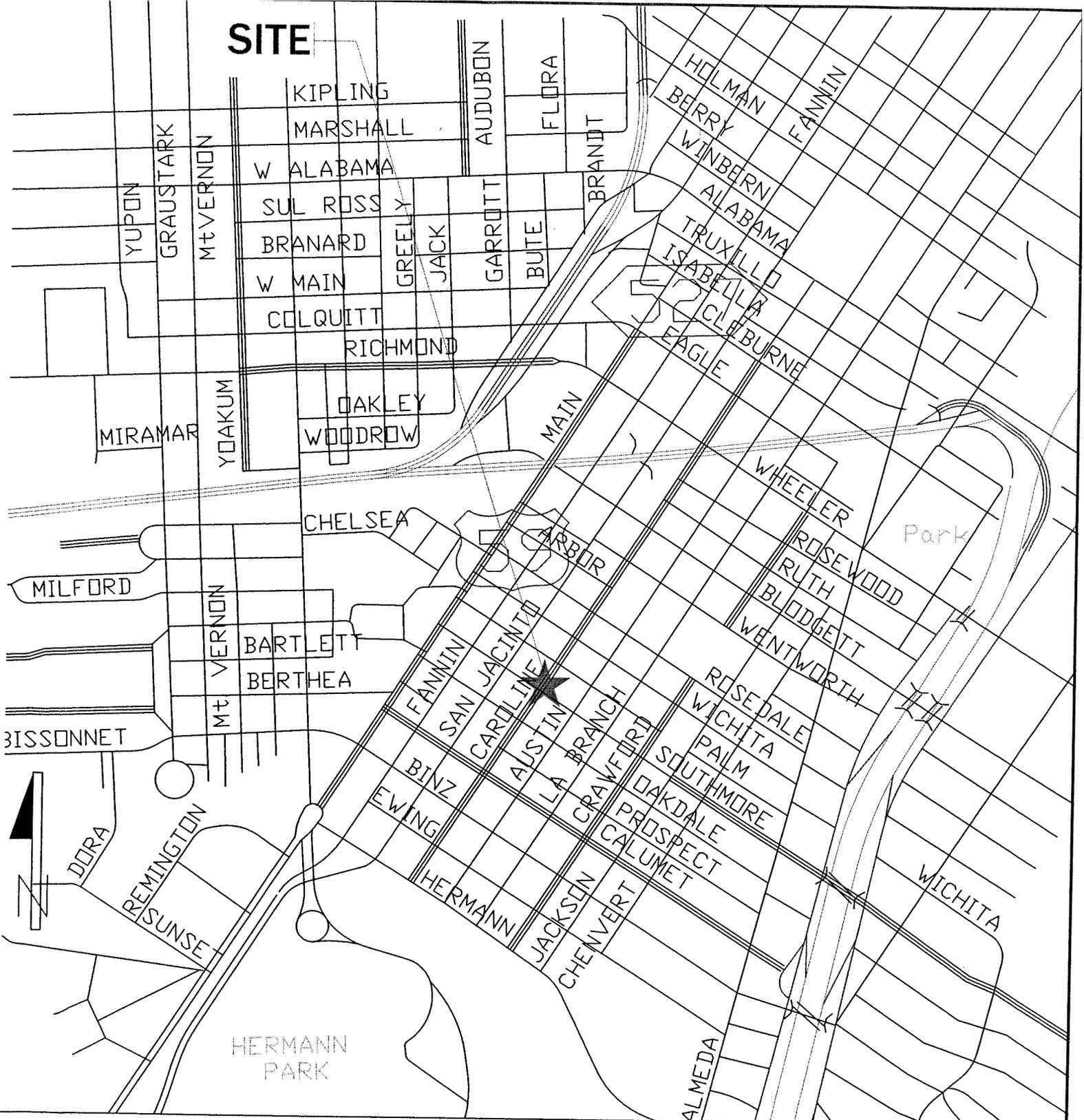
**M/WBE PARTICIPATION:** The contract was awarded with a 15% M/WBE goal and 5% SBE goal. According to the Affirmative Action and Contract Compliance Division, the contractor achieved 19.19% M/WBE and 7.98% SBE participation and was assigned an outstanding rating.



IZD:HB:JLN:MCP:JBW:th

c: Marty Stein, Phil Golembiewski, James Tillman IV, Jacquelyn L. Nisby, Velma Laws, Kim Ngyuen, Wendy Heger, Project File

**SITE**



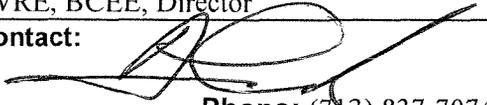
**William L. Clayton Home  
Guest House & Carriage House  
5300 Caroline  
Houston, TX**

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

**SUBJECT:** Accept Work for Rehabilitation of Three Ground Storage Tanks at Three Pumping Stations. WBS No. S-000600-00B3-4. Page 1 of 1      Agenda Item # 5

**FROM (Department or other point of origin):**  
 Department of Public Works and Engineering **Origination Date**  
4/30/09      **Agenda Date**  
MAY 06 2009

**DIRECTOR'S SIGNATURE:**  
  
 Michael S. Marcotte, P.E., D.WRE, BCEE, Director **Council Districts affected:**  
D, F, and G ~~SCF~~

**For additional information contact:**  
  
 Timothy Lincoln, P.E.      **Phone:** (713) 837-7074 **Date and Identification of prior authorizing Council Action:**  
Ord. #2006-517 dated 05/24/2006  
 Senior Assistant Director

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,610,408.16, which is 3.38% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
 Original appropriation of \$1,925,000.00 from Water and Sewer System Consolidated Construction Fund No. 755.

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Water Storage Tank Rehabilitation and Replacement Program. This project is required to meet the Texas Commission on Environmental Quality's (TCEQ) regulations.

**DESCRIPTION/SCOPE:** The project consisted of rehabilitation of three ground storage tanks at three pumping stations, related site work and coatings. Pate Engineers, Inc. designed the project with 360 calendar days allowed for construction. The project was awarded to N.G. Painting, L.P. with an original Contract Amount of \$1,666,825.00.

**LOCATION:** The project area is located as follows:

	Station	Address	Key Map Grid(s)	Council District
1.	Bellaire Braes	12423 Bellaire Blvd.	528-H	F
2.	Katy-Addicks	11500 Old Katy Road	489-B	G
3.	Ridgemont	15908 Ridge Roe Lane	611-D	D

**CONTRACT COMPLETION AND COST:** The Contractor, N.G. Painting, L.P. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 50 days allowed 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 \$1,610,408.16, a decrease of \$56,416.84 or 3.38% under the original Contract Amount.

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

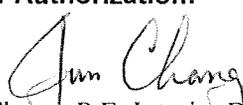
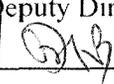
**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 2.75%. The Contractor achieved an "Unsatisfactory" rating for M/WBE compliance.

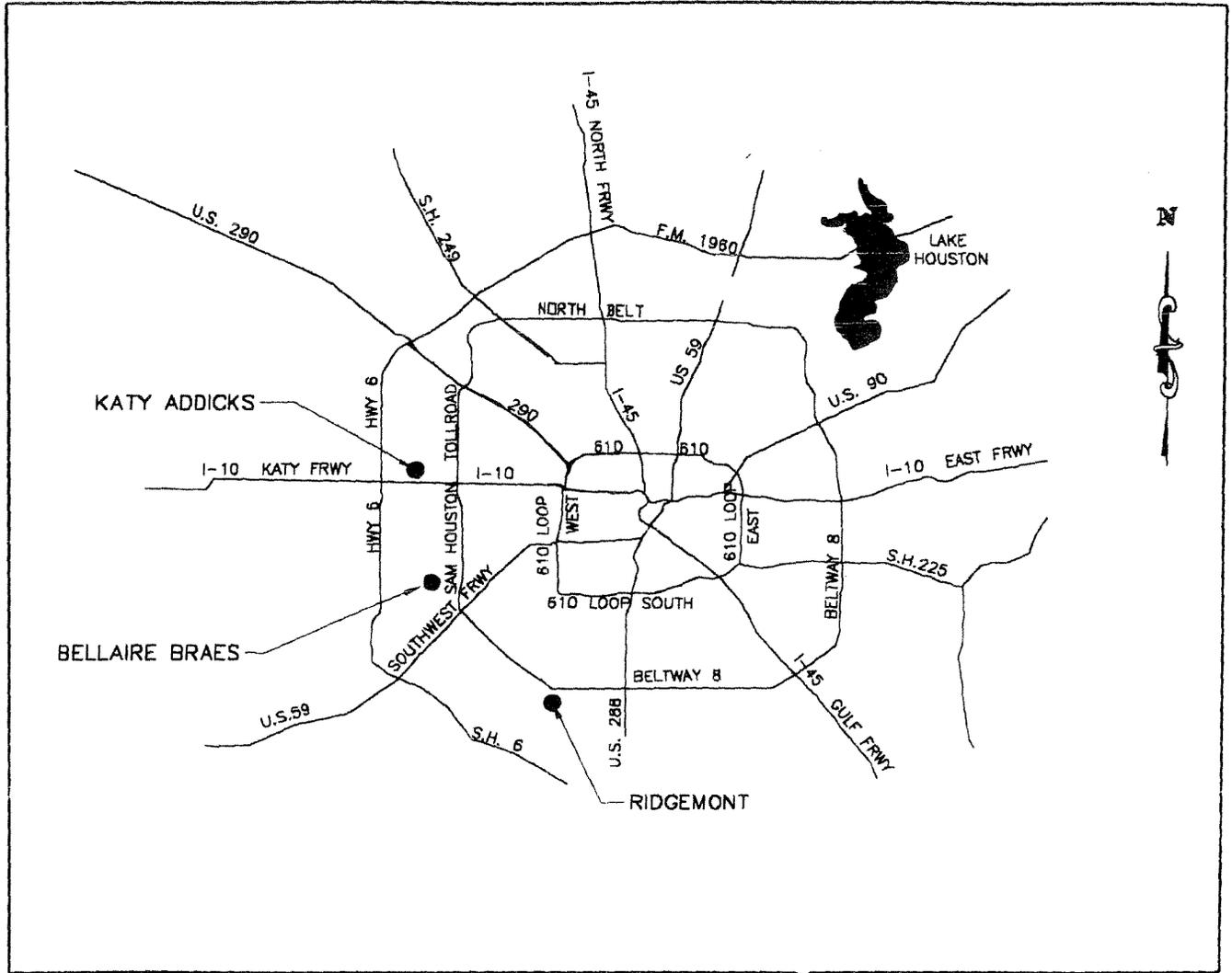
The MWBE Committee reviewed this item on 4/27/09 but took no action due to lack of quorum.

MSM:JTL:GWS:SKF:mq  
 S:\E&C Construction\Facilities\Projects\S-0600-B3-3 Rehabilitation of Three Ground Storage Tanks at Three Pumping Stations\Closeout\RCA\RCA.DOC

cc: Velma Laws      File No. S-000600-00B3-4 - Closeout

**REQUIRED AUTHORIZATION      CUIC ID# 20MZQ081**

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E. Interim Deputy Director Public Utilities Division 	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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## VICINITY MAP

N.T.S.

<u>WATER PLANT</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>KEY MAP NO.</u>	<u>COUNCIL DISTRICT</u>
BELLAIRE BRAES GS2	12423 BELLAIRE BLVD	77072	528H	F
KATY ADDICKS GS1	11500 OLD KATY RD	77043	489B	<b>G</b>
RIDGEMONT GS2	15908 RIDGEROE	77053	611D	D

## Summary of MWDBE Activities

Project Description/#: Water #10814-03 - Rehabilitation of Three GST at Three Pumping Stations. S-000600-00B3-4. #4600004295  
Prime Contractor: N. G. Painting, L. P. MWDBE Goal at award of contract: **17%**  
Amount of Contract: **\$1,666,825.00** Change Orders: **\$(56,416.90)** Final Contract Amount : **\$1,610,408.16**  
Amount of MWDBE goal with change order: **\$273,769.30** MWDBE actual participation: **2.75%**

### Original MWDBEs listed on RCA & Letter of Intent

A-1 Hydro-Mulching of Texas, Inc.  
Menendez-Donnell & Associates, Inc.  
Oil Products Distribution, Ltd.

### MWDBEs Used:

Oil Products Distribution, Ltd.

### List of original MWDBE, that were not used:

A-1 Hydro-Mulching of Texas, Inc.  
Menendez-Donnell & Associates, Inc.

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

The shortage is 14.25% or \$229,425.00. According to Connie Olden with N. G. Painting: **1.** They had no luck getting any participation with Menendez-Donnell. They tried several times to get with this subcontractor with no response at all from subcontractor. **2.** Although, they used the services of Oil Products Distribution for a while, they end up using another non-minority company as their fuel supplier, because Oil Products requested payment within 10 days after invoice date (N. G. Painting get paid by the City 30-45 days); also their fuel was of poor quality. **3.** A-1 Hydro-Mulching was not used.

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

CCO contacted all three subcontractors: **Menendez-Donnell**, Maria Menendez stated that they met with prime to discuss scope of work and subcontract terms. As a result, there was a preliminary agreement between the two parties. However, N. G. Painting never delivered any contractual documents for them to sign. **Oil Products Distributors**, Saleena Meghani stated that N. G. Painting started buying from them in October 2006 and kept buying until December 2006. Their last load in December was paid in the month of February 2007. Oil Products Distributors never had any contamination issues. They stopped supplying fuel due to the fact that their payment in December was very late. **A-1 Hydro-Mulching**, Carol Wickware Pappas, stated that N. G. Painting did not contact them, she was never given a reason why N. G. Painting did not use her company.

### Approved by:

  
Siria Harbour  
Contract Compliance Officer

  
Siria Harbour, Acting Division Manager  
Contract Compliance Section

November 4, 2008  
Date

**N. G. PAINTING, L.P.  
313 MILL RUN  
KERRVILLE, TX 78028  
830-257-5940 PHONE  
830-792-4968 FAX**

September 29, 2008

City of Houston  
Affirmative Action & Contract Compliance Division  
Attn: Siria Harbour  
P. O.Box 1562  
Houston, Tx 77251-1562

Re: Water #10814-03 -- Rehabilitation of Three Ground Storage Tanks at Three  
Pumping Stations. S-0600-B3-3

Dear Ms. Harbour,

As per our telephone conversation today, I am following up with a letter in regards to the minority participation for the project referenced above. The subcontractor and/or supplier we had listed are Menedez-Donnell & Associates, A-1 Hydro-Mulching of Texas and Oil Products Distributing.

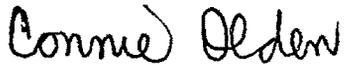
Nick Gramatikakis with N. G. Painting had no luck getting any participation with the company Menendez-Donnell & Associates. He tried numerous times to get with this subcontract with no response. We fax over information to them as well as trying to set up meetings with a representative from Menendez- Donnell and he was not successful.

N. G. Painting used Oil Products Distribution for fuel on this project for a while, and had to end up using another fuel supplier. The main problem for us using Oil Products fuel is that they wanted to get paid 10 days after the invoice date and we found it difficult to do since we were getting paid from the City of Houston every 30 to 45 days. Oil Products constantly harassed us to pay them after 10 days and we had to explain to them that we needed to get paid from the City of Houston first before we could pay them and they would not budge. The second problem with using Oil Products fuel was of poor quality. The fuel was watered down and our crew was constantly having to perform maintenance on our equipment. The third problem was we would order fuel from Oil Products and we would wait 2 to 3 days before the fuel was delivered and we depended on the fuel to run the equipment for the project. This would leave our employees standing around not being able to work until the fuel was delivered.

N. G. Painting never used the services of A-1 Hydro-Mulching, instead we used formally ROAR LLC DBA Texas Landscape Company now listed as RZV, LTD LLC Texas Landscape Company. A copy of their current certificate is enclosed as well as the invoices paid in the amount of \$ 20,347.67.

I hope this will clarify the reasons for the small amount of minority participation on this project. Please give me a call if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Connie Olden".

Connie Olden

N. G. Painting, L.P.

<b>SUBJECT:</b> Request for the rescission of Motion 2008-0726, and passage of a new Motion authorizing the abandonment and sale of East Avenue O, from 96 <sup>th</sup> Street to its eastern terminus and East Avenue N, from 96 <sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. <b>Parcels SY8-009A and SY8-009B</b>	Page <u>1</u> of <u>2</u>	Agenda Item #  6
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4-30-09	<b>Agenda Date</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected: I</b> Key Map 535D 
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b> Motion: 2008-0726 (9/24/08)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the rescission of Motion 2008-0726, and passage of a new Motion authorizing the abandonment and sale of East Avenue O, from 96<sup>th</sup> Street to its eastern terminus and East Avenue N, from 96<sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A and SY8-009B**

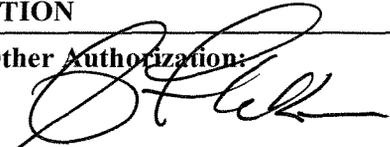
**Amount and Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**  
 Council Motion 2008-0726 authorized the abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96<sup>th</sup> Street to 97<sup>th</sup> Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97<sup>th</sup> Street), in former East Avenue N (from the west line of Lot 8, Block 66 to 97<sup>th</sup> Street), and in former 97<sup>th</sup> Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96<sup>th</sup> Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96<sup>th</sup> Street), in former East Avenue Q (from 95<sup>th</sup> Street to 96<sup>th</sup> Street), in former 95<sup>th</sup> Street (from East Avenue S to East Avenue Q), and in former 96<sup>th</sup> Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9.

Valero Houston Refinery's intended use for the area, as described in Motion 2008-0726, was to construct an office building, warehouse, and several small administration buildings in the area of the subject streets, which would also serve as a buffer zone between the fenced-in petroleum processing portion of the refinery and area single-family properties. Had the transaction been completed the applicant would be prohibited from using the area of the streets to be abandoned and sold for placement of any refinery heaters, boilers, distillation towers, cracking units, coker units, storage tanks which exceed 1,000 gallons, tank truck or rail car loading/unloading operations, or any other similar petroleum refining and/or processing units. The final plat to be recorded for the applicant's project must contain this information. Subsequent to the passage of the Motion, the applicant requested changes to the transaction. Since the requested changes are substantially different than the previous request, the previous Motion should be rescinded and a new Motion should be passed.

Citing its revised economic agenda, Valero Houston Refinery wants its previous request reduced to the abandonment and sale of East Avenue O, from 96<sup>th</sup> Street to its eastern terminus and East Avenue N, from 96<sup>th</sup> Street to its eastern terminus, all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. The applicant indicated this reduced request may be the first of one or more future requests to the City which should result in the previously requested streets being abandoned and sold. The reduced street abandonments will remain a vacant buffer between the fenced-in production portion of the refinery and area residents. Signs notifying the public of the pending street abandonment application were previously posted for at least thirty days.

s:\dob\sy8-009.rcl.doc	CUIC #20DOB8882A
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REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the rescission of Motion 2008-0726, and passage of a new Motion authorizing the abandonment and sale of East Avenue O, from 96 <sup>th</sup> Street to its eastern terminus and East Avenue N, from 96 <sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. <b>Parcels SY8-009A and SY8-009B</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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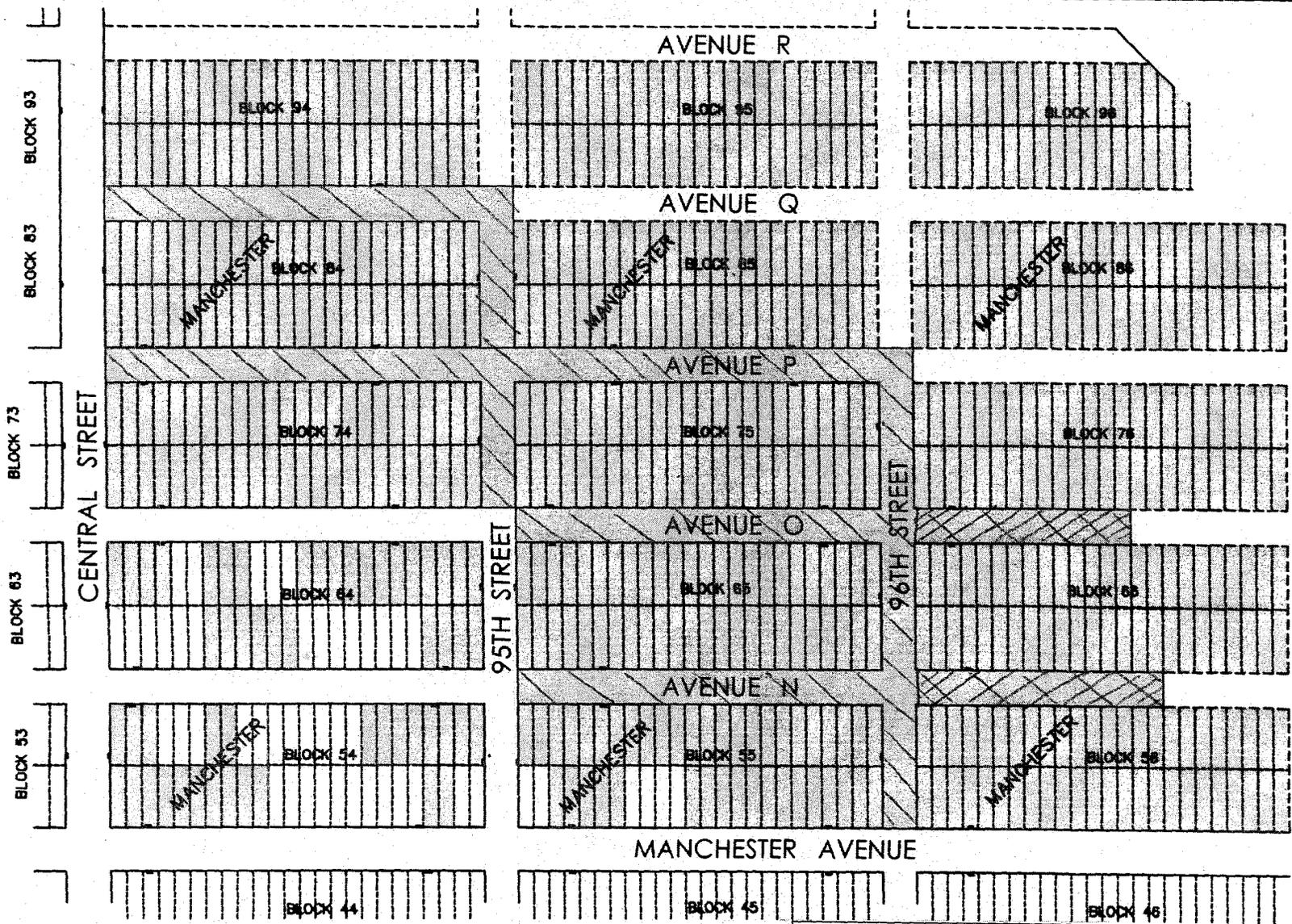
This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved the request. Therefore, it is recommended:

1. The City abandon and sell East Avenue O, from 96<sup>th</sup> Street to its eastern terminus and East Avenue N, from 96<sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the streets being abandoned and sold;
4. The applicant be required to (a) cut, plug, and abandon or convert to private metered service the existing 4-inch water line in East Avenue O from the 12-inch water line in 96<sup>th</sup> Street to its eastern terminus; (b) cut, plug, and abandon or convert to private metered service the existing 4-inch water line in East Avenue N from the 12-inch water line in 96<sup>th</sup> Street to its eastern terminus; and (c) pay the depreciated value for the water lines and fire hydrants being abandoned or converted to private service. All of the above matters must be performed at no cost to the City and under the proper permits;
5. The applicant be required to (a) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue O from the manhole in the 8-inch sanitary sewer line in 96<sup>th</sup> Street to its eastern terminus; (b) cut, plug, and abandon or convert to private service the existing 6-inch sanitary sewer line in East Avenue N from the manhole in the 8-inch sanitary sewer line in 96<sup>th</sup> Street to its eastern terminus; and (c) pay the depreciated value for the sanitary sewer lines and manholes being abandoned or converted to private service. All of the above matters must be performed at no cost to the City and under the proper permits;
6. The applicant be required to eliminate the public street appearance of the streets being abandoned and sold by removing a minimum of ten feet of the pavement or by other acceptable ways, subject to review and approval by the Public Works and Engineering Department, Traffic and Transportation Division, all at no cost to the City and under the proper permits;
7. The applicant be required to coordinate with CenterPoint Energy to have the street lights along the streets to be abandoned and sold converted to metered private service or the City will authorize the removal of the street lights upon passage of the ordinance to conclude this transaction.
8. The applicant be required to insert the following language in the final plat: "Use of the area is prohibited from placement of any refinery heaters, boilers, distillation towers, cracking units, coker units, storage tanks which exceed 1,000 gallons, tank truck or rail car loading/unloading operations, or any other similar petroleum refining and/or processing units."
9. The Legal Department be authorized to prepare the necessary transaction documents; and,
10. Inasmuch as value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Tom Edmonds, an independent appraiser appointed by the Director of Public Works and Engineering

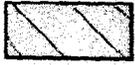
MSM:NPC:dob

- c: Phil Boriskie  
Jun Chang, P.E.  
Marlene Gafrick  
Bill Hlavacek  
Elena Marks, JD, MPH  
Daniel Menendez, P.E.  
Arturo G. Michel  
Marty Stein  
Jeffrey Weatherford, P.E., PTOE

EXTERNAL REFERENCES: Jun 01 2007 1:19pm PLOTTED BY: JASAD, ON: Jun 04 2007 3:36pm, CFG:  
 FILENAME: J:\Misc\661-01\661-01B\Sub\Joint Referral Com.dwg, LAST SAVED ON:



SUBJECT: Request for the rescission of Motion 2008-0726, and passage of a new Motion authorizing the abandonment and sale of East Avenue O, from 96<sup>th</sup> Street to its eastern terminus and East Avenue N, from 96<sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9.

	Per Motion 2008-0726 streets requested to be abandoned and sold
	Current streets requested to be abandoned and sold
	Property (lots) Valero owns

## LOCATION MAP

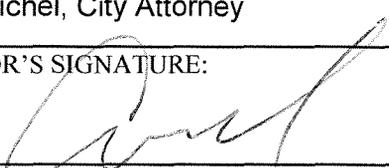
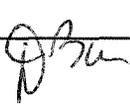
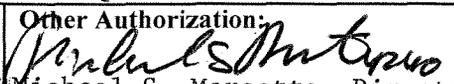
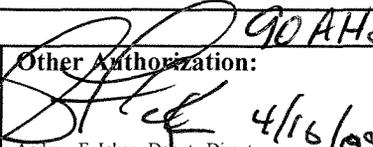
**SUBJECT:** Request for the rescission of Motion 2008-0726, and passage of a new Motion authorizing the abandonment and sale of East Avenue O, from 96<sup>th</sup> Street to its eastern terminus and East Avenue N, from 96<sup>th</sup> Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A and SY8-009B**



**CAUTION:**

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcels AY7-423 & AY7-429; City of Houston v. FVL, Ltd., a Texas limited partnership, et al., Cause No. 922,728; Mercury Drive Paving Project (IH-10 - Wallisville) WBS/CIP No. N-000625-0001-2-01-01; Legal Department File No. 052-0700047-006.		Page 1 of 2	Agenda Item #  <b>7</b>
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date 02/27/09	Agenda Date MAY 05 2009
DIRECTOR'S SIGNATURE: 		Council District affected: "I" James G. Rodriguez; K.M.#496A	
For additional information contact: <b>Ondrea U. Taylor</b>  Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: Authorizing Ord. # 2008-105, psd. 02/16/08; BAO# 2005-1047, psd. 9/07/05	
<p><u>RECOMMENDATION:</u> (Summary)</p> <p>That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.</p>			
<p>Amount and Source of Funding:                  \$56,332.00; No appropriation needed as funding will be provided by a previously approved Appropriation Ordinance No. 2005-1047, psd. 9/07/05. Street &amp; Bridge Consolidated Construction Fund No. 437; SAP Fund No. 4506</p>			
<p><u>SPECIFIC EXPLANATION:</u></p> <p>The Mercury Drive Paving Project (IH-10 - Wallisville) will provide for right-of-way acquisition, engineering and construction of two 24-foot roadways with curbs, sidewalks and the necessary underground utilities. The improvements will update the existing roadway to major throughfare standards and provide connection to U.S. Hwy. 90.</p> <p>This eminent domain proceeding involves the acquisition of a permanent easement upon two parcels of land respectively containing 18,714 square feet (0.4296 acre) and 2,834 square feet (0.0650 acre) located at 174 Oates Road. The property is needed for the road widening project. The property is owned by FVL, Ltd., a Texas limited partnership. This matter was referred to the Legal Department to commence eminent domain proceeding after the landowner's legal representative was deemed unresponsive to the City's final offer of \$42,914.00 to purchase the property.</p> <p><b>City's Testimony for the Special Commissioners:</b> \$41,711.00 (i.e. Parcel AY7-423 \$1.50 psf or \$28,071.00 for the land being acquired, \$5,980.00 as the depreciated value of the improvements thereon and \$3,000.00 as damages to the remainder in the form of costs to cure; Parcel AY7-429 \$1.50 psf or \$4,251.00 for the land being acquired, \$409.00 as the depreciated value of the improvements thereon and no damages to the remainder)</p> <p><b>Landowner's Testimony for the Special Commissioners:</b> \$62,500.00 (i.e. \$2.50 psf or \$53,870.00 for the land being acquired, \$8,630.00 for the improvements thereon)</p>			
<p>h:\mark\fv\mercuryca.wpd</p>			
<p><b>REQUIRED AUTHORIZATION</b></p>			
Other Authorization:	 Michael S. Marcotte, Director P.E., D.WRE, BCEE	 Andrew F. Icken, Deputy Director Planning and Development Services Division	90AH215 4/16/09

Date 02/27/09	SUBJECT: Parcels AY7-423 & AY7-429; FVL, Ltd. Mercury Drive Paving Project; L.D. File No. 052- 0700047-006;	Originator's Initials OUT/JNQ	Page _ 2 _ of _ 2 _
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**Agreed Award of Special Commissioners:** \$55,000.00.

The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$900 Special Commissioners' fees (i.e. \$300.00 x 3); \$260.00 Service of Process; **Total:** \$1,332.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

1 ACRE  
S.W. QUARTER, S. 10  
TO  
RAFAEL VALDEZ, et al  
FILE NO. 4589478, O.P.R.R.P.

4.5 ACRES - TRACT 24  
FRONT PROPERTIES, Ltd  
P.M. LUG  
FILE NO. 4178977, O.P.R.R.P.  
(FILE NO. 0902348, O.P.R.R.P.)

1.5 ACRES - TRACT 29  
FRONT PROPERTIES, Ltd  
TO  
P.M. LUG  
FILE NO. 4178977, O.P.R.R.P.  
(FILE NO. 4102801, O.P.R.R.P.)

1.514 ACRES - TRACT 20  
FRONT PROPERTIES, Ltd  
TO  
P.M. LUG  
FILE NO. 4178977, O.P.R.R.P.  
(FILE NO. 0883481, O.P.R.R.P.)

0.485 ACRE  
ROBERT A. SHELTON, et al  
TO  
THE TEXAS PIPE LINE COMPANY  
VOL. 1222, PG. 104, D.R.H.C.

AY7-423  
16,714 S.F.  
(0.4298 ACRE)

N 0272731 - P - PRO. 047

N 674300 - E  
3000'

N 0272731 - I  
N 0272731 - I  
E 1000' 10" 1000'  
E 1000' 10" 1000'

OATES ROAD (80' R.O.W.) (VOL. 384, PG. 80, D.R.H.C.)

RECORDING POINT  
P.M. LUG

0.824 ACRE - TRACT 1  
A.C. BIRKSON, et al  
TO  
GRADY B. ANDERSON  
FILE NO. 4003748, O.P.R.R.P.

1.00 ACRE - TRACT 8  
A.C. BIRKSON, et al  
TO  
GRADY B. ANDERSON  
FILE NO. 4003748, O.P.R.R.P.

1.0081 ACRES  
GUY L. JAMES, et al  
TO  
GEORGE W. PHILLIPS, et al  
FILE NO. 4853728, O.P.R.R.P.

0.8143 ACRE  
RUTH TO HILL  
TO  
GEORGE W. PHILLIPS, et al  
FILE NO. 4346881, O.P.R.R.P.

1.0003 ACRES  
MARVONNE R. OJEDA  
TO  
THOMAS V. MORAN  
FILE NO. 2324788, O.P.R.R.P.

OATES ROAD  
(80' R.O.W.) (VOL. 987, PG. 120, D.R.H.C.)

REELS & TROBROUGH SURVEY, A - 59  
C. MARTINEZ SURVEY, A - 545

CONVEYING POINT  
P.M. LUG

BY WITNESSES  
D. JAMES W. PHILLIPS  
A. W. JAMES

42823 A TRACT  
11 FROST PROPERTIES, L.L.C.  
FM. Ltd.  
FILE NO. U126977  
O.P.R.R.P.

1.09807 ACRES  
J.M. FROST II  
TO  
SOUTHWEST OILFIELD PRODUCTS, INC.  
FILE NO. E146101, O.P.R.R.P.

0.9969 ACRE  
HECTOR A. FLORES  
TO  
MANUEL GARCIA, et ux  
FILE NO. X898191, O.P.R.R.P.

1.20523 ACRES - TRACT 23  
FROST PROPERTIES, L.L.C.  
TO  
FM. Ltd.  
FILE NO. U126977, O.P.R.R.P.  
(FILE NO. E146101, O.P.R.R.P.)

RESIDUE OF  
3.6 ACRES  
V.L. WOODWORTH, et ux  
TO  
SOUTHWEST OILFIELD PRODUCTS, INC.  
FILE NO. D013028, O.P.R.R.P.

AY7-428  
2,834 S.F.  
(0.0650 ACRE)

N 02°27'31" W Δ = 03°28'28"  
25.16' E = 2840.00'  
L = 123.71'  
N 01°00'57" E 3.21'  
N 87°36'29" E 18.06'

FM. 1/4" I.P. (BEAR) BEARS  
S 87°36'29" W - 0.37'

S 02°27'31" E  
150.00'

FM. 1/2" I.P. BEARS  
S 87°36'29" W - 0.74'

OATES ROAD  
(50' R.O.W.) (VOL. 594, PG. 80, D.R.H.C.)

BEGINNING  
POINT  
X = 3158906.65  
Y = 12854606.34

ACRES  
KILL, et al  
D  
BYARD, JR.  
MS, O.P.R.R.P.

11.716 ACRES  
C. & H. CO., INC.  
TO  
R.L.R. INVESTMENTS, LLC  
FILE NO. T178989, O.P.R.R.P.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8276

**Subject:** Formal Bids Received for Installation and Fabrication of Professional and Organizational Development Systems for the General Services Department  
S50-C23133

Category #  
4

Page 1 of 2

Agenda Item

8

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

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

**Origination Date**

March 06, 2009

**Agenda Date**

MAY 06 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

D

**For additional information contact:**

Jacquelyn L. Nisby                      Phone: (832) 393-8023  
Ray DuRousseau                         Phone: (832) 393-8726

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

Appr. Ord. No. 2007-713, Passed 6/20/07

**RECOMMENDATION: (Summary)**

Approve an award to 21st Century Manufacturing, Inc. on its low bid of \$134,622.00 and contingencies (4.74% for unforeseen changes in the scope of work) in the amount of \$6,381.00 for a total not to exceed \$141,003.00 to fabricate and install professional and organizational development systems for the General Services Department.

Award Amount: \$141,003.00

**Finance Budget**

\$141,003.00 - Public Library Consolidated Construction Fund (4507) WBS No. E-000138-0001-4

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to 21<sup>st</sup> Century Manufacturing, Inc. on its low bid in the amount of \$134,622.00 and contingencies (4.74% for unforeseen changes within the scope of work) in the amount of \$6,381.00 for a total amount not to exceed \$141,003.00 to furnish and install professional and organizational developmental systems, (PODS) in the new Vinson Library for the General Services Department. It is further recommended that authorization be given to utilize funds from contingency funds previously appropriated pursuant to Ordinance No. 2007-713 for construction of the South Post Oak Multi-Service Center/Vinson Branch Library under contract with Comex Corporation.

GSD removed POD fabrication and installation services from the construction contract and exercised its right to carry out the work as a result of a dispute between GSD and Comex Corporation over sourcing and cost.

The new professional and organizational development systems (PODS) will be used to create educational and informational computer workstations, with a seating capacity of 27, for use of the general public.

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

<u>Company</u>	<u>Total Amount</u>
1. 21 <sup>st</sup> Century Manufacturing, Inc.	\$134,622.00
2. Specialty Construction	\$135,000.00
3. Times Construction, Inc.	\$176,000.00

The scope of work requires the construction contractor to provide all labor, materials, equipment, supervision and transportation necessary to fabricate, furnish and install nine professional and organizational development systems (PODS). The general contractor, COMEX Construction, is constructing the South Post Oak Multi-Service Center/Vinson Branch Library, which will be substantially completed in April of 2009 and

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT

8P

MS

Hr.

Date: 3/6/2009	Subject: Formal Bids Received for Installation and Fabrication of Professional and Organizational Development Systems for the General Services Department S50-C23133	Originator's Initials AL	Page 2 of 2
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will provide electrical and data overhead for connection to the nine PODS. Upon completion of the PODS fabrication, the contractor will deliver and assemble the PODS in their assigned locations as directed by the Department's Project Manager. After acceptance by the Library Department, the City's Job Order Contractor will terminate overhead electrical lines into the PODS receptacles for power and the Library Department's staff will install data lines and the necessary computer hardware. The grand opening of the new Houston Public Library Express is scheduled for July of 2009.

Materials and workmanship for this project are warranted for one year and the life expectancy is twenty years. The construction contractor will have 60 calendar days to complete the work on this project after receipt of the notice to proceed.

**Pay or Play Program**

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

Buyer: Arturo Lopez

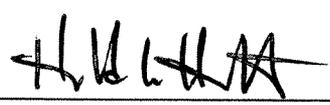
R

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve the Purchase of Night Vision Goggle Flight Training Professional Services from Bell Helicopter Textron – Bell Helicopter for the Houston Police Department.	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  9
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<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b>	<b>Agenda Date:</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b> M/LB Harold L. Hurtt, Chief of Police 	<b>Council District affected:</b> All
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<b>For additional information contact:</b> JAF 5/6/09 Joseph A. Fenninger Phone: (713) 308-1700 Dan Schwarzbach (713) 640-3400	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Pass a Motion approving the purchase of Night Vision Goggle Flight Training Professional Services from Bell Helicopter Textron – Bell Helicopter in the amount of \$79,230.00 for the Houston Police Department.

**Amount and Source of Funding:** \$79,230.00 – Police Special Services Fund No. 2201.

**SPECIFIC EXPLANATION:**

The Houston Police Department recommends that City Council approve the purchase of Night Vision Goggle (NVG) flight training professional services from the Bell Helicopter Textron – Bell Helicopter in the amount of \$79,230.00 and that authorization be given to issue a purchase order. All training classes will be conducted at the Bell Training Academy in Ft. Worth, Texas. These professional training services consist of the following:

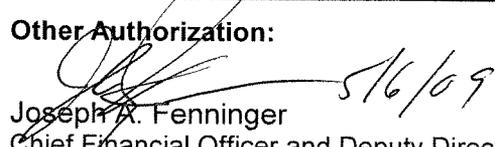
**Pilot Initial NVG Course:** This FAA approved course instructs pilots in the use, design considerations and operational applications of night vision goggles. It consists of classroom and flight training and prepares a pilot for safe and efficient aircraft operations while using NVG.

**Instructor Pilot NVG Course:** This FAA approved course instructs, familiarizes and trains a certified flight instructor (CFI) and NVG pilot to perform duties as a qualified instructor pilot using NVG. This course also consists of classroom and flight training.

Currently, the Federal Aviation Administration has certified only two NVG training programs. Both were contacted and asked for pricing for their training programs and were found to be comparable with each other. However, HPD pilots have previous flight experience in the Bell helicopters used at the Bell Training Academy. This greatly reduces the required amount of transition flight training hours that are necessary to ensure that trainees are competent in flying the helicopters that will be used in their training course. As a result, Bell's reduction in the amount of transition flight training hours saved HPD approximately 30% as compared to Bell's competitor.

Upon completion of this training, CFIs employed by the Police Department will train other Department pilots to operate Department aircraft while using night vision goggles. HPD currently possesses six pairs of night vision goggles, which were acquired in anticipation of the recent purchase of the new HPD helicopters. The new helicopters are outfitted with NVG compatible lighting and this training will allow HPD pilots to use the same potentially life saving technology currently in use by the military and law enforcement operations around the world for nighttime operations.

**REQUIRED AUTHORIZATION 10DBS001 A**

<b>Finance:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Joseph A. Fenninger Chief Financial Officer and Deputy Director
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8293**

**Subject:** Purchase of Utility Carts through the Texas Local Government Purchasing Cooperative for the Parks & Recreation Department S34-N23209-B

Category #  
1 & 4

Page 1 of 1

Agenda Item

*10-10A*

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

**Origination Date**  
April 13, 2009

**Agenda Date**  
MAY 0 6 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Daniel Pederson Phone: (713) 865-4507  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing the appropriation of \$231,651.33 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of utility carts through the Texas Local Government Purchasing Cooperative (BuyBoard) in the total amount of \$274,995.85 for the Parks & Recreation Department.

Award Amount: \$274,995.85

**Finance Budget**

\$ 231,651.33 - Equipment Acquisition Consolidated Fund (1800)  
\$ 56,701.46 - Park Special Revenue Fund (2100)  
\$ 288,352.79 - Total Funding

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$231,651.33 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of a gasoline-powered utility cart with sprayer, six gasoline-powered utility carts, a diesel-powered utility cart with sprayer and twelve electric-powered utility carts through the Interlocal Agreement for Cooperative Purchasing with BuyBoard in the amount of \$274,995.85 for the Parks & Recreation Department, and that authorization be given to issue a purchase order to the BuyBoard contractor, Professional Turf Products, L.P. This new equipment will be used citywide by the Department to transport personnel and tools to maintain ballfields, trails, golf courses and other areas that are difficult to get to with traditional vehicles. The requested appropriation includes \$13,356.94 out of the Equipment Acquisition Consolidated Fund (Fund 1800) for additional equipment that will be purchased in a separate procurement. The equipment that will be purchased with funding from the Equipment Acquisition Consolidated Fund (Fund 1800) is included in the adopted FY09 Equipment Acquisition Plan.

This new equipment will meet the EPA's current emission standards for equipment with gasoline and diesel engines. The gasoline and diesel utility carts will come with a full five-year/5000-hour warranty and the electric utility carts will come with a full two-year/2000-hour warranty. The life expectancy of this new equipment is seven years. See the attached Equipment Usage Summary for equipment usage and replacement details. The equipment that will be replaced has reached its life expectancy and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*not*

*11-11A*

**EQUIPMENT USAGE SUMMARY  
UTILITY CARTS FOR THE  
PARKS & RECREATION DEPARTMENT  
S34-23209-B / RCA 8293**

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement
10057111/Line 10	1	Gas-Powered Utility Cart With Sprayer	Parks & Recreation Department  This cart will be used citywide by Department personnel to water, fertilizer and distribute chemicals on ballfields.	This unit is an addition to the Department's Fleet Inventory.  Currently, there are no units of this type in the Department's Ballfield Maintenance Unit, and it is required to maintain the ballfields at a Level 1 condition for tournament play.
10057111/Line 20	1	Gas-Powered Utility Cart	Parks & Recreation Department  This cart will be used in and around Memorial Park by Department personnel to maintain trails.	This unit is an addition to the Department's Fleet Inventory.  Currently, there are no units of this type at the park that are dedicated to greenspace. Existing units at the park are dedicated to the golf course.
10057111/Line 30	1	Electric-Powered Utility Cart	Parks & Recreation Department  This cart will be used at F.M. Law Youth Golf Park by Department personnel to transport staff, equipment, materials and help evacuate children in the event of an emergency.	<u>Shop No.</u> 29360  <u>Age(Yrs.)</u> 11
10057111/Line 40	4	Gas-Powered Utility Carts	Parks & Recreation Department  These carts will be used citywide by Department personnel to transport staff, equipment and materials to worksites in areas difficult to reach with traditional vehicles.	<u>Shop No.</u> 31926 32618 32619 32620  <u>Age(Yrs.)</u> 8 7 7 7
10057111/Line 50	1	Gas-Powered Utility Cart	Parks & Recreation Department  This cart will be used at Keith-Weiss Park by Department personnel to transport staff, equipment and materials to worksites in areas difficult to reach with traditional vehicles.	This unit is an addition to the Department's Fleet Inventory.  Currently there is no equipment of this type located at Keith-Weiss Park. Due to the park's remote location, it is necessary to place new equipment there to hedge against potential breakdown of existing equipment that is borrowed from other park locations.

**EQUIPMENT USAGE SUMMARY  
UTILITY CARTS FOR THE  
PARKS & RECREATION DEPARTMENT  
S34-23209-B / RCA 8293**

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement	
				Shop No.	Age(Yrs.)
10057111/Line 60	8	Electric-Powered Utility Carts	Parks & Recreation Department  These carts will be used citywide by Department personnel to transport staff, equipment and personnel to worksites in areas difficult to reach with traditional vehicles.	26151	13
				26152	13
				28141	12
				28142	12
				28143	12
				28144	12
				33509	7
				33510	7
10060410	1	Diesel-Powered Utility Cart With Sprayer	Parks & Recreation Department  This cart with sprayer will be used at the Sharpstown Park Golf Course by Department personnel to safely spray pesticides, fertilizers and organic products on all areas of the golf course.	27910	12
				Sprayer Attachment	15
10060411	3	Electric-Powered Utility Carts	Parks & Recreation Department  These carts will be used at the Memorial Park Golf Course by Department personnel to transport staff, equipment and materials to worksites on the golf course.	27767	12
				27911	12
				29359	11

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8280**

**Subject:** Purchase of Light Towers, Air Compressors and Generators through the Houston-Galveston Area Council for the Public Works & Engineering Department  
S34-N23194-H

Category #  
1 & 4

Page 1 of 1

Agenda Item

*11-11A*

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

**Origination Date**  
March 23, 2009

**Agenda Date**  
MAY 06 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
David Guernsey      Phone: (713) 238-5241  
Ray DuRousseau      Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing the appropriation of \$38,460.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of light towers, air compressors and generators through the Houston-Galveston Area Council (H-GAC) in the amount of \$217,550.15 for the Public Works & Engineering Department.

Award Amount: \$217,550.15

**Finance Budget**  
*[Signature]*

\$ 38,460.00 - Equipment Acquisition Consolidated Fund (Fund 1800)  
\$179,090.15 - PWE-Combined Utility System General Purpose Fund (Fund 8305)  
\$217,550.15 - Total Funding

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$38,460.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of two trailer-mounted light towers, four trailer-mounted air compressors, and two trailer-mounted generators through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$217,550.15 for the Public Works & Engineering Department, and that authorization be given to issue purchase orders to the H-GAC contractor, Volvo Construction Equipment & Services. The light towers will be used citywide by the Department to provide lighting for work crews at night or other low-visibility conditions at various City wastewater treatment plants; the air compressors will be used in street and pavement repairs; and the generators will be used to provide power to water treatment plants in the event of a power outage. The funding for the equipment that will be purchased with Fund 1800 is included in the adopted FY09 Equipment Acquisition Plan.

This new equipment will meet the EPA's current emission standards for equipment with diesel engines. The light towers will come with a full one year/2,000 hours warranty on its tower telescoping mast and two years/4,000 hours warranty on its generator. The air compressors and trailer-mounted generators will come with a full one year/2,000 hours warranty. The life expectancy of this new equipment is ten years for the light towers and seven years for the air compressors and generators. See the attached Equipment Usage Summary for equipment usage and replacement details. The equipment that will be replaced has reached its useful life and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

*ef*

**REQUIRED AUTHORIZATION**

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

*MD*

**EQUIPMENT USAGE SUMMARY  
LIGHT TOWERS, AIR COMPRESSORS AND GENERATORS FOR THE  
PUBLIC WORKS & ENGINEERING DEPARTMENT  
S34-23194-H / RCA 8280**

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement								
10057043	2	Diesel-Powered, Trailer-Mounted, Light Tower	Public Works & Engineering/ Public Utilities/Wastewater Operations  These light towers will be used citywide by Department personnel to provide temporary lighting at night or in low visibility conditions for repairs at the City's wastewater treatment plants.	These units are additions to the Department's fleet inventory.  Currently, the Department has only 5 light towers to service all 24 treatment plants and there are no reserves. These additional light towers will enable the department to better perform the operational needs of the Department.								
10058273	3	Diesel-Powered, Trailer-Mounted, Air Compressor	Public Works & Engineering/ Right-of-Way & Fleet Maintenance  These air compressors will be used citywide by Department personnel to operate air tools used in the removal of concrete and asphalt during street repairs.	<table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Shop No.</u></th> <th style="text-align: left;"><u>Age(Yrs.)</u></th> </tr> </thead> <tbody> <tr> <td>23507</td> <td>15</td> </tr> <tr> <td>25358</td> <td>13</td> </tr> <tr> <td>24541</td> <td>14</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age(Yrs.)</u>	23507	15	25358	13	24541	14
<u>Shop No.</u>	<u>Age(Yrs.)</u>											
23507	15											
25358	13											
24541	14											
10057048	1	Diesel-Powered, Trailer-Mounted, Air Compressor	Public Works & Engineering/ Public Utilities/Drinking Water Operations  This air compressor will be used citywide by Department personnel to operate air tools used in repairs to water purification plants and water utility lines.	This unit is an addition to the Department's fleet inventory.  Currently, Drinking Water Operations has only two air compressors and no reserves. This additional unit will allow for increased productivity in its operations.								
10057258/	1	Diesel-Powered, Trailer-Mounted Generator	Public Works & Engineering/ Public Utilities/Wastewater Operations  This generator will be used citywide by Department personnel for backup power in the event of a power failure at any of the City's wastewater treatment plants and lift stations.	<table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Shop No.</u></th> <th style="text-align: left;"><u>Age(Yrs.)</u></th> </tr> </thead> <tbody> <tr> <td>00514</td> <td>33</td> </tr> </tbody> </table>	<u>Shop No.</u>	<u>Age(Yrs.)</u>	00514	33				
<u>Shop No.</u>	<u>Age(Yrs.)</u>											
00514	33											
10057259	1	Diesel-Powered, Trailer-Mounted Generator	Public Works & Engineering/ Public Utilities/ Drinking Water Operations  This generator will be used citywide by Department personnel for backup power in the event of a power failure at any of the City's water treatment plants.	This unit is an addition to the Department's fleet inventory.  Currently, there is only one 24-year-old generator in Drinking Water Operations and there are no reserves. This additional unit will allow for continuity of operations during power outages at treatment plants.								



**ANHEUSER-BUSCH, INC.  
ENTERPRISE ZONE PROGRAM**

APRIL 27, 2009

**TABLE OF CONTENTS**

- Enterprise Zone Program Summary
- Project Summary
- Qualified Business Site Summary
- Economic Benefit / Impact Analysis
- Project Location Map

**ANHEUSER-BUSCH, INC.  
ENTERPRISE ZONE PROGRAM SUMMARY**

**Program Objective**

The Texas Enterprise Zone Program (EZ) is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state. To clearly identify distressed areas, an EZ is defined as any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau decennial census. No action needs to be taken to classify an area as an EZ. An area is automatically classified as such if it meets the criteria.

**Participation**

Local communities must declare their participation in the program and nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium. Municipalities with a population of 250,000 or more are eligible for up to six enterprise project designations during a state biennium. The state accepts applications quarterly with deadlines on the first working day of March, June, September and December.

**Benefits to Participation**

Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

In addition, local communities must offer incentives to participants under the enterprise zone program, such as tax abatement, tax increment financing and one-stop permitting.

**Participation Requirements**

Communities may nominate projects, for a designation period of not less than one year up to five years, non-inclusive of a 90-day window prior to the application deadline. Employment and capital investment commitments must be incurred and met within this timeframe. Projects may be physically located in or outside of an Enterprise Zone. If located within a zone, the company commits that at least 25% of their new employees will meet economically disadvantaged or enterprise zone residence requirements. If located outside of a zone, the company commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements. Under limited statutory provisions, an enterprise project designation may be granted for job retention.

**ANHEUSER-BUSCH, INC.**  
**PROJECT SUMMARY**

**PROJECT SUMMARY**

**Type of Project:** Enterprise Zone Program

**Company Name:** Anheuser-Busch, Inc.

**Primary Representative:** Wayne C. Haynes  
Department Manager, Engineering/Utilities/BERS  
775 Gelhorn Drive  
Houston, Texas 77029  
713-670-1663  
wayne.haynes@anheuser-busch.com

**Local Business Representative:** Eric D. Geisler  
Economic Incentives Services, LLC  
4320 Lafayette St.  
Bellaire, Texas 77401  
713-825-0478

**Project Location:** The Anheuser-Busch Facility  
775 Gelhorn Drive  
Houston, Texas 77029  
Harris County

**Business Profile:**

Anheuser-Busch operates 12 breweries in the United States, 14 in China and one in the United Kingdom. In the United States, the company holds a 48.5 percent share of U.S. beer sales. Worldwide, Anheuser-Busch's beer sales volume was 128.4 million barrels in 2007. Current U.S. headquarters is located in St Louis, MO.

**Anheuser-Busch:** Houston  
**General Manager:** Rick Wohlfarth  
**Brewmaster :** Dave W. Maxwell  
**Location :** 775 Gellhorn, Houston, TX 77029  
**Employment:** Approximately 713 employees  
**Opened:** 1966  
**Brands Produced:** Budweiser, Bud Light, Budweiser Select, Bud Ice, Bud Dry, Michelob, Michelob Light, Michelob ULTRA, Busch, Busch Light, Natural Light, Ziegenbock  
**Site:** 136 acres  
**Total Floor Area:** 2 million square feet  
**Capacity:** 12.5 million barrels per year  
**Areas Served:** Texas, Louisiana, New Mexico, Mississippi, Arkansas, Mexico, Central and South America, the Caribbean

**Primary NAICS Code:** 312120 – Breweries

### **Development Profile:**

Anheuser-Busch is one of the world's largest recyclers of used aluminum beverage containers helping to reduce container costs and provide a positive alternative to mandatory deposits. We now recycle more than 99 percent of the solid waste we create.

The company's Houston brewery operates in approximately 2 million square feet of manufacturing and warehouse/distribution space on the City of Houston's east side, south of I10. For more than 40 years, Anheuser-Busch's Houston facility has provided excellent manufacturing and other jobs to employees in the Houston area. The Houston Brewery service/distribution area includes Texas, Louisiana, New Mexico, Mississippi, Arkansas, Mexico, Central and South America, and the Caribbean.

In November of 2008 Anheuser-Busch was acquired by InBev, a beverage company based in Leuven, Belgium. In December of 2008, Anheuser-Busch/InBev announced workforce reductions. The new owners have also significantly increased the cost/benefit thresholds for new capital investment.

### **Project Profile:**

Anheuser-Busch's application for a Texas Enterprise Project designation consists of an estimated \$65-\$100 million in capital investment over the 5 -year program period. In accordance with the requirements of the Texas Enterprise Zone Program, Anheuser-Busch intends to retain all of the current positions for which they will receive program benefit and Anheuser-Busch further intends that at least 35% of any replacement or new positions will be filled by Enterprise Zone residents or economically disadvantaged individuals. The Texas EZ program benefits will assist the Houston Brewery in maintaining its competitive position within the company for future capital expenditures.

### **Project Details:**

**Existing jobs:** Anheuser-Busch currently has 713 full-time employees at the Houston brewery with a total annual payroll of nearly \$80 million.

**Capital Investment:** Anheuser-Busch intends to invest between \$15 and \$25M annually for the 5 year EZ program period. The investment is expected to be used in conjunction with production enhancements, technology and plant modernization, energy conservation and process improvements.

This is an existing company that operates a brewery in approximately 2 million sq. ft. of manufacturing and warehouse/distribution space in the City of Houston's east side, south of I-10. Anheuser-Busch 's Houston facility has provided manufacturing and other jobs to employees in the region for nearly 50 years.

The modernization of the Houston based production operations is important to retaining a substantial portion of the existing 700+ jobs in our region. The Houston facility is in competition with Fort Collins, Colorado for internal capital invested in production methods. This investment will not only retain the current workforce but also position the Houston operation to capture future production increases and possible job creation.

## Summary

- **Project Type:** Upgrade of manufacturing and distribution facilities
- **Jobs:** Retention of 713 persons
- **Capital Invest:** \$100 million
- **Request:** Enterprise Project nomination from City of Houston
- **Direct & Indirect Jobs:** 3,625
- **Sales Tax:** \$15.7M
- **Property Tax:** \$97.1M
- **Taxable Assets:** \$253M (yr 10)
- **Net Benefit to City of Houston:** \$168M
- **City/State in Competition:** Fort Collins, Colorado

*Figures are part of an Economic Impact analysis over 10 years.*

## Competitor Location Overview:

### **Anheuser-Busch Brewery - Fort Collins, CO**

The Fort Collins facility is roughly 1.1 million sq. ft. and is situated on 1,000 acres, substantial space exists for expansion, in contrast to Houston's facility of over 2 million sq. ft. situated on 136 acres. The production competitor in Colorado is a fairly new facility in the brewery network, having opened in 1988, with more modern equipment and facility layout than Houston's operation, whose inception was in 1966.

The Fort Collins geographic location makes it a logical supplier to the markets of North Texas and international destinations currently served by the Houston operation.

The recent acquisition of Anheuser-Busch Inc. by Belgium beer manufacturer InBev will require the breweries to evaluate their productivity and job counts as new management investigates potential reorganization over the next several years. Without a substantial commitment to modernize the Houston facility, potential production and jobs could be lost to Fort Collins, CO. The information contained here was cited from various business periodicals and industry press releases.

## Recent Investments in Houston:

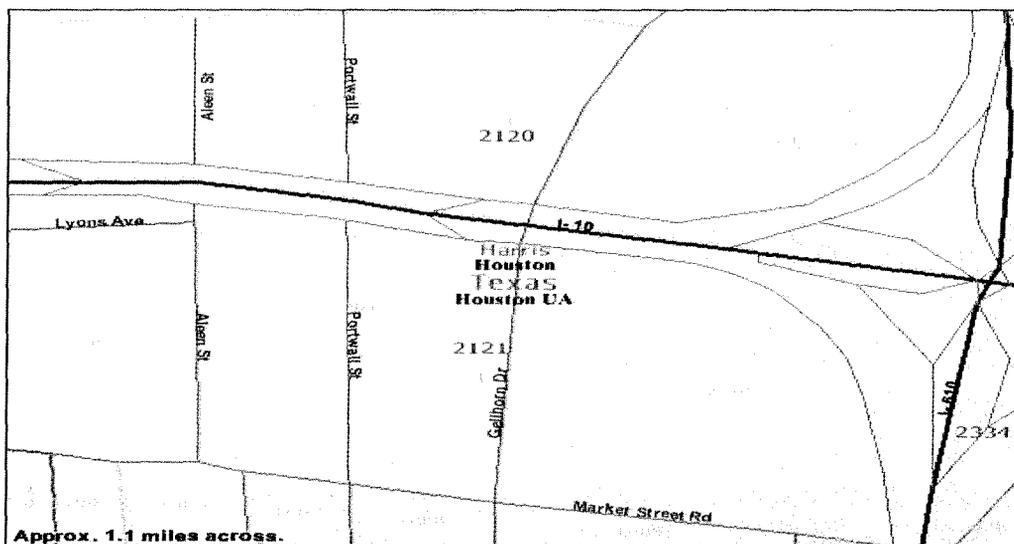
Over the last several years, the Houston brewery has made a significant investment that currently produces savings for the City of Houston. The company's Bio-Energy Recovery System is a process that reclaims nutrient-rich leftover water from the brewing process to create renewable energy. This environmentally friendly process reduces the cost the City of Houston would incur to process the massive amounts of left-over water.

**Proposed Schedule/Timeline:** Texas Enterprise Project Application to be submitted by June 1, 2009.

**ANHEUSER-BUSCH, INC.  
 QUALIFIED BUSINESS SITE SUMMARY**

**Demographics of Census Block Group**

Anheuser-Busch's qualified business site is located at 775 Gellhorn Drive and in U.S. Census Tract 2121, Block Group 1, Harris County. This is also located in Council Member Jarvis Johnson's District "B" (census map below).



**Demographics of Block Group 1, Census Track 2121**

	<b>Census Tract 2121, Harris County, Texas</b>
Total:	4,023
Income in 1999 below poverty level:	826
Income in 1999 at or above poverty level:	3,197

**Charitable Contributions**

Anheuser-Busch through its corporate foundation and community outreach efforts, gave nearly \$600,000 in charitable contributions in the region last year. Select projects include the Hester House, Houston Area Women's Center, Houston Food Bank and the Ripley Center.

**ANHEUSER-BUSCH, INC.  
ECONOMIC BENEFIT/IMPACT ANALYSIS**

The following executive summary is from A Report of the Economic Impact of Anheuser-Busch, Inc. in Houston, Texas, commissioned by the Greater Houston Partnership and conducted by Impact DataSource.

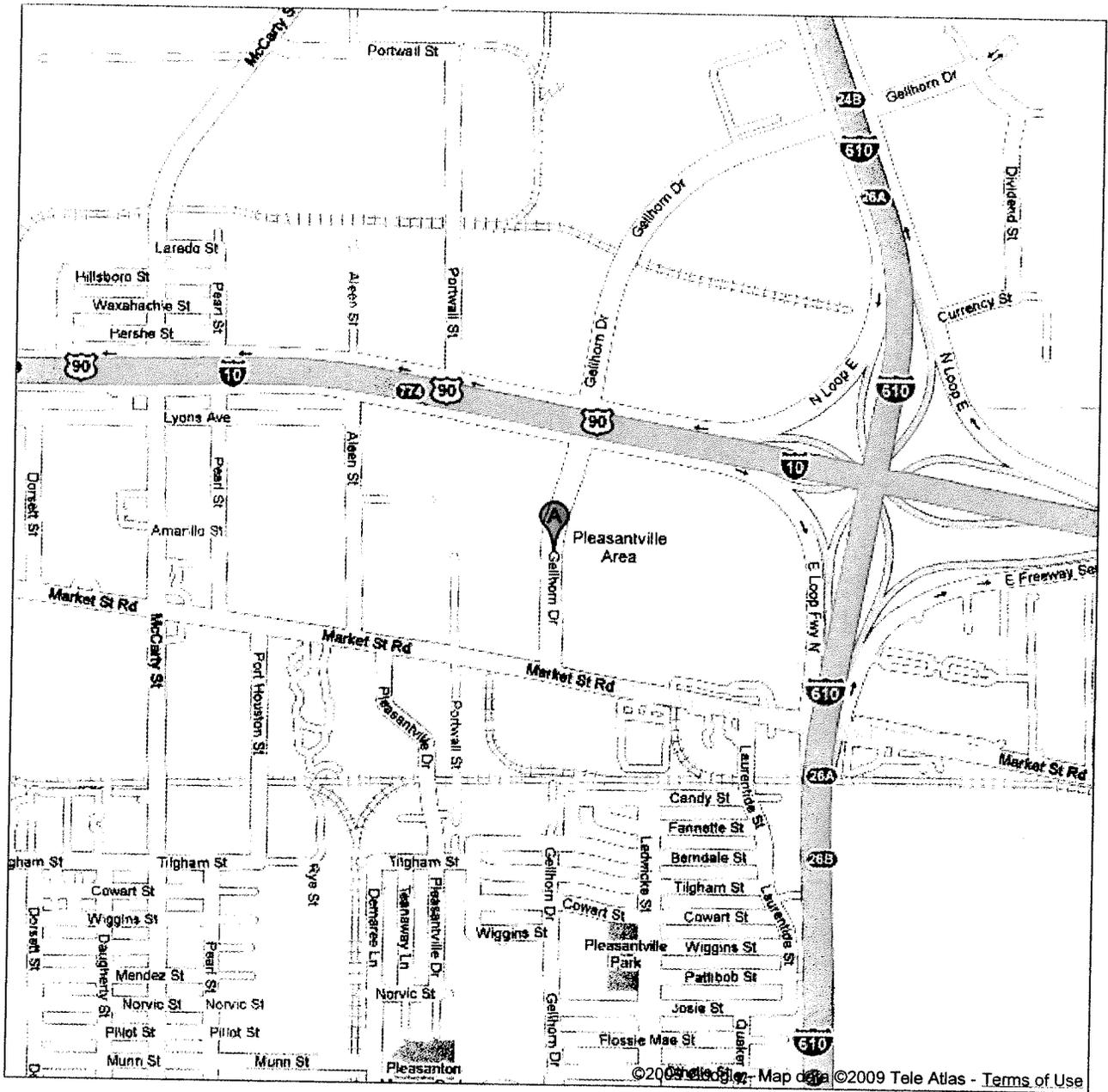
This analysis was created on the assumption of the retained employment and production at the Houston facility. Obviously, a drop in employment and production would have a negative impact on the significant contributions A-B is making to not only the City of Houston, but the entire region. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

**Select Impacts**

<b>Select Economic Impact of the Firm Over the Next Ten Years</b>		
Number of direct and indirect jobs to be created		3,625
Salaries to be paid to direct and indirect employees		\$1,493,426,219
Taxable spending expected in the City where the firm is located		\$669,011,605
Taxable assets at firm's facility in Year 10		\$252,917,932
<b>Additional Spin-off Jobs and Spin-off Sales in Local Businesses Over the Next Ten Years</b>		
	Additional Spin-off Jobs in Other Local Businesses	Additional Spin-off Sales in Other Local Businesses
Total	2,912	\$382,414,622

<b>City of Houston</b>	
<b>Net Benefits over the Next Ten Years</b>	<b>\$167,731,113</b>
<b>Benefits:</b>	
Sales tax collections	\$15,993,728
Property tax Collections	\$97,117,344
Utility revenues	\$13,637,330
Utility franchise fees	\$106,564,213
Hotel occupancy taxes	\$51,083
Collections of other taxes and user fees	\$7,555,307
Building permits	\$0
Additional State and Federal School Funding	\$17,064,214
<b>Total Benefits</b>	<b>\$257,983,219</b>
<b>Costs:</b>	
Costs of Providing services to new residents	\$16,055,028
Costs of providing city utility servives to new residents	\$13,091,837
Costs of providing services to new students	\$22,198,913
Reduction in state aid with new res. and comm. Property on school district tax rolls	\$38,906,328
<b>Total Costs</b>	<b>\$90,252,106</b>

# ANHEUSER-BUSCH, INC. PROJECT LOCATION MAP



Address **775 Gellhorn Dr**  
**Houston, TX 77029**



OFFICE OF THE GOVERNOR  
ECONOMIC DEVELOPMENT & TOURISM

RICK PERRY  
GOVERNOR

**TEXAS ENTERPRISE ZONE PROGRAM  
FREQUENTLY ASKED QUESTIONS**

**What is an enterprise zone?**

Any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau during each decennial census is a state enterprise zone. The block group will remain an enterprise zone until it no longer qualifies, as a result of a subsequent decennial census.

Any distressed county in Texas is an enterprise zone. A county is considered to be a distressed county if it has a poverty rate above 15.4 percent based on the most recent decennial census; in which at least 25.4 percent of the adult population does not hold a high school diploma or high school equivalency certificate based on the most recent decennial census; and that has an unemployment rate that has remained above 4.9 percent during the preceding five years, based on Texas Workforce Commission data.

Any federally designated empowerment zone, enterprise community or renewal community is also a State enterprise zone, for the duration of the federal designation.

It is the purpose of the Texas Enterprise Zone Act to establish a process that clearly identifies distressed areas and provides incentives by both local and state government to induce private investment in those areas by the provision of tax incentives and economic development program benefits. Under this program, economic development is encouraged by allowing enterprise projects to be designated outside of an enterprise zone, with a higher threshold of hiring economically disadvantaged or enterprise zone residents. The purpose of these sections is to provide standards of eligibility and procedures for designation of applications for qualified businesses as enterprise projects.

**Who may participate in the program?**

Any municipality or county in the State of Texas may participate in the program, wither they have an enterprise zone within their jurisdiction or not.

**How do I determine in what block group I am located?**

You can access the U.S. Census Bureau web site to determine what block group a particular address is in. The web address is [http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?\\_lang=en](http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?_lang=en).



### **How do I determine if my block group qualifies as an enterprise zone?**

The OOGEDT, through the Economic Development Bank, has published on its website the areas that qualify as an enterprise zone as either a qualifying block group or a distressed county. The website can be accessed at [http://www.bidc.state.tx.us/BIDC\\_Maps/TxED\\_Maps/EZone\\_maps.html](http://www.bidc.state.tx.us/BIDC_Maps/TxED_Maps/EZone_maps.html). If your block group is not listed, it does not qualify as an enterprise zone.

### **How does a municipality or county participate in the program?**

The municipality or county must nominate a qualified business as an enterprise project by an ordinance or order as applicable. The ordinance or order must establish the local incentives being offered to the business seeking enterprise project designation. Local incentives may be established for all zone areas separately or individually, as well as areas of the jurisdiction outside of a zone area. The ordinance or order must state by position, who will act as liaison for the local program with the state, and nominate the qualified business for enterprise project status. Subsequent project nominations may be done by resolution, if the local incentives offered are substantially the same as outline in the ordinance or order.

### **Can a community offer local incentives without an enterprise zone?**

Yes. A community can offer certain incentives as allowed by state law. Enterprise zones, however, are simply a means of packaging a number of state and local incentives together to help revitalize a distressed area.

### **What local incentives are available in an enterprise zone?**

Local incentives that may be offered to an expanding or locating business vary among enterprise zones. Examples of local incentives that may be offered include tax abatement, a refund of local sales and use taxes, waiver of permitting fees, tax increment financing, transfer of publicly owned buildings at below market cost, and low interest loans.

### **According to the Tax Code, an enterprise zone is automatically a reinvestment zone without further action. Why is this significant?**

A municipality or county can create a reinvestment zone, which allows them to offer tax abatement on real and/or personal property to new or existing businesses. In a regular reinvestment zone, all businesses given tax abatement in the same zone must be given the same terms. Further, all taxing entities must give each business the same terms and conditions. In an enterprise zone, all of the businesses that are given tax abatement do not have to receive the same deal, nor does each taxing entity have to give them the same terms and conditions.

### **What is a qualified business?**

A qualified business is a person, including a corporation or other entity, that has been certified by the Bank, for purposes of state benefits under the Act, or a governing body for purposes of local benefits, to have met the following criteria:

- (A) the person is engaged in, or has provided substantial commitment to initiate the active conduct of a trade or business at a qualified business site; and
- (B) at least 25% of the business' new employees are either economically disadvantaged or enterprise zone residents (ED/EZR) if the qualified business site is located in an enterprise zone, or at least 35% of the business' new employees are ED/EZR if the qualified business site is located outside of an enterprise zone; and
- (C) a franchise or subsidiary of a new or existing business may be certified by the governing jurisdiction as a qualified business if the franchise or subsidiary is located entirely at the qualified business site and maintains separate books and records of the business activity conducted at the qualified business site.

### **What is the definition of economically disadvantaged?**

An individual who at the time of hire:

- (A) was unemployed for at least three months before obtaining employment with a qualified business; or
- (B) receives public assistance benefits, such as welfare or food stamp payments, or a member of an employee's immediate family receiving Supplemental Security Income or Aid to Families with Dependent Children payments. (Food Stamps must be received by the employee only, not a member of the employee's immediate family.); or
- (C) has a physical or mental disability (a disability that constitutes or results in a substantial barrier to employment and can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. NOTE: Individuals must be certified by an authorized agency or doctor.); or
- (D) is homeless (lacks a fixed or regular nighttime residence or whose residence is a supervised public or private shelter providing temporary living accommodations); or
- (E) is a foster child (an individual on behalf of whom state or local government payments are made and for whom a court order removing the child from the custody of the parent and specifying a manager conservator exists); or
- (F) is on parole or entering the workplace after being confined in a unit or correctional facility of the institution division of the Texas Department of Criminal Justice or the Texas Youth Commission; or
- (G) is an individual whose total family income meets the low income or moderate income limits developed under Section 8, United States Housing Act of 1937. Includes all income by employee, spouse, all dependents, and family members living with employee as of the employment date.

### **What is an enterprise project?**

An enterprise project is a business that is nominated by a municipality or county and approved by the bank for state and local benefits. State incentives include state sales and use tax benefits based on capital investment and jobs created and/or retained during the designation period. The State may designate up to 85 enterprise projects each biennium.

### **What items purchased are allowable for sales and use tax refund under the Program?**

An enterprise project is eligible for a refund of the taxes imposed by the Texas Tax Code on purchases of:

1. equipment or machinery sold to an enterprise project for use at the qualified business site;
2. building materials sold to an enterprise project for use in remodeling, rehabilitating, or constructing a structure at the qualified business site;
3. labor for remodeling, rehabilitating, or constructing a structure by an enterprise project at the qualified business site; or
4. electricity and natural gas purchased and consumed in the normal course of business at the qualified business site.

### **How many enterprise projects can we have?**

Municipalities or counties with a population of 250,000 or more, based on the most recent decennial census, are eligible for up to six enterprise project designations during a state biennium based upon availability.

Municipalities or counties with a population of less than 250,000 based on the most recent decennial census are eligible for up to four enterprise project designations with the possibility of up to two bonus project designations during a state biennium based upon availability.

### **How long is an enterprise project designation?**

The enterprise project designation is for an expansion or relocation from out-of-state, an expansion, renovation, or new construction, or other property to be undertaken by a qualified business. The designation period is a predetermined period approved by the bank, with beginning and ending dates for each proposed project or activity. The designation period for an enterprise project may not be for a period of less than one year, nor exceed five years from the date on which the designation is made.

### **What state incentives are available to enterprise projects?**

Designated enterprise projects are eligible to apply for state sales and use tax refund on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

Each project is limited to a maximum refund of \$250,000 per year for five years for a regular enterprise project designation, \$500,000 per year for five years for a double jumbo enterprise project and \$750,000 per year for five years for a triple jumbo enterprise project. NOTE: a qualified business making a capital investment eligible to apply for a double jumbo enterprise project or a triple jumbo enterprise project must be nominated by the governing jurisdiction for the elevated designation in the nominating ordinance, order or resolution, as applicable, or the designation will automatically be for a regular enterprise project designation. A double jumbo enterprise project will count as two enterprise project designations against the 85 projects designations allowed statewide and against the four or six allowed for the governing jurisdiction. A triple jumbo enterprise project will count as three project designations for the state as well as the governing jurisdiction.

### **What is a qualified employee?**

A qualified employee is an employee that works at least 50% of his or her time for the qualified business at the qualified business site.

### **What is a new permanent job?**

A new permanent job is a new employment position created over and above the business' current baseline that provides a qualified employee of a qualified business with employment of at least 1,820 hours of work annually and exists at the qualified business site for at least three years after the date on which a state benefit is received. Seasonal, temporary or part-time jobs are not considered to be new permanent jobs, and therefore are not eligible for state benefit through the program.

### **What is a retained job?**

A retained job is a position that existed with a qualified business that has provided employment to a qualified employee of at least 1,820 hours annually and is retained for at least three years after the date on which a state benefit is received.

### **What is a job retention project?**

Job retention projects are available under limited circumstances. To qualify for a job retention project, a business must present documentation to the applicant jurisdiction supporting any one of the following circumstances:

- (A) that permanent employees will be permanently laid off;
- (B) the business will permanently close down;
- (C) the business will relocate out of state;
- (D) a 10% increase in production capacity will occur;
- (E) a 10% decrease in overall cost per unit produced will occur;

- (F) the business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster; or
- (G) the business facility is both adding a new business line or product and deleting or decreasing an existing business line or product, and the designation will prevent the facility's net production capacity from decreasing.

All of the retained jobs must be certified by the Comptroller of Public Accounts before any benefits for jobs can be obtained.

**What is an existing job?**

An existing job is a full-time position that has existed with a qualified business, which does not qualify for benefit. The currently number of existing jobs is used to determine the baseline level of employment at the time of project designation. New jobs which are created 90 days prior to the application deadline through the end of the project designation period qualify for benefit if the baseline jobs are maintained.

**Do leased, contract or construction employees qualify for benefit?**

No. All employees occupying the new or retained jobs for benefit must be under the direct, full-time and permanent employment of the enterprise project that has received the designation.

**How long does it take to obtain an enterprise project designation?**

Projects are designated typically eight to ten weeks after the project application deadline, depending on the number of applications received in that quarterly round.

<b>SUBJECT:</b> Ordinance authorizing Mayor to establish additional emergency personnel rules for city employees in the event the current public health situation worsens		<b>Category #</b> 3	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <i>13</i>
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> May 1, 2009	<b>Agenda Date</b> MAY 06 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>C. Aldridge</i>		<b>Council District affected:</b> N/A		
<b>For additional information contact:</b> Candy Clarke Aldridge, Acting HR Director Phone: 713-837-9333		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> In preparation for keeping city services going in case the public health emergency affects city employees on a widespread basis, this ordinance authorizes the Mayor to temporarily modify Sections 168-172 and 220-245 of Chapter 14 of the Code of Ordinances in order to establish limited new procedures to comply with public health mandates.				
<b>Amount of Funding:</b> N/A			<b>F &amp; A Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund  <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> During the previous week, the nature of the flu outbreak dictated that all city departments examine their emergency preparedness plans, and refine contingencies that would be required in order to maintain the essential city services in case of widespread absence due to illness of employees and/or their family members who require their care. As we learned during the 2008 storm season, that may require modification of existing personnel policies, and temporarily relaxing some standards.  At the writing of this document, the city's existing policies are sufficient to handle the absences expected from a normal flu season.  If there is a serious turn of events (e.g., the nature of the flu intensifies or strikes large numbers of city employees (or their families), or significant schools or public transportation schedules are altered), the Mayor, in consultation with the local Health Authority, is authorized to make appropriate temporary modifications to Sections 168-172 and 220-245 of Chapter 14 of the Code of Ordinances to respond to the nature of the event. Such action might include encouraging sick employees to stay home or expanding the parameters of existing leave policies.  Such authorization would be triggered at the time the City's local Health Authority determines that a public health situation requires the need for extraordinary measures to deal with the public health of the citizens of the City, and would extend until the emergency is over, as determined on the advice of the local Health Authority.  If the effect on the city is no greater than a normal flu season, this authority may not be necessary.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of a 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, in exchange for the conveyance to the City of the full portion as a street easement, out of the P.W. Rose Survey, Abstract 645. <b>Parcels SY8-068 and AY8-111</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-weight: bold;">14</div>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  4-30-09	<b>Agenda Date</b>  MAY 05 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected: C</b>  Key Map 532L <i>Dist for BATH</i>
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>(NPD)</i> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>  C.M. 2008-0948 (12/30/08)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, in exchange for a consideration of a \$300.00 minimum fee plus the conveyance to the City of the full portion as a street easement, out of the P.W. Rose Survey, Abstract 645. **Parcels SY8-068 and AY8-111**

<b>Amount and Source of Funding:</b> Not Applicable	
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**SPECIFIC EXPLANATION:**

By Council Motion 2008-0948, City Council authorized the subject transaction. Stacey Fine Homes of Texas, Inc., plans to combine the property being abandoned and sold with its adjacent property to construct a home.

Stacey Fine Homes of Texas, 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 Stacey Fine Homes of Texas, Inc.:

<b>Parcel SY8-068</b>	
72-square-foot street right-of-way easement	\$ 3,240.00
Valued at \$45.00 PSF x 100%	
<b>TOTAL ABANDONMENT</b>	<b><u>\$ 3,240.00</u></b>

In exchange, Stacey Fine Homes of Texas, Inc., will pay:

Cash	\$ 300.00 (minimum fee)
Plus conveyance to the City of:	

<b>Parcel AY8-111</b>	
72-square-foot street right-of-way easement	\$ 3,240.00
Valued at \$45.00 PSF x 100%	
<b>TOTAL CASH AND CONVEYANCE</b>	<b><u>\$ 3,540.00</u></b>

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<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew P. Ioken, Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of a 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, in exchange for the conveyance to the City of the full portion as a street easement, out of the P.W. Rose Survey, Abstract 645. <b>Parcels SY8-068 and AY8-111</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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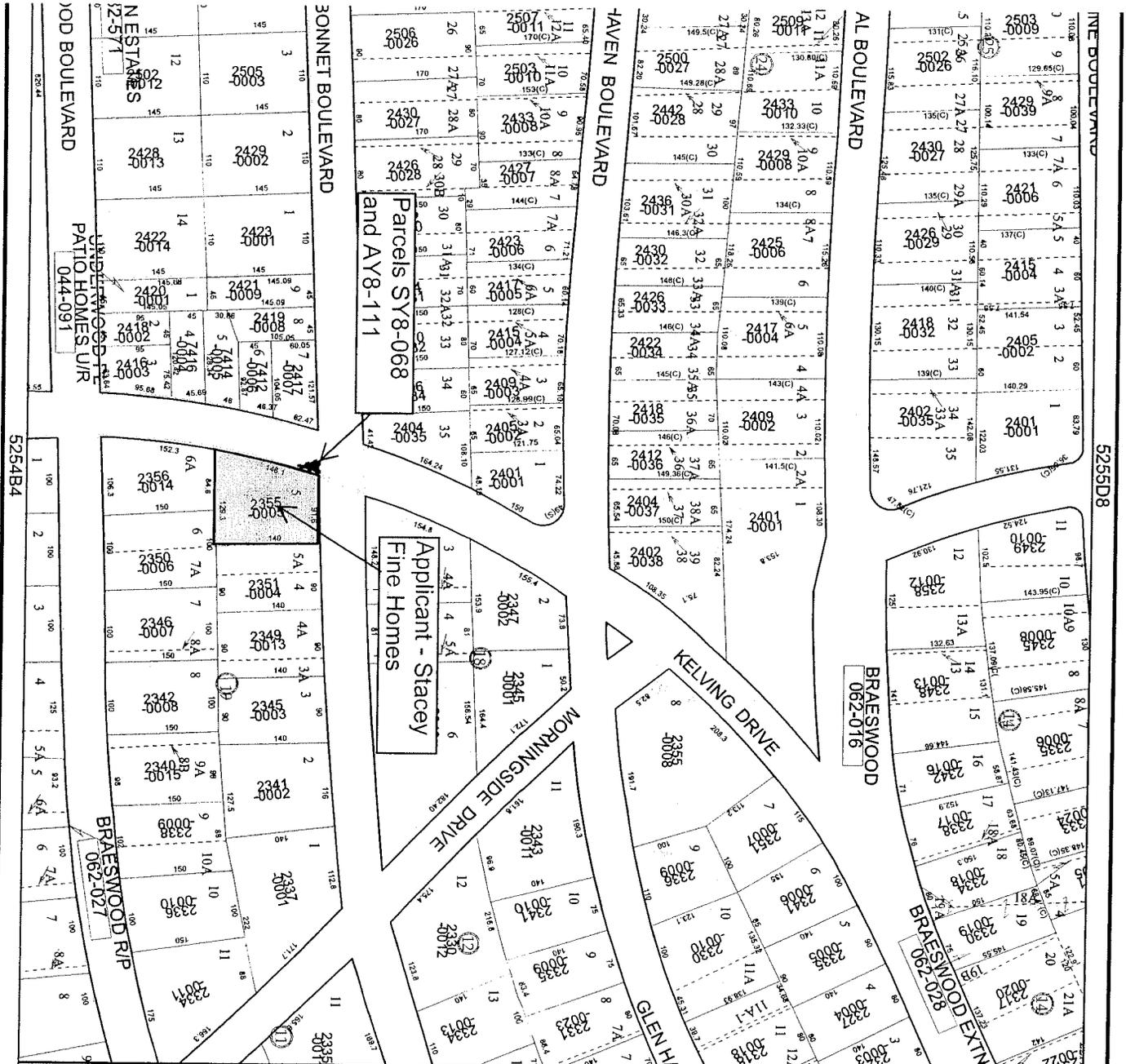
Inasmuch as the value of the \$300.00 minimum fee plus the street easement being conveyed to the City is greater than the value of the street being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, in exchange for a consideration of a \$300.00 minimum fee plus the conveyance to the City of the full portion as a street easement, out of the P.W. Rose Survey, Abstract 645.

MSM:NPC:bam

c: Raymond D. Chong, P.E. PTOE  
Daniel Menendez, P.E  
Marty Stein

PARCEL MAP

SUBJECT: Abandonment and sale of a 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, in exchange for the conveyance to the City of the full portion as a street easement, out of the P.W. Rose Survey, Abstract 645. Parcels SY8-068 and AY8-111



**Harris County Appraisal District**



0 100 200  
PUBLICATION DATE: 10/16/2005



MAP LOCATION



**FACET 5255D**

1	2	3	4
5	6	7	8
9	10	11	12

MOTION by Council Member Lovell 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 James Harrison of Paxson & Associates, P.C., 3555 Timmons Lane, Suite 1550, Houston, Texas 77027, on behalf of Stacey Fine Homes of Texas, Inc, for the abandonment and sale of a ± 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, out of the P. W. Rose Survey, Abstract 645, in exchange for the conveyance to the City of the full portion as a street easement, Parcels SY8-068 and AY8-111, be adopted as follows:

1. The City abandon and sell a ± 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, out of the P. W. Rose Survey, Abstract 645, in exchange for the conveyance to the City of the full portion as a street easement;
2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street right-of-way being abandoned and sold;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser or an independent appraiser appointed by the Director of Public Works and Engineering.

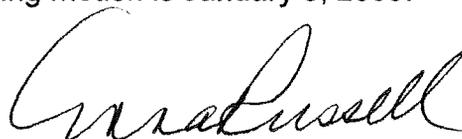
Seconded by Council Member Khan and carried.

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

Council Member Brown out of the City on City business

PASSED AND ADOPTED this 30th day of December, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is January 5, 2009.



City Secretary

<b>SUBJECT:</b> An Ordinance rescinding Ordinance 2008-0629 and Approving and Authorizing a Purchase Agreement between Medilife of Houston, Inc. (Purchaser) and the City of Houston (Seller) for purchase of the former Fire Station No. 27, located at 6302 Lyons Avenue, Houston, Texas, <b>Parcel SY6-114.</b>		<b>Page</b> 1 of 2	<b>Agenda Item</b>  15
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 4-30-09	<b>Agenda Date</b> MAY 06 2009	
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. 	<b>Council District affected:</b> H		
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Resolution No. 2006-5; May 10, 2006 Motion No. 2007-0111; January 31, 2007		
<b>RECOMMENDATION:</b> An Ordinance rescinding Ordinance 2008-0629 and Approve and authorize a Purchase Agreement between Medilife of Houston, Inc. (Purchaser) and City of Houston (Seller) for purchase of the former Fire Station No. 27, 6302 Lyons Avenue, <b>Parcel SY6-114.</b>			
<b>Amount and Source Of Funding: Revenue: \$53,000.00</b>		<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> By Resolution No. 2006-5 and Motion No. 2007-0111, respectively, City Council designated Parcel SY6-114, the former Fire Station No. 27, located at 6302 Lyons Avenue, as a Protected Landmark and authorized its sale as surplus property. The property consists of 12,000 square feet of land, being Lots 1, 2, 3 and 4, Block 54, Denver Addition, Houston, Harris County, Texas.</p> <p>On July 9, 2008, Ordinance No. 2008-0629, City Council approved and authorized a Purchase and Sale Agreement between the Society of Houston Latin Fire Fighters (Purchaser) and City of Houston (Seller) for purchase of former Fire Station No. 27, located at 6302 Lyons Avenue. The Agreement expired on January 18, 2009, prior to closing, because the Society of Houston Latin Fire Fighters' status as a 501(c)3 organization was still pending. Medilife of Houston Inc., a Texas nonprofit corporation, is dedicated to improving and enhancing the quality of emergency care through training, research, and community outreach, and has agreed to purchase, transfer and assign the property to the Society of Houston Latin Fire Fighters once the Society of Houston Latin Fire Fighters secures their 501(c)3 status.</p> <p>Medilife of Houston Inc., desires to purchase the former Fire Station No. 27 for a purchase price of \$53,000.00, and work in conjunction with the Society of Houston Latin Fire Fighters to preserve the historic building and convert the property into a combination of (1) a community activity center for 501(c)3 status organizations on the first floor and (2) apartment-type units for use by fire fighters and their families during extended treatments at the Texas Medical Center on the second floor. The City believes that the development of a community center and apartment type units to be used by fire fighters and their families serve a municipal and public purpose that materially benefits the citizens of Houston.</p> <p>The sale is in accordance with Section 272.001(b)4, of the Texas Local Government Code, which permits a political subdivision to sell real property to an independent foundation for development, and is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.</p>			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID# 25 FA 18	
<b>General Services Department:</b>   Forest R. Christy, Jr., Director Real Estate Division	<b>Other Authorization:</b>		

<b>Date</b>	<b>SUBJECT:</b> An Ordinance rescinding Ordinance 2008-0629 and Approving and Authorizing a Purchase Agreement between Medilife of Houston, Inc. (Purchaser) and the City of Houston (Seller) for purchase of the former Fire Station No. 27, located at 6302 Lyons Avenue, Houston, Texas, <b>Parcel SY6-114.</b>	<b>Originator's Initials</b> FA	<b>Page</b> 2 of 2
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Therefore, the General Services Department recommends that City Council rescind Ordinance 2008-0629 and approve and authorize a Purchase Agreement with Medilife of Houston, Inc., to purchase the above-described property at a purchase price of \$53,000.00, which represents the appraised value. It is further recommended that City Council consent to the conveyance of the property and assignment of the Development Agreement between Medilife of Houston, Inc., and the Society of Houston Latin Fire Fighters and authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to Medilife of Houston, Inc.

The sale proceeds will be directed to the Historic Preservation Fund.

IZD:BC:JLN:FA:fa

c: Marty Stein, Jacquelyn L. Nisby, Anna Russell, Michelle Mitchell

SUBJECT: An Interlocal agreement between the City of Houston and the Houston Community College System for coordinated improvements for the benefit of the Houston Amateur Sports Park project and the adjacent college campus to include design and construction of infrastructure improvements by both parties and appropriate funds.	Page 1 of 1	Agenda Item #  <span style="font-size: 2em; font-weight: bold;">16</span>
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FROM (Department or other point of origin):  Department of Public Works and Engineering	Origination Date  <span style="font-size: 1.2em;">4-30-09</span>	Agenda Date  <span style="font-size: 1.2em;">MAY 06 2009</span>
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DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: D – Key Map 573N
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For additional information contact: Andrew F. Icken Deputy Director  Phone: 713-837-0510	Date and identification of prior authorizing Council action: 01/23/08 Ordinance #2008-65 (01/23/08), #2008-298 (04/09/08) and #2009-257 (03/25/09)
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**RECOMMENDATION:** That Council authorizes an Interlocal agreement between the City of Houston and the Houston Community College System for coordinated improvements for the benefit of the Houston Amateur Sports Park project and the adjacent college campus to include design and construction of infrastructure improvements by both parties and appropriate funds.

Amount and Source of Funding: \$156,896 – Street & Bridge Consolidated Construction Fund - Fund 4506

**SPECIFIC EXPLANATION:**  
 On January 23, 2008, Council approved an ordinance authorizing the purchase of land along State Highway 288 corridor between Airport Blvd. and Sims Bayou for the development of an Amateur Sports Complex. On April 9, 2008, Council approved an ordinance authorizing a change to the original ordinance resulting in property assemblage totaling approximately 91.63 acres to be used as an Amateur Sports Complex. On March 25, 2009, Council approved an ordinance authorizing an Interlocal Agreement with the Houston Parks Board who is providing the design services for the coordinated infrastructure improvements with the Houston Community College System (HCCS) that include streets and drainage. This Interlocal agreement between the City and the HCCS document the planning, design, construction of additional streets, issuance of associated easements and City's maintenance of the streets to serve the Houston Amateur Sports Park project and the adjacent south campus of the Houston Community College System.

Improvements to comprise access to the Sports Park and College Campus include:

1. The north-south street from Airport Blvd. running south to intersect with the east-west street connecting to the future Kirby Dr. Extension;
2. the east-west street from Kirby Dr. Extension to the north-south street and on to the west right-of-way of State Highway 288 and;
3. a drainage easement across the City's property to allow HCCS storm drainage directly to Sims Bayou to allow them to avoid use of land for a retention basin.

The funding amount is for payment to HCCS for the difference in value between the services and easements provided by the City and those provided by HCCS. The total cost of the project is \$156,896. The breakdown of the project is as follows: \$149,425 for Contract Services and \$7,471 for contingencies.

**REQUIRED AUTHORIZATION** CUIC # 210AFI30 A

<b>Other Authorization:</b>	<b>Other Authorization:</b> Susan Bandy, CPA Deputy Director, Resource Management	<b>Other Authorization:</b>
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TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Petition for the City's consent to the addition of 1,234.49 acres of land to Harris County Water Control & Improvement District No. 158 (Key Map No. 364-H,M,R,V; 365-J,K,N,P)	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>17</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 4-22-09	<b>Agenda Date</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Ann Marie Stone Sheridan, P.E. Supervising Engineer (713) 837-9142 <i>AMS</i>	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 1,234.49 acres of land to Harris County Water Control & Improvement District No. 158 be approved.

**Amount and Source of Funding:**

NONE REQUIRED

**SPECIFIC EXPLANATION:**

Harris County Water Control & Improvement District No. 158 has petitioned the City of Houston for consent to add 1,234.49 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.

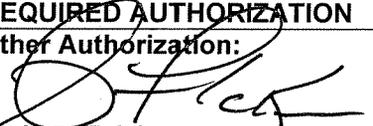
The district is located in the vicinity of Bear Creek, Katy-Hockley Cut-Off, State Highway 290, and Fry Road. The district desires to add 1,234.49 acres, thus yielding a total of 4,397.80 acres. The district overlaps Harris County Municipal Utility Districts Nos. 490 and 491, which provide water and sewer service. The District is only associated with regional detention/drainage and recreational facilities. The nearest major drainage facility for Harris County Water Control & Improvement District No. 158 is Cypress Creek which flows into Spring Creek which flows into the San Jacinto River and finally into Lake Houston.

Potable water and wastewater are not required for this 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 Jun Chang Mark Loethen  
Bill Zrioka Waynette Chan Deborah McAbee

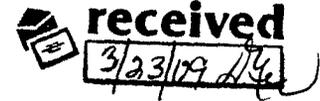
<b>Finance Department</b>	<b>REQUIRED AUTHORIZATION</b> Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.	20JZC535 Other Authorization:
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# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form



**Application Accepted as Complete** (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the  creation/  addition of 1,234.49 acres to Harris County WCID No. 158 under the provisions of Chapters 49 and 51 of the Texas Water Code.

*[Signature]*  
Attorney for the District

**Attorney: Schwartz, Page & Harding, L.L.P.**

Address: 1300 Post Oak Boulevard, Suite 1400 Zip: 77056 Phone: 712-623-4531

**Engineer: Brown & Gay Engineers, Inc.**

Address: 10777 Westheimer, Suite 400 Zip: 77042 Phone: 281-558-8700

**Owners: GGP-Bridgeland, L.P.**

Address: 16919 N. Bridgeland Parkway Zip: 77433 Phone: 281-304-7713

(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 See Attachment Abstract See Attachment

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

North of: Bear Creek East of: Katy-Hockley Cut-Off  
South of: State Highway 290 West of: Fry Road

### WATER DISTRICT DATA

Total Acreage of District: 3,163.31 Existing Plus Proposed Land 4,397.80 ✓

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

Single Family Residential 100% Multi-Family Residential 0%  
Commercial 0% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: See comments on page 2

NPDES/TPDES Permit No: N/A TCEQ Permit No: N/A



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): N/A

Ultimate Capacity (MGD): N/A

Size of treatment plant site: N/A 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: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: N/A

Water Treatment Plant Address: N/A

Well Permit No: N/A

**Existing Capacity:**

Well(s): N/A GPM

Booster Pump(s): N/A GPM

Tank(s): N/A MG

**Ultimate Capacity:**

Well(s): N/A GPM

Booster Pump(s): N/A GPM

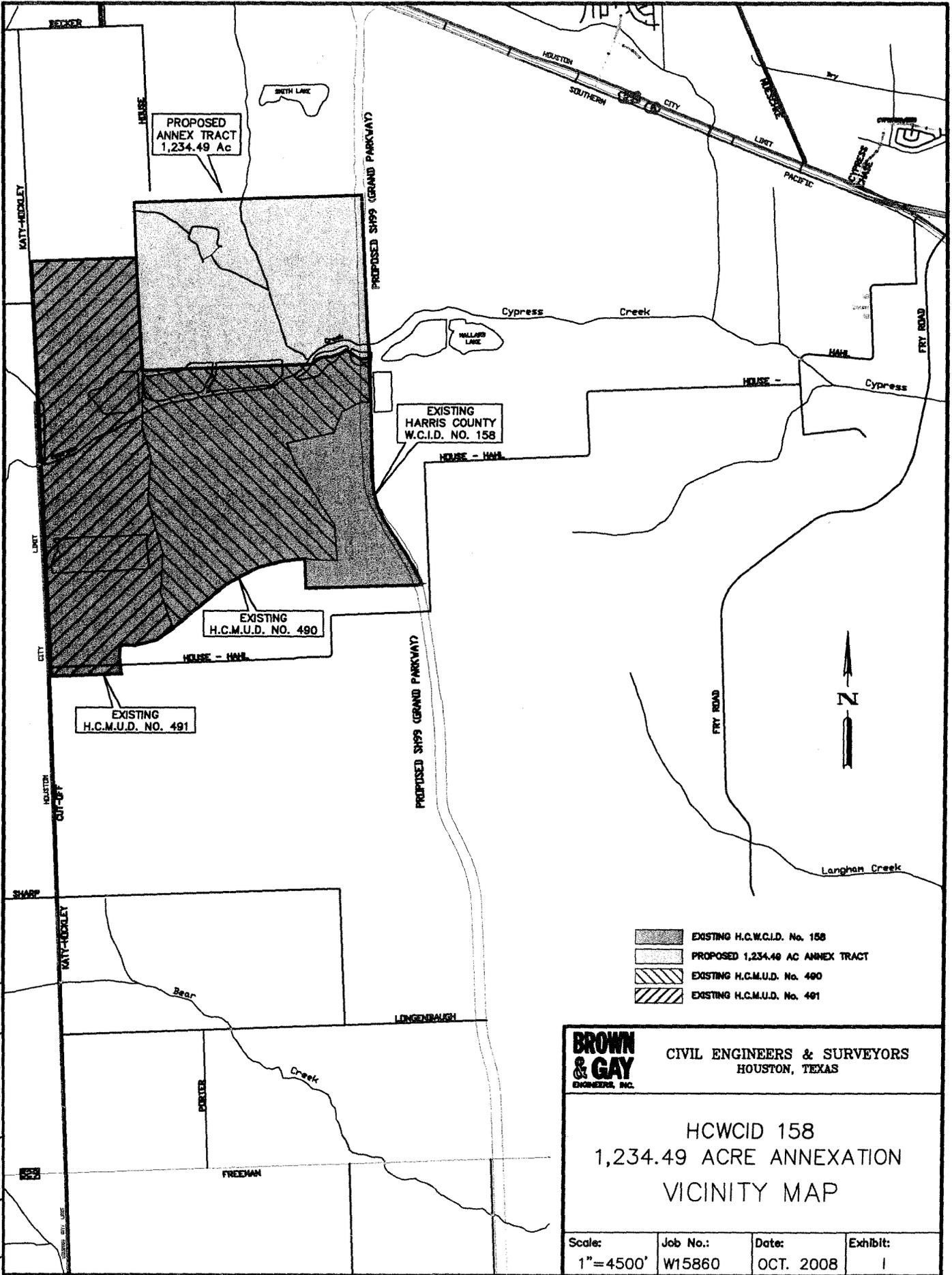
Tank(s): N/A MG

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

Comments or Additional Information: District overlaps Harris County MUD Nos. 490 & 491, which provide water and sewer service. The District is only associated with regional

detention/drainage and recreational facilities.

L:\PROJECTS\HCW158\ANNEX FEASIBILITY EXHIBITS\VICINITY MAP.DWG



-  EXISTING H.C.W.C.I.D. No. 158
-  PROPOSED 1,234.49 AC ANNEX TRACT
-  EXISTING H.C.M.U.D. No. 490
-  EXISTING H.C.M.U.D. No. 491

**BROWN & GAY**  
ENGINEERS, INC.

CIVIL ENGINEERS & SURVEYORS  
HOUSTON, TEXAS

HCW158  
1,234.49 ACRE ANNEXATION  
VICINITY MAP

Scale: 1"=4500'	Job No.: W15860	Date: OCT. 2008	Exhibit: 1
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535

ATTACHMENT

Survey:	Jamse Askins	Abstract:	90
	J. H. Ruby		1217
	N. Mixon		584
	W. M. Read		654
	J. B. Stoddard		717
	Mary Bulrice		131
	H. & T.C. R.R. Company, Section 53		467

<b>SUBJECT:</b> An ordinance authorizing submission of the 2009 Consolidated Action Plan Budgets and Applications for the 35 <sup>th</sup> Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.		<b>Category #</b>	<b>Page</b> 1 of 3	<b>Agenda Item #</b> 18
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date</b> 04/14/09	<b>Agenda Date</b> MAY 0 6 2009	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Richard S. Celli, Director Phone: (713) 868-8305		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> City Council authorization to submit the 2009 Consolidated Action Plan Budgets and Applications for the 35 <sup>th</sup> Year CDBG, HOME, ESG, ADDI, and HOPWA grants and acceptance of grant awards from the U.S. Department of Housing and Urban Development (HUD), including the use of estimated Program Income.				
<b>Amount of Funding:</b> \$49,993,446  CDBG - \$29,798,698 HOME - \$12,722,540 HOPWA - \$6,038,000 ADDI - \$107,611 ESG - \$1,326,597 (Total Funding, including Program Income of \$4,218,519 will be \$54,211,965)			<b>Finance Department Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund  <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  The Housing and Community Development Department (HCDD) is requesting approval of the submission of the <b>2009 Consolidated Action Plan</b> (the Plan), containing five (5) major formula grant budgets and applications totaling \$54,211,965 for the Community Development Block Grant (CDBG), the HOME Investment Partnerships Grant (HOME), American Dream Down Payment Initiative (ADDI) Grant, the Housing Opportunities for Persons with AIDS (HOPWA) Grant and the Emergency Shelter Grant (ESG).  In the <b>2009 Consolidated Action Plan</b> , allocations are proposed to expand the availability of affordable housing through acquisition, rehabilitation or new construction. The need for housing assistance remains especially high among low-income residents, particularly elderly and disabled homeowners. Emphasis remains on increasing the level of homeownership and increasing and/or upgrading multi-family units throughout Houston. Also recommended are funds for capital improvements and facilities that support the neighborhood conservation and/or revitalization. Funds are recommended to upgrade neighborhood facilities and the provision of services through non-profit agencies to low and moderate-income persons as well as those with special needs. In addition, HCDD estimates earning \$3,918,519 in program income from CDBG-funded activities and \$300,000 from HOME-funded activities for a total allocation of \$54,211,965. In support of revitalization strategies, funds are proposed for distribution among the following categories:				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department Director:</b> 		<b>Other Authorization:</b>	<b>Other Authorization:</b>	

**Date:**  
4/14/2009

**Subject:**  
An ordinance authorizing submission of the 2009 Consolidated Plan Budgets and Applications for the 35<sup>th</sup> Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.

**Originator's  
Initials**

**Page  
2 of 3**

*RSC by  
Ginsu AD*

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Neighborhood Facilities and Improvements	\$	5,348,171
Housing Assistance Programs	\$	6,811,251
Public Services	\$	4,913,350
Coalition for the Homeless	\$	133,415
Economic Developments	\$	5,176,540
Dangerous Building/Code Enforcement/Local Program Administration	\$	4,483,000
	\$	6,151,490
<b>TOTAL</b>	<b>\$</b>	<b>33,017,217</b>

The strategy for the HOME Investment Partnerships Program remains one of increasing the availability of affordable rental units and expanding opportunities for homeownership. HCDD is recommending that the City's allocation of \$12,722,540 plus \$107,611 in ADDI Funds and \$300,000 in program income, be distributed among the following categories:

**HOME INVESTMENT PARTNERSHIPS PROGRAM**

Single-Family Down Payment/Closing Assistance New/Existing Homes	\$	5,275,000
Single-Family Housing Rehabilitation/Remediation/New Construction	\$	1,400,000
Multi-family Acquisition/Rehabilitation/New Construction/Relocation	\$	4,883,151
Community Housing Development Organizations (CHDOs) Operations	\$	300,000
HOME Administration	\$	1,272,000
<b>TOTAL</b>	<b>\$</b>	<b>13,130,151</b>

The City of Houston is expected to receive an allocation of \$6,038,000 in HOPWA grant Funds for the 2009-2010 grant year. HCDD proposes to fund the following activities:

**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM**

Acquisition/Renovation/Conversion/Repairs/Lease Payments	\$	247,558
Operating Costs	\$	640,028
Technical Assistance/Housing Information/Resource Identification	\$	42,266
Supportive Services	\$	1,098,916
Project or Tenant-based Rental Assistance	\$	1,835,552
Short Term Rent Mortgage and Utility Subsidies	\$	1,569,880
Grantee Administration	\$	181,140
Sponsor Administration	\$	422,660
<b>TOTAL</b>	<b>\$</b>	<b>6,038,000</b>

<b>Date:</b> 4/14/09	<b>Subject:</b> An ordinance authorizing submission of the 2009 Consolidated Plan Budgets and Applications for the 35 <sup>th</sup> Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.	<b>Originator's Initials</b> 	<b>Page</b> 3 of 3
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The Emergency Shelter Grant (ESG) is the final application in the **2009 Consolidated Action Plan**. The City of Houston is scheduled to receive \$1,326,597 in ESG funds. Based on the Match requirements, the City anticipates providing \$700,000 in Community Development Block Grant Funds. The remaining match (\$626,579) will be made up of cash and/or in-kind contributions from participating agencies. Essential services, operations, homeless prevention and administration will be funded through ESG.

In preparing the **2009 Consolidated Action Plan**, the Housing and Community Development Department (HCDD) solicited public input in the development of this federal application. HCDD also developed and distributed written information on these federal grants and the planning process, solicited project requests from other departments, made presentations at each of the City's CIP/Budget hearings and sponsored two (2) public hearings on the Plan. Written material in the form of an information Booklet was distributed citywide.

A summary of the **2009 Consolidated Action Plan** was published in the *Houston Chronicle*, *LaVoz de Houston*, *Houston Defender*, and *Southern Chinese Daily News*. As stipulated by federal regulations and in conformity with the Citizen Participation Plan, citizens have thirty (30) days to comment on the proposed **2009 Consolidated Action Plan** before it is approved by City Council. The thirty-day (30) review period extended from April 12, 2008 through May 12, 2008. In addition, public hearings were held on November 12, 2008 and April 22, 2009. On April 23<sup>rd</sup>, the proposed Plan was presented to a special meeting of Budget and Fiscal Affairs Committee for review. Information is not currently available regarding the projected allocation from HUD for the five (5) grant programs for Fiscal Year 2010. The **2009 Consolidated Action Plan** is based on last year's entitlements. The **2009 Consolidated Action Plan** was referred on to City Council for consideration.

Approval of the ordinance is recommended.

RSC:MT

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

<b>SUBJECT:</b> An ordinance approving and authorizing a contract between the City of Houston and Burghli Investments, LLC, to construct 13 affordable solar powered single-family houses in Third Ward and appropriating funds from TIRZ Affordable Housing Fund 2409.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  19
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<b>FROM (Department or other point of origin):</b>  Housing and Community Development Department	<b>Origination Date:</b> 04/10/09	<b>Agenda Date:</b> MAY 0 6 2009
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<b>DIRECTOR'S SIGNATURE:</b>  MS Richard S. Celli, Director 	<b>Council District affected:</b> "1"
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<b>For additional information contact:</b> Christon Butler 713-837-7693  Phone:	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Burghli Investments, LLC, to construct 13 affordable solar powered single-family houses in Third Ward and appropriating funds from TIRZ Affordable Housing Fund 2409.

<b>Amount of Funding:</b> \$585,000	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) TIRZ FUND 2409

**SPECIFIC EXPLANATION:**

Burghli Investments, LLC, ("Burghli") is a Texas Limited Liability Company. The Housing and Community Development Department (HCDD) proposes providing a total of \$585,000 to Burghli in TIRZ funds to assist in the development of 13 affordable solar powered single-family houses. The \$585,000 will be in the form of a secured grant. The TIRZ construction subsidy will be \$45,000 per house. HCDD will require that there be an interim construction lender that finances the entire project costs. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

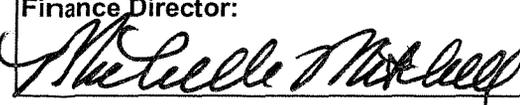
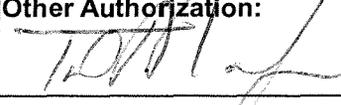
The newly constructed houses will be sold to families whose annual incomes do not exceed 110% of AMI, and who will occupy the property as their principal residence.

The development is consistent with the City's Plan to provide affordable housing for low to moderate income families.

The Department recommends approval of an ordinance authorizing a contract between the City of Houston and Burghli Investments, LLC, to construct 13 affordable solar powered single-family houses in Third Ward and appropriating funds from TIRZ Affordable Housing Fund 2409.

RSC:CB:DHS:mcb

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b> 	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
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## PROJECT SUMMARY AND DESCRIPTION OF PROPERTY

The City of Houston will provide a total of \$585,000, in TIRZ funds to Burghli Investments, LLC, to assist in the development of thirteen **(13) affordable solar powered single-family houses** in Third Ward. The \$585,000 will be in the form of a secured grant. The TIRZ construction subsidy will be \$45,000 per house. HCDD will require that there be an interim construction lender that finances the entire project costs. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy.

Description of property:

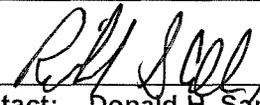
Lot	Block	Address	Street Name	ZIP
5	2	0	Paige	77004
6	3	0	Paige	77004
7	3	0	Paige	77004
4	4	0	Paige	77004
8	4	0	Delano	77004
1	5	0	Paige	77004
2	5	0	Paige	77004
3	5	0	Paige	77004
4	5	0	Paige	77004
5	5	0	Delano	77004
4	6	0	Paige	77004
5	6	0	Paige	77004
11	6	0	Tuam	77004

HCD09-57

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

09- W Leo Daniels

<b>SUBJECT:</b> An Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 20
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date:</b> 04/02/09	<b>Agenda Date:</b> MAY 06 2009	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> District "H"		
<b>For additional information contact:</b> Donald H. Sampley Phone: 713-868-8458		<b>Date and identification of prior authorizing Council action:</b> 12/19/07, 2007-1461		

**RECOMMENDATION: (Summary)**

The Housing and Community Development Department recommends approval of an Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc. to revise the sourcing of funds, scope of work, and extend the period of time to commence and complete the rehabilitation of the W. Leo Daniels Towers.

**Amount of Funding:** No Additional Funds **Finance Department:**

**Source of Funding:**  
\$670,969 CDBG Fund and \$215,031 HOME Investment Partnership Fund

**SPECIFIC EXPLANATION:**

W. Leo Daniels Towers is an existing thirty year old, eight-story, 100-unit apartment facility located in District "H" at 8826 Harrell Street, and provides housing for seniors over the age of 65 as well as disabled persons. W. Leo Daniels Towers, Inc. is a non-profit, 501C(3) corporation.

On December 19, 2007 City Council approved an ordinance authorizing a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc. to provide \$886,000 (\$538,185.60 CDBG Funds, and \$347,814.40 HOME Investment Partnership Funds) to assist in the refinancing and rehabilitating W. Leo Daniels Towers.

Greystone Servicing Corporation, Inc. (Greystone), the primary lender, approved the refinancing of an existing Direct Loan from the U.S. Department of Housing and Urban Development ("HUD") under Section 202, and a Flexible Subsidy Loan in the amount of \$2,190,000. The new \$2,190,000 loan is insured by HUD under Section 223(f).

The closing of the City Grant and Greystone 223(f) loan was delayed for approximately eight months while waiting approval of the subordination request from HUD for the City's Land Use Restrictions. The City Grant and Greystone loan refinance closed on August 27, 2008 with the City funding \$100,531 in soft costs. Approximately two weeks later, W. Leo Daniels Towers was damaged by hurricane IKE, resulting in evacuation of the 100-unit facility for 30 days. Insurance claims have now been settled and both the original and the new repairs can begin.

The total grant amount has not changed however the sourcing of the \$886,000 must be changed to meet eligible cost guidelines. The new sourcing will be \$670,969 CDBG Funds, and \$215,031 HOME Investment Partnership Funds.

Approval is requested for revisions to the original scope of work by reprogramming the use of \$108,000 previously allocated for re-tinting the large exterior windows of the building. Instead, \$65,659 will be reallocated to cover increases to the original bids due to the lengthy delay described above, and \$42,341 will be used toward acquisition and installation of an emergency generator system. In addition, insurance proceeds in the amount of

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 04/02/09	<b>Subject:</b> An Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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\$94,017 will be used to cover part of the \$179,500 previously allocated for roof repairs in the City Grant. This now permits \$94,017 of the city's funds to be assigned to the emergency generator system for a total of \$136,358. Commencement of the rehabilitation work to begin within forty-five (45) days of the amended countersignature date and shall complete the work on or before the expiration of twelve (12) months following the commencement of the work.

The City LURA provides for the restriction of fifty-one (51%) percent of the 100 units (51 units) as Affordable Floating Units for a period of fifteen (15) years. The mix of the 51 units will be as follows: Twenty-nine (29) units for families whose annual income does not exceed 60% of AMI, and twenty-two (22) units for families whose annual income does not exceed 50% of AMI.

A Grant Disbursement and Subordination Agreement was entered into August 27, 2008, by and among W. Leo Daniels Towers, Inc., the City of Houston, Greystone Servicing Corporation, Inc. and the U.S. Secretary of Housing and Urban Development (HUD). As required under the agreement, any amendment to the City Grant Documents shall be subject to prior HUD approval. The proposed revisions have been approved by HUD.

Terms of the City's Grant:

- a. Amount: \$886,000
- b. Term is concurrent with the term of the affordability period of fifteen (15) years;
- c. The Grant is provided with no obligation for repayment provided the owner fully and timely complies with all of its obligations under the grant documents and;
- d. The Grant does not bear interest.

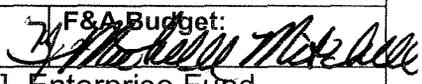
The Department recommends approval of an ordinance approving and authorizing an Amendment to the Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.

The project is consistent with the City's Consolidated Plan to provide affordable housing for low-income persons. The City's participation in the project will contribute to the goal of increasing the number of affordable rental housing units for seniors.

City Council approval is recommended.

RSC:DHS:LIC:JAR

cc: Finance and Administration  
Legal Department  
City Secretary  
Mayor's Office

<b>SUBJECT:</b> An Ordinance authorizing the amendment of the contract between the City of Houston and Community Family Centers (CFC) to provide additional funding for the construction of a Gymnasium at 7318 Avenue F, Houston, Texas 77011. (J. P. McGovern, M.D. Sports and Recreation Building)		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <b>21</b>
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development		<b>Origination Date</b> 02/18/09	<b>Agenda Date</b> MAY 0 6 2009	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> 1		
<b>For additional information contact:</b> Claudell Bradby Phone: 713-865-4185		<b>Date and identification of prior authorizing Council action:</b> 07/31/2006		
<b>RECOMMENDATION: (Summary)</b> City Council Ordinance authorizing the amendment of the contract between the City of Houston and CFC to provide additional funding for the construction of a Gymnasium at 7318 Avenue F, Houston, Texas 77011.				
Amount of Funding: \$770,000.00		F&A Budget: 		
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)    Community Development Block Grant (CDBG)				
<b>SPECIFIC EXPLANATION:</b>				
<p>The Housing and Community Development Department entered into an agreement with Community Family Centers (CFC) on September 15, 2006 for the construction of a new gymnasium at 7318 Avenue F, Houston, Texas 77011. The J. P. McGovern, M.D. Sports and Recreation Gymnasium will address many social and economic issues in the Houston's Greater East End and contribute to the revitalization of the community.</p> <p>The project will consist of the construction of a new gymnasium building, a tennis classroom, regular classrooms and office space. The gymnasium will contain a regular sized basketball court and the gym floor will be a multipurpose floor. The total area of the building will be approximately 17,000 square feet. The facility will provide year-round youth recreation, sports, and after school/summer tutoring with a substance abuse prevention and character development curriculum. The estimated cost of the project is approximately \$2.6 million dollars.</p> <p>The City of Houston initiated allocated \$500,000.00 to the cost of the project and CFC was to provide the remaining funds. Due to an increase in project construction cost and the economic down turn of the economy, CFC is requesting an additional \$770,000.00 to complete the project.</p> <p>Approval of this Ordinance is recommended.</p> <p>MW:ga  xc: City Attorney  Mayor's Office  City Secretary  Finance Department</p>				

100

20

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 1 – Lease Agreement between the City of Houston and Houston Aeronautical Heritage Society, Inc. – William P. Hobby Airport (HOU).	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  22
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> April 21, 2009	<b>Agenda Date</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Am</i> <i>[Signature]</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Janet Schafer Phone: 281/233-1796 Lucy S. Ortiz	<b>Date and identification of prior authorizing Council action:</b> 03/26/03 (O) 03-0247
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b>  <b>REVENUE:</b> \$16,145.88 per year (\$1,345.49 monthly)	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an ordinance approving and authorizing the execution of Amendment No. 1 to a Lease Agreement between the City of Houston and Houston Aeronautical Heritage Society Inc., a Texas 501(c)(3) non-profit corporation, at William P. Hobby Airport (HOU).

**SPECIFIC EXPLANATION:**

On March 26, 2003, the City approved Lease Agreement No. 54813 with the Houston Aeronautical Heritage Society Inc., a Texas 501(c) (3) non-profit corporation, ("Lessee") for the former Houston Municipal Airport Terminal building (Terminal) and adjacent ramp area at William P. Hobby Airport (HOU) to operate and maintain the Terminal as a museum dedicated to preserving and presenting the history of civil aviation in Houston and the Texas Gulf Coast Region. Lessee was required to make improvements to the leased premises, which Lessee subsequently made. Lessee and the department now request to amend the Lease Agreement to add a historical hangar to the leased premises for the museum's use.

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

- Additional Leased Premises:** Approximately 20,919 square feet of improved land, including approximately 14,168 square feet of historical hangar area located at 8233 Travelair Street. Approximately 25,000 square feet of improved land, including approximately 9,650 square feet in hangar W374 located at 7535 Larson Street.
- Option Tracts:** If not in default, Lessee shall have the right within the first 24 months after countersignature of this Amendment to lease approximately 63,597 square feet of unimproved land directly across Travelair Street from the Terminal, at the rental rate established in the Amendment, to be used only for automobile parking.

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

**Date**  
April 23, 2009

**Subject:** Amendment No. 1 – Lease Agreement between the City of Houston and Houston Aeronautical Heritage Society, Inc. – William P. Hobby Airport (HOU).

**Originator's  
Initials**

**Page**  
2 of 2

If not in default and should the hangars be returned to the City, Lessee shall have the right to lease hangars WR-11 and/or WR-10 located on Travelair Street south of the Terminal. If exercised, WR-11 and the land associated with WR-10 shall become a part of the Leased Premises expiring on the same date. WR-10 shall not be used by Lessee for any purpose and will be demolished by Lessee at its sole cost and expense.

3. Term: Effective on countersignature date, the primary term will end on March 31, 2028, unless sooner terminated in accordance with the Lease Agreement. The Larson Street hangar is leased on a month-to-month basis for storage purposes only for a time period not to exceed twelve consecutive months after the historical hangar is open to the public.

4. Rent: Effective on countersignature date, rent will be as follows:

	Annual	Monthly
4/1/2008 – Countersignature	\$11,045.85	\$ 920.49
Countersignature – 3/31/2014	\$16,145.88	\$1,345.49
4/1/2014 – 3/31/2019	\$18,567.76	\$1,547.31
4/1/2019 – 3/31/2024	\$21,352.93	\$1,779.41
4/1/2024 – 3/31/2028	\$24,555.87	\$2,046.32
Option Periods If Exercised	will increase by 15% on 4/1/2028 and 4/1/2033	

Automobile parking lot if exercised:

4/1/2008 – 3/31/2014	\$16,535.22	\$1,377.94
4/1/2014 – 3/31/2019	\$19,079.10	\$1,589.93
4/1/2019 – 3/31/2024	\$22,258.95	\$1,854.91
4/1/2024 – 3/31/2028	\$25,438.80	\$2,119.90
Option Periods If Exercised	will increase by 15% on 4/1/2028 and 4/1/2033	

5. Additional Consideration: At Lessee's sole cost and expense, Lessee shall (1) undertake necessary renovations to bring the historical hangar, and if applicable, WR-11, up to Code to receive its certificate of occupancy, (2) demolish the Larson Street hangar, and if applicable, WR-10, (3) allow the Houston Airport System to use the Leased Premises at no cost for the purpose of holding special events, and (4) install separate utility meters, if needed.

6. Insurance: Lessee shall provide the required insurance in the limits as stated in the Amendment.

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

RMV:lso

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo G. Michel  
Mr. Richard M. Vacar  
Ms. Kathy Elek  
Ms. Jan Clark

Mr. Aleks Mraovic  
Mr. Ian Wadsworth  
Ms. Monica R. Newhouse  
Mr. David K. Arthur  
Ms. Roxanne Butler

Ms. Janet Schafer  
Ms. Marlene McClinton  
Mr. Charles Wall  
Ms. Mary Case  
Mr. Brian Rinehart

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Property Acquisition – George Bush Intercontinental Airport/Houston (IAH), Project 617 (WBS# A-000476-0011-2-01)	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>23</b>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> March 30, 2009	<b>Agenda Date</b> MAY 0 6 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Handwritten Signature]</i>	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Janet Schafer <i>[Handwritten Signature]</i> Phone: 281/233-1796 James Valenta 281/233-1828	<b>Date and identification of prior authorizing Council action:</b>
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP A-0476.81 \$48,500.00 HAS-Consolidated 2000 AMT Construction (8200) <i>[Handwritten Signature]</i> <i>[Handwritten Mark]</i>	<b>Prior appropriations:</b>
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**RECOMMENDATION: (Summary)**  
Approve an ordinance appropriating \$48,500.00 from the Airport System Bond Funds and approving and authorizing a Purchase and Sale Agreement to acquire land, including all improvements thereon, adjacent to George Bush Intercontinental Airport/Houston (IAH).

**SPECIFIC EXPLANATION:**

To satisfy federal mandates within the Federal Aviation Administration's June 2000 Record of Decision for George Bush Intercontinental Airport/Houston (IAH), the Houston Airport System (HAS) purchased all residential dwellings exposed to increased noise levels in and around the Greenview Manor Subdivision (Key Map 373 M & R). As part of the project, HAS voluntarily offered to purchase vacant lots within the subdivision to mitigate any adverse impact related to neighborhood continuity. This transaction is to purchase two of ten remaining vacant lots within the subdivision wherein the property owner could earlier not be located or did not respond to the City's original offer to purchase.

HAS requests the appropriation of requested funds and the approval of a Purchase and Sale Agreement with Helene L. Trocmet Macaluso (Seller) for the acquisition of a tract of land and all improvements located on Greenview Drive. The acquisition of this land is in HAS's Capital Improvement Program.

The negotiated purchase price agreed to by the Seller is based on the land value as determined by professional appraisers under contract with the City. Effective on the date of the Controller's countersignature, the City has a 30-day inspection period in which it has the right to terminate the Agreement.

<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Department:</b> <i>[Handwritten Signature]</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> March 30, 2009	<b>Subject:</b> Property Acquisition – George Bush Intercontinental Airport/Houston (IAH), Project 617 (WBS# A-000476-0011-2-01)	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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HAS recommends approval of Purchase and Sale Agreement for the property acquisition described below:

<b>Owner</b>	<b>Property Description</b>	<b>Purchase Price</b>
Helene L. Trocmet Macaluso	Lots 3 and 4, Block 2, Greenview Manor Section One, Harris County, Texas (vacant lots)	\$46,912.00
	Estimated Title Insurance and Closing Costs (not to exceed)	\$1,588.00
	Total Requested Appropriation	\$48,500.00

HAS further recommends the appropriation of \$48,500.00 from the Airport System Bond Funds for the above property acquisition, inclusive of the payment of title insurance premium and other miscellaneous closing costs.

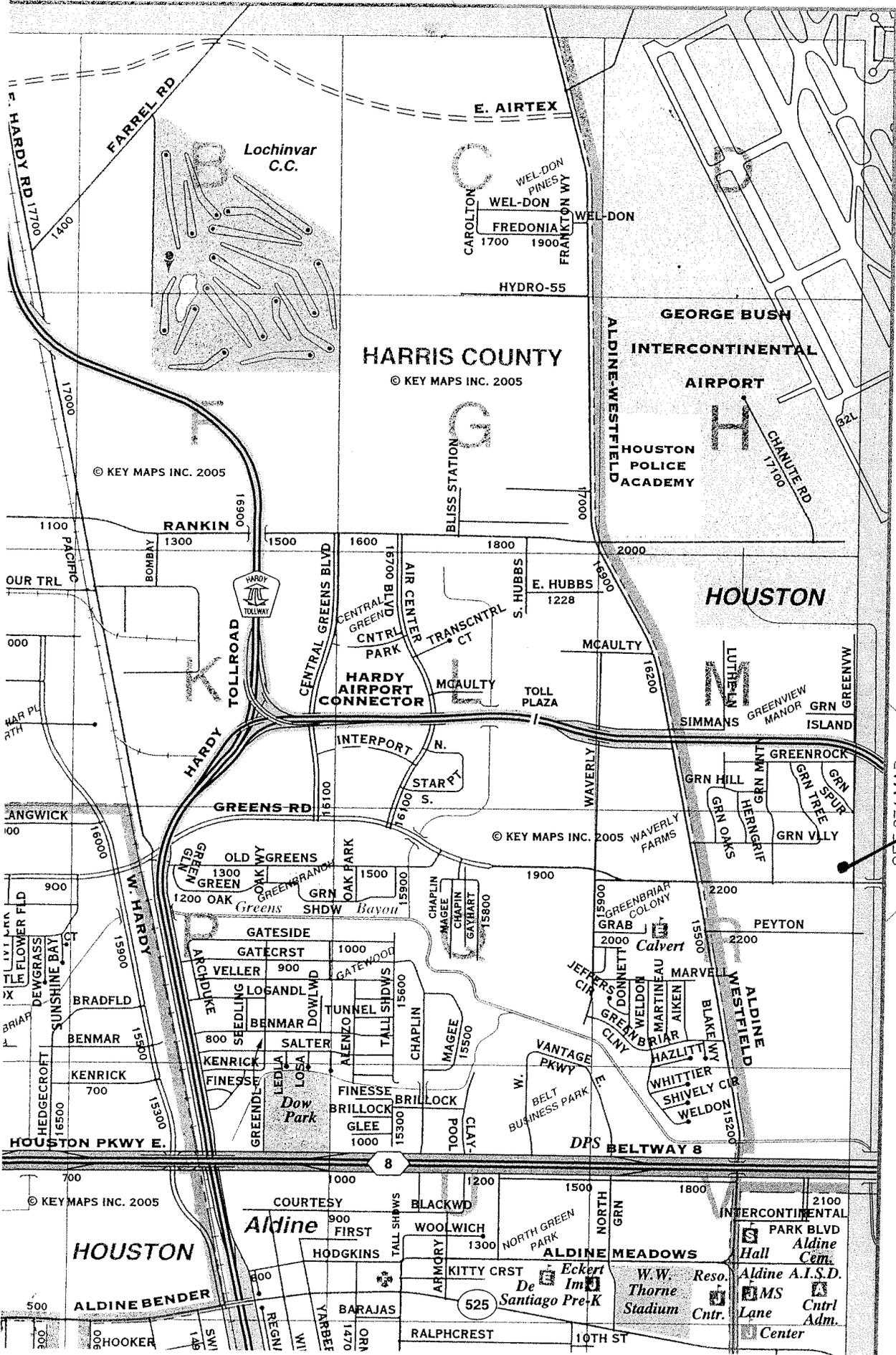
The Legal Department prepared the Purchase and Sale Agreement and has reviewed the documentation related to the acquisition.

RMV:JS:JAV

Attachments

cc: Ms. Marty Stein  
 Mr. Anthony W. Hall, Jr.  
 Mr. Arturo G. Michel  
 Mr. Richard M. Vacar  
 Mr. Ian Wadsworth  
 Mr. David K. Arthur  
 Ms. Ellen Erenbaum  
 Ms. Monica R. Newhouse  
 Mr. Charles Wall  
 Ms. Janet Schafer  
 Ms. Kathy Elek  
 Ms. Mary Case  
 Mr. Brian Rinehart  
 Mr. Robert Wigington  
 Ms. Roxanne Butler  
 Mr. Aleks Mraovic  
 Mr. Robert Johnson  
 Mr. James Valenta

SEE 333 MAP



194

Subject

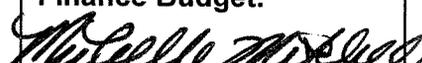
<b>SUBJECT:</b> Professional Architectural Services Contract Perkins & Will-CRA L.P. Palm Center/Young Library Replacement WBS No. E-000179-0001-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  24
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 4-24-09	<b>Agenda Date</b> MAY 0 6 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E.  4/8/09	<b>Council District(s) affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby  <b>Phone:</b> 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve architectural services contract and appropriate funds for the project.

<b>Amount and Source Of Funding:</b> \$756,075.00 Reimbursement of Equipment /Projects Fund (1850)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council approve an architectural services contract with Perkins & Will-CRA L.P., to perform design and construction phase services for the Palm Center/Young Library Replacement. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by The OST/Alameda Tax Increment Reinvestment Zone (TIRZ No. 7), subject to future Council action.

On March 7 and March 14, 2008, GSD advertised a Request for Qualifications (RFQ) for the Palm Center/Young Library Replacement and Smith Library Beautification. The RFQ contained selection criteria that ranked respondents on experience, technical approach, and quality assurance program. The Statements of Qualifications were due on March 31, 2008, and nine firms responded. GSD formed a selection committee comprised of representatives from GSD and the Houston Public Library. The selection committee short-listed and interviewed five firms. Perkins & Will-CRA L.P. received the most points and offers the best value for the City based on the advertised criteria.

**PROJECT LOCATION:** 5260 Griggs Road (Key Map 534J)

**PROJECT DESCRIPTION:** Young Library currently operates out of 7,900 square feet of leased space in the Palm Center. This project will construct a new 16,800 square foot library at the same location.

The project will utilize the LEED™ (Leadership in Energy and Environmental Design) Green Building rating system to achieve certification.

<b>REQUIRED AUTHORIZATION</b>		CUIC ID# 25DSGN37
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<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Houston Public Library:</b>  Rhea Brown Lawson, Ph.D. Director	MOT
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<b>Date</b>	<b>SUBJECT:</b> Professional Architectural Services Contract Perkins & Will-CRA L.P. Palm Center/Young Library Replacement WBS No. E-000179-0001-3	<b>Originator's Initials</b>  VTN	<b>Page</b>  2 of 2
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**SCOPE OF CONTRACT AND FEE:** The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$ 560,000.00	Basic Services
\$ 151,975.00	Additional Services
\$ <u>31,000.00</u>	Reimbursable Expenses
<b>\$ 742,975.00</b>	<b>Total Contract Services</b>
\$ <u>13,100.00</u>	Civic Art (1.75%)
<b>\$ 756,075.00</b>	<b>Total Funding</b>

**M/WBE INFORMATION:** A MWBE goal of 24% has been established for this contract. The architect has submitted the following certified firms to achieve the goal:

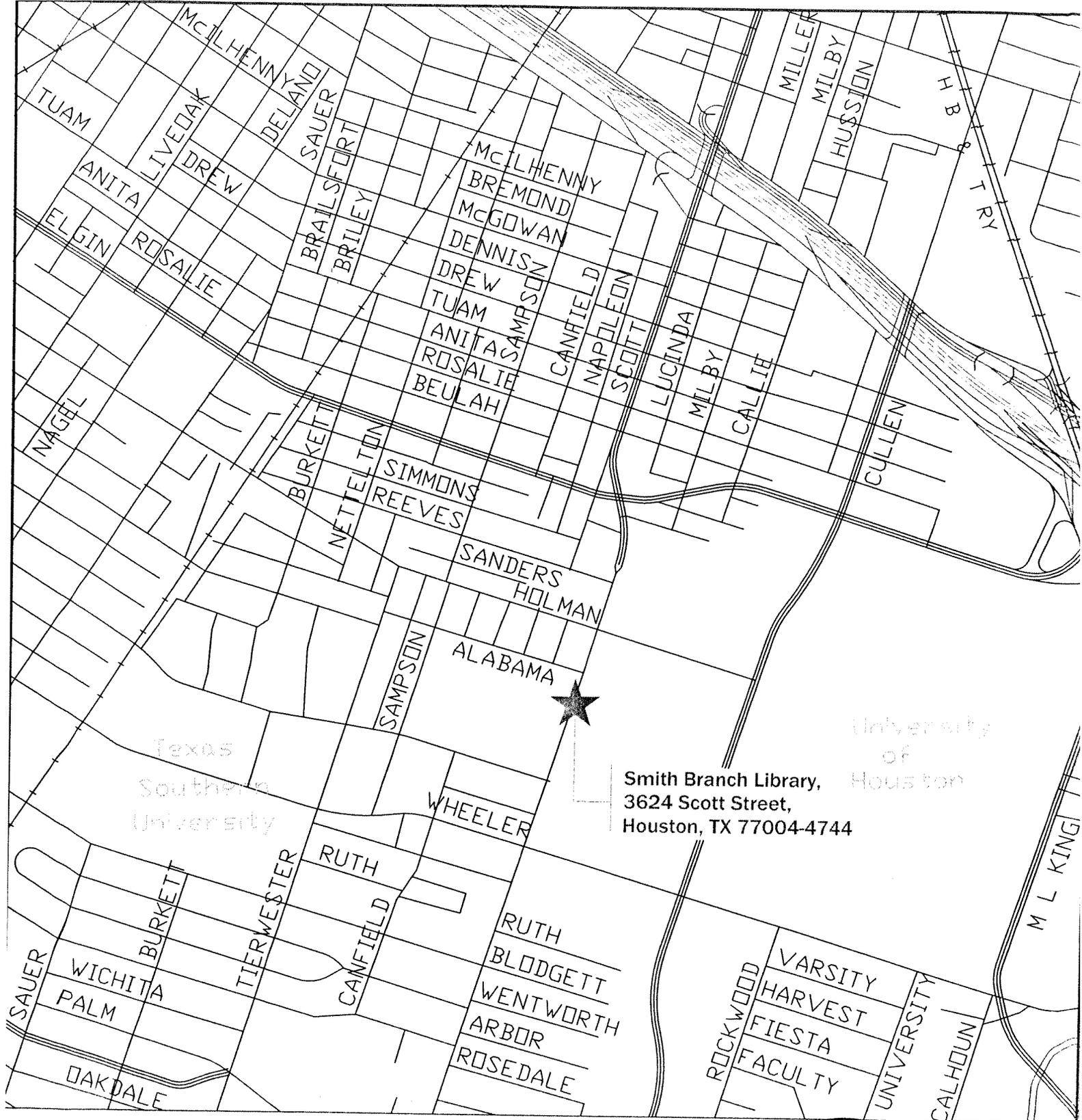
<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Jaymark Engineering Corporation	Civil Engineering Services	\$ 66,862.00	9.00
Planning & Development Services, Inc. DBA Knudson & Associates	Landscape and Irrigation Design Services	\$ 38,400.00	5.17
Mepit Engineers	MEP Engineering Services	\$ 71,000.00	9.56
4B Technology Group, L.L.C.	Voice, Data, Wireless and Security Systems	\$ 22,800.00	3.07
Henderson + Rogers, Inc.	Structural Engineering Services	<u>\$ 47,000.00</u>	<u>6.33</u>
<b>Total</b>		<b>\$246,062.00</b>	<b>33.13%</b>

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the consultant provides health benefits to eligible employees in compliance with City policy.

IZD:JLN: :HB:RAV:VTN:vtn

c: Marty Stein, Issa Z. Dadoush, P.E., Rhea Brown Lawson, Ph.D., Wendy Teas Heger, AIA, Webb Mitchell, Jacquelyn L. Nisby, Esq., Calvin Curtis, Esq. Gabriel Mussio, Mary Villarreal, Morris Scott, Kim Nguyen, File E-000179-0001-3/507





# Smith Library Beautification

3624 Scott Street, Houston, TX 77004

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

**SUBJECT:** First Amendment to Professional Energy Management Services Contract  
Whaley Energy Consulting, LLC

Page 1 of 1  
Agenda Item **25**

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

**Origination Date:** 4/30/09  
**Agenda Date:** MAY 15 2009

**DIRECTOR'S SIGNATURE:** Issa Z. Dadoush, P.E. *[Signature]* 3/25/09

**Council District(s) affected:** All

**For additional information contact:** Felix C. Johnson, P.E. *[Signature]* Phone: 832-393-8086  
Jacquelyn L. Nisby 832-393-8023

**Date and identification of prior authorizing Council action:** Ordinance No. 2007-721 June 20, 2007

**RECOMMENDATION:** Approve First Amendment to the professional energy management services contract with Whaley Energy Consulting, LLC.; extend the renewal term; and allocate funds.

**Amount and Source of Funding:** \$365,000.00 Central Service Revolving Fund (1002)

**Previous Funding:** \$175,000 Consumer Choice Initiative Fund (2421)

**Finance Budget:**

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the First Amendment to the Professional Energy Management Services Contract with Whaley Energy Consulting, LLC (Whaley); extend the renewal term; and approve a supplemental allocation of \$365,000.00 to provide additional services in connection with the development of a Utility Scale Solar Generation facility to be located at the decommissioned Sunnyside landfill site or other appropriate sites with close proximity to electric transmission lines.

The proposed First Amendment will extend the renewal term for up to two one-year terms and expand Whaley's services to assist the City in the development of a 10 megawatt Utility Scale Solar Generation facility. Whaley will advise the City on oversight in the development of project structure, development of the project financial model and analysis, coordination of amendment /extension of the City's existing Electricity Supply Agreement with the General Land Office, and in the negotiation and execution of the Power Purchase Agreement in support of the project.

**PREVIOUS HISTORY AND PROJECT SCOPE:** Under the original contract, approved by City Council on June 20, 2007, Whaley designed, implemented, and managed a residential aggregation program for residential consumers in Houston not traditionally served by Retail Electric Providers; managed and promoted the City of Houston Consumer Choice Initiative; acted as Ombudsman on behalf of electric consumers in resolving complaints/disputes with their electric supplier; and expanded the Consumer Choice Initiative to small commercial customers.

**M/WBE INFORMATION:** Due to the specialized, technical nature of the contract, Affirmative Action has reviewed the process and approved a 0% M/WBE goal.

IZD:FCJ:JLN:fcj  
c: Marty Stein, Jacquelyn L. Nisby, Anna Russell, File

**REQUIRED AUTHORIZATION** **CUIC ID # 25MSCL29**

**Other Authorization:**

**SUBJECT:** Second Amendment to Construction Management at Risk Contract  
 Gilbane Building Company  
 HPD Qualification Pistol Range  
 WBS No. G-000088-0003-4

Page  
1 of 2

Agenda  
Item  
**26**

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

**Origination Date**  
 04-30-09

**Agenda Date**  
 MAY 06 2009

**DIRECTOR'S SIGNATURE:**

Issa Z. Dadoush, P.E.

**Council District(s) affected:**  
 B

**For additional information contact:**

Jacquelyn L. Nisby

Phone: 832.393.8023

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

Ordinance No. 2007-1359; dated 12/05/07  
 Ordinance No. 2008-0932; dated 10/22/08

**RECOMMENDATION:** Approve Second Amendment to the Construction Management at Risk (CMAR) contract with Gilbane Building Company; authorize issuance of a purchase order in the amount \$377,078.00 to Nortex Modular Space through the State of Texas Building and Procurement Commissioner's Contract (TXMAS), and appropriate additional funds for the project.

**Amount and Source of Funding:**

\$470,675.00—Police Consolidated Construction Fund (4504)

**Finance Budget:**

**Previous Funding:**

\$3,648,885.00 Police Consolidated Construction Fund (4504)

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council approve a Second Amendment to the CMAR contract with Gilbane Building Company to increase the director's authority to approve Change Orders up to 14% of the original contract price, which will exceed the original 5% contingency. GSD further recommends that City Council authorize the issuance of a purchase order in the amount of \$377,078.00 to Nortex Modular Space through TXMAS for a new classroom building, and appropriate funds for the project including an additional \$32,000.00 to the existing contract with Morris\*Architects for additional design services.

HPD has requested a new 4,854 sf modular classroom facility to be located at the new state of the art tactical training facility. This new classroom will replace the existing 25+ year old converted mobile home, which has exceeded its useful life and has become a safety hazard. The requested appropriation is necessary to address the increased scope of work.

**PROJECT LOCATION:** 17000 Aldine Westfield Road (373H)

**PREVIOUS HISTORY AND PROJECT SCOPE:** On December 5, 2007, City Council awarded a CMAR contract to Gilbane Building Company for construction of the new Tactical Training and SWAT Rifle Range, and appropriated \$50,875.00 for pre-construction phase services. On October 22, 2008, City Council approved a First Amendment, which delegated authority to the director to approve the Guaranteed Maximum Price (GMP) proposal and appropriated \$3,598,010.00 for construction phase services.

**REQUIRED AUTHORIZATION**

CUIC ID # 25CONS93

**General Services Department:**

**Houston Police Department:**

JAF GV NOT

Humberto Bautista, P.E.  
 Chief of Design & Construction Division

Harold L. Hurtt  
 Chief of Police

<b>Date:</b>	<b>SUBJECT:</b> Second Amendment to Construction Management at Risk Contract Gilbane Building Company HPD Qualification Pistol Range WBS No. G-000088-0003-4	<b>Originator's Initials</b>  JB	<b>Page</b>  2 of 2
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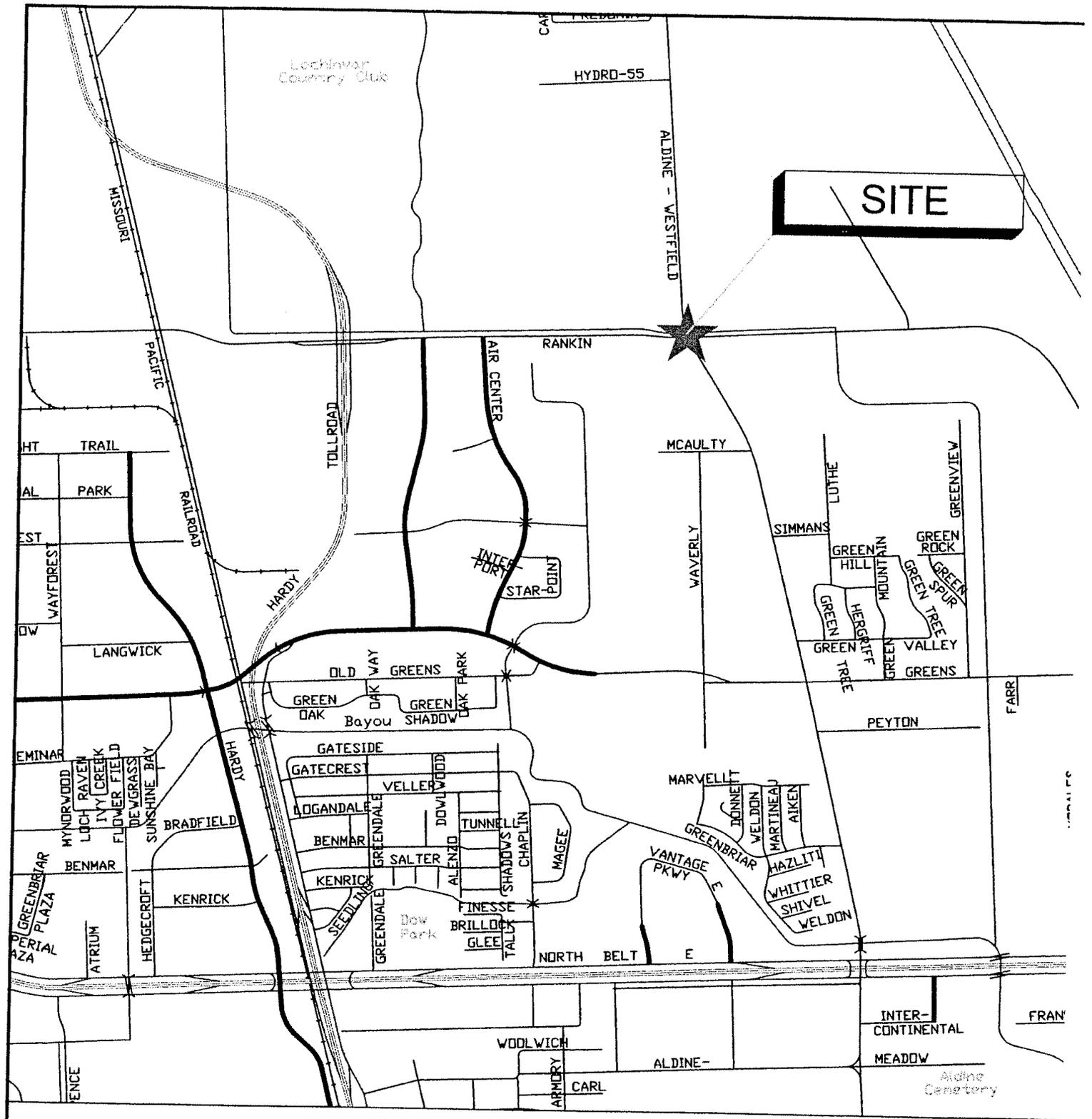
**FUNDING SUMMARY:**

\$ 61,597.00	Additional Construction Contingency
\$ 377,078.00	Modular Office (Nortex Modular Space - TXMAS)
\$ <u>32,000.00</u>	Additional design services (Morris*Architects)
<b>\$ 470,675.00</b>	<b>Total Appropriation</b>

**CONSTRUCTION GOALS:** The original contract and this additional appropriation have a 14% MBE goal, 5% WBE goal and 5% SBE goal. To date, the contractor has achieved 8.8% MBE, 4.7% WBE and .3% SBE participation. It is anticipated the contractor will meet the goals by the completion of the contract.

IZD:HB:RAV:JLN:JBW:jbw

c : Marty Stein, Kirk Munden, Jacquelyn L. Nisby, Esq., James Tillman IV, Mary M. Villarreal, Siria Harbour,  
File G-000088-0003-4 /813



HPD Qualification Pistol Range  
 at Houston Police Academy  
 17000 ALDINE WESTFIELD

COUNCIL DISTRICT "B"

KEY MAP NO. 373H

<b>SUBJECT:</b> Appropriate Funds for the purchase and installation of Security Equipment, remote HVAC Equipment and Fan Coil Units for the Department of Health and Human Services WBS No. H-0000EQ-0002-4		<b>Page</b> 1 of 1	<b>Agenda Item</b>  <i>27</i>								
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> <i>04-28-09</i>	<b>Agenda Date</b> MAY 06 2009								
<b>DIRECTOR'S SIGNATURE:</b> Olssa Z. Dadoush, P.E. <i>[Signature]</i> <i>4/17/09</i>		<b>Council District(s) affected:</b> B									
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832-393-8023		<b>Date and identification of prior authorizing Council action:</b>									
<b>RECOMMENDATION:</b> Appropriate funds for the purchase and installation of security equipment and remote HVAC equipment for the Kashmere Multi-Service Center and replacement of fan coil units at the Bureau of Animal Regulation and Care (BARC) for the Department of Health and Human Services (DHHS).											
<b>Amount and Source Of Funding:</b>  \$47,890.00—Public Health Consolidated Construction Fund (4508)		<b>Finance Budget:</b> <i>[Signature]</i> <i>[Signature]</i>									
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council appropriate \$47,890.00 to purchase and install new security equipment and remote HVAC equipment for the newly renovated Kashmere Multi-Service Center and replace fan coil units at the Bureau of Animal Regulation and Care for DHHS.  The security equipment, including alarms and break-in and motion detection system in the amount of \$21,501.00 will be purchased through the existing citywide security contract with BL Technology, Inc. The remote HVAC equipment, including a 2-ton Split System for the IT room, and new fan coil units will be purchased through the existing citywide contract with Johnson Controls, Inc.  The following is a breakdown of expected expenditures:  <table border="0"> <tr> <td>\$ 21,501.00</td> <td>Security System at Kashmere Multi-Service Center</td> </tr> <tr> <td>\$ 7,068.00</td> <td>Remote HVAC equipment at Kashmere Multi-Service Center</td> </tr> <tr> <td>\$ 19,321.00</td> <td>Fan Coil Units at Bureau of Animal Regulation and Care</td> </tr> <tr> <td><b>\$ 47,890.00</b></td> <td><b>Total Appropriation</b></td> </tr> </table>				\$ 21,501.00	Security System at Kashmere Multi-Service Center	\$ 7,068.00	Remote HVAC equipment at Kashmere Multi-Service Center	\$ 19,321.00	Fan Coil Units at Bureau of Animal Regulation and Care	<b>\$ 47,890.00</b>	<b>Total Appropriation</b>
\$ 21,501.00	Security System at Kashmere Multi-Service Center										
\$ 7,068.00	Remote HVAC equipment at Kashmere Multi-Service Center										
\$ 19,321.00	Fan Coil Units at Bureau of Animal Regulation and Care										
<b>\$ 47,890.00</b>	<b>Total Appropriation</b>										
<b>PROJECT LOCATIONS:</b> Kashmere Multi-Service Center      Bureau of Animal Regulation and Care 4802 Lockwood (454U)      2700 Evella (454W)											
IZD:HB:JLN:MCP:RJO:rio <i>[Signature]</i>											
c: Marty Stein, Jacquelyn L. Nisby, Celina Ridge, Fred Maier, James Tillman IV, File 813											
<b>REQUIRED AUTHORIZATION</b>		CUIC ID# 25CONS92									
<b>General Services Department:</b>  <i>[Signature]</i> Humberto Bautista, P.E. Chief of Design & Construction Division		<b>Department of Health and Human Services:</b>  <i>[Signature]</i> Stephen L. Williams, M.ED, MPA Director									

LINDER  
KELLY

CRITTENDEN  
WOODDARD

COUNCIL DISTRICT "B"

McGEE  
TROOST

NECHES  
ESTELLE

FAIRBANKS NORTH LOOP



MINDEN

PARDEE

GEORGE  
ARDIE  
E. BADIE

★  
RAND

VINTAGE  
MEMEL

BUNTE

RUSSELL

SAYERS  
FALLS

LEFFINGWELL

HIRSCH

LOS ANGELES

WAYNE

KASHMERE

WIPPRECHT

LAVENDER

PICKFAIR

CAVALCADE

**SITE**

LOCKWOOD

MARCUS

CRANE

EASTEX FREEWAY

BAY

CHICKERING

CRANDON

CHRISTIE

CRANE

LEGION

BAIN

CONROY

BERTHA

HORACE

COLLINGSWORTH

OCTAVIA

ENGLEFORD

SALINA

CACTUS

BRILL

GREGORY

EVELLAS

JEWEL

LUCILLE

LELIA

Tuffay Park

JEWEL

STAMP

BOND

DELIA

JEWEL

JOSEPHINE



DES CHAUMES

BREWSTER

OTIS

ERASTUS  
CUSHING

E LOCKWOOD

KASHMERE MULTI-SERVICE CENTER

4802 LOCKWOOD DRIVE

COUNCIL DISTRICT "B"

KEY MAP NO. 454U



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

<b>SUBJECT:</b> Approve an Ordinance Appropriating Funds from the FY09 Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment Items for the EGIS Initiative.		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <i>28</i>
<b>FROM (Department or other point of origin):</b> Planning & Development Department		<b>Origination Date</b> 4/23/09	<b>Agenda Date</b> MAY 06 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Marcia Wilson</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Max Samfield                      Phone: 713 837-7740 Marcia Wilson                      Phone: 713 837-7732		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approve an ordinance appropriating funds from the FY09 Equipment Acquisition fund (1800) for the purchase of software and other information technology equipment for the EGIS initiative for the Planning & Development Department.				
<b>Amount and Source of Funding:</b> \$500,000 - Equipment Acquisition Consolidated Fund (1800)			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In April, 2007, Mayor White signed an Executive Order, authorizing the creation of a City of Houston Enterprise Geographic Information System (EGIS), to be developed and maintained by the Planning and Development Department. In support of the EGIS, the Information Technology Department budgeted \$750,000 for enterprise hardware and software, from the FY08 Equipment Acquisition Consolidated Fund. Those funds were used for installation and deployment of the preliminary enterprise system.  For FY09 an additional \$500,000 was budgeted, to be used for second phase deployment of hardware, software and support services necessary to expand the new system. Expansion includes scaling hardware, software and related technology products to support growing user demand, both within the City and for Web services to the general public.  At this time Planning & Development is requesting the appropriation of funds in preparation for this expansion. We will come back to Council with separate RCA's to approve purchases above \$50,000.  cc: Jo Wiginton, Legal Department Diane Knighten, Legal Department Richard Lewis, Director, Information Technology Department Marty Stein, Mayor's Office				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

*ms*

*df*  
*x*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT: AN ORDINANCE AMENDING AND REPEALING VARIOUS ORDINANCES RELATED TO INACTIVE SPECIAL REVENUE FUNDS TO RELEASE RESIDUAL FUNDS; APPROPRIATING \$7,552,000 FROM THE LIMITED USE ROADWAY AND MOBILITY CAPITAL FUND (FUND 4034) AND AUTHORIZING ITS TRANSFER TO THE GENERAL FUND.**

**Category #**

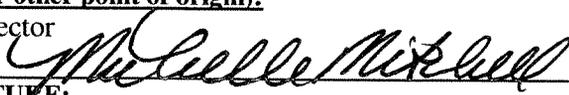
**Page 1 of 2**

**Agenda Item#**

29

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

Michelle Mitchell, Director  
Finance Department



**Origination Date**

4/15/2009

**Agenda Date**

MAY 06 2009

**DIRECTOR'S SIGNATURE:**

Finance Department

**Council Districts affected:**

All

**For additional information contact:**

Douglas Seckel

Phone: 713-837-9880

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

**RECOMMENDATION: (Summary)** (Summary) Approve an ordinance to close inactive Special Revenue Funds and transfer residual funds to the General fund, Debt Service Funds and Asset Forfeiture Fund; Appropriate \$7,552,000 from the Limited Use Roadway and Mobility Fund and transfer to the General Fund.

**Amount of Funding:** Various Special Revenue funds \$3,013,647.05  
Limited Use Roadway and Mobility Capital Fund \$7,552,000

**Finance Budget:**

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund  
 Other (Specify) See Attached List

**SPECIFIC EXPLANATION:**

The Finance Department reviewed Special Revenue Funds with the goal of closing inactive funds and transferring the cash to the appropriate fund. Once identified, the Legal Department researched the inactive funds to be sure there were no restrictions on the transfers. The closing of the funds will improve accounting efficiency and put the cash in the inactive funds to better use.

The Upper Kirby Project (\$4,552,000) that was to be funded from the Limited Use Roadway and Mobility Capital Fund will now be funded from Capital Improvement Bond funds. The remaining \$3,000,000 is from unappropriated funds. This will allow \$7,552,000 to be transferred to the General Fund.

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

**CITY OF HOUSTON****Funds to be Closed and Transferred to General Fund**

Date: 04/15/09

<b>Fund</b>	<b>Name</b>	<b>Cash Balance 15-Apr-09</b>
1006	Tuberculosis Contributions	1,237.82
1009	Displaced Workers Asst. Fund	11,213.57
1017	Fire Special Acquisition Fund	24,403.82
1018	Parks Tree Removal Fund	1.50
1019	Planning & Development Special Project	95,718.91
1024	Sign Abatement Fund	2,070,038.83
1026	PIB 99A Refunding Judgments BD	45,706.35
1801D3	Dangerous Building 2007 General Fund Advance	102,702.35
1901	Legacy Closed Funds	(901.09)
2001	Housing Non-Grant Venture, Inc.	2,608.67
2005	Housing Replace Insurance Fund	77,890.46
2406	March of Dimes Health Education	24,395.72
2414	AAA Contingency Fund	6,084.52
2415	Rental Rehab Insurance	64,595.88
2900	Legacy Conversion Fund for Asset	2,386.37
2901	Legacy Closed Funds	(1,580.41)
<b>Total</b>		<b>2,526,503.27</b>

**CITY OF HOUSTON****Funds to be Closed and Transferred to Debt Service Funds**

Date: 04/15/09

<b>Fund</b>	<b>Name</b>	<b>Cash Balance 15-Apr-09</b>
1010	Equipment Acquisition Series 93	6,918.83
1012	Claims & Judgments BDS Series 92C	1.04
1015	Taser Equipment Fund	1,668.18
1020	Firefighters Judgment Bond	(23,518.36)
1022	2004 Firefighters Judgment Bond	445,334.56
1801D4	Dangerous Buildings CO 2007B	53,892.15
<b>Total</b>		<b>484,296.40</b>

**CITY OF HOUSTON****Funds to be Closed and Transferred to Asset Forfeiture Fund**

Date: 04/15/09

2101	Operation Gang Together	1,423.69
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**Appropriation and Transfer**

4034	Limited Use Roadway and Mobility Capital Fund	7,552,000.00
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**REQUEST FOR COUNCIL ACTION**

**RCA# 8241**

**TO:** Mayor via City Secretary

**Subject:** Approve an Ordinance Awarding a Contract to PMAM Corporation for Burglar Alarm Administration Services for the Administration & Regulatory Affairs Department  
S10-T22890

Category #  
4

Page 1 of 2

Agenda Item

**31**

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

**Origination Date**  
April 30, 2009

**Agenda Date**  
MAY 06 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Greg Damianoff Phone: (713) 221-0127  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance awarding a contract to PMAM Corporation for burglar alarm administration services for the Administration & Regulatory Affairs Department.

Maximum Contract Amount: \$9,000,000.00 (7 Years)	<b>Finance Budget</b>
\$9,000,000.00 - General Fund (1000)	

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract, with two one-year options to PMAM Corporation, in the amount of \$9,000,000.00 for burglar alarm administration services for the Administration & Regulatory Affairs Department. The Director of Administration & Regulatory Affairs Department may terminate this contract at any time upon 30-days written notice to the contractor.

The City receives approximately 154,000 panic and burglar alarm calls for service annually, and Houston Police Department patrol units are dispatched to respond to these calls. Approximately 95% of the calls responded to are false alarms. Through permits and fee revenue, the City currently only recoups about half of the cost of responding to these calls.

In order to increase revenues necessary to mitigate administration costs of burglar alarm administration (without increasing permit and penalty fees), the City must issue more permits and increase its collection efforts. The goal of this contract is to maximize revenue while reducing the City's expenditures and losses resulting from administration costs, by implementing an online alarm tracking and billing system to more efficiently administer burglar alarm permits and fines. The system has been modeled to specifically meet the City's needs by providing burglar alarm permit holders access to view permit activity to keep them apprised of false alarm incidences.

- Most significantly, the system will reduce the number of false alarm calls received by:
1. Identifying and notifying repetitive false alarm violators to take corrective actions.
  2. Educating the violators by providing software and customer support to assist false alarm violators in diagnosing and resolving the issue causing the false alarms.
  3. Providing proactive feedback from false alarm violators to notify them of potential penalty fees that can be incurred.
  4. Providing software to interface with our GIS mapping module to provide Houston Police officers with location data maps of alarms and false alarm reports. Once specific high-volume false alarm areas are identified, additional targeted actions shall be taken to reduce incidences.

**REQUIRED AUTHORIZATION**

**NDT**

Finance Department:

Other Authorization:

Other Authorization:

*Donald Chen for Alfred Moore*

*Case*

*M*

*32*

Date: 4/30/2009	Subject: Approve an Ordinance Awarding a Contract to PMAM Corporation for Burglar Alarm Administration Services for the Administration & Regulatory Affairs Department S10-T22890	Originator's Initials GB	Page 2 of 2
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The scope of work for the contract requires the contractor to provide all labor, materials and supervision necessary to supply a turn-key solution to implement and maintain the City of Houston's burglar alarm ordinance program. The contractor will manage the timely collection of renewal fees, fines, and other alarm-related payments, schedule hearings, and reduce the number of false alarms through their proven proprietary FAMRS software.

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 four firms: PMAM Corporation, ACS, EASI, and UR International. The evaluation committee was comprised of expert staff from the Houston Emergency Center, the Information Technology Department and the Administration & Regulatory Affairs Department. The proposals were evaluated based upon the following criteria:

- A. Ability to Satisfy Functional Requirements
- B. Cost
- C. Ability to Deliver – Able to Prove Sustainability
- D. Ability to Satisfy Technical Requirements
- E. M/WBE Participation

PMAM Corporation received the highest overall score. Additionally, and contrary to other proposers, PMAM Corporation offered a performance-based solution (recommending a business model which would fund their services based upon their performance), and included no upfront costs for data migration or implementation of the portal. PMAM Corporation has proven its ability to dramatically reduce costly false alarm calls through the utilization of proprietary software, a hosted solution, and preventative customer service and education, while simultaneously offering a self-funding performance-based model.

**Annual Fee Schedule:**

- 1. Fee of 35% for "Collection" up to \$500,000,
- 2. Fee of 10% on "Collection" between \$500,001 and \$10,000,000,
- 3. Fee of 8% on "Collection" between \$10,000,001 and \$25,000,000 and
- 4. Fee of 5% on "Collection" above \$25,000,000 in a calendar year.

PMAM invoices shall be billed and paid on a monthly basis based on the actual collections. With this new contract in place, it is hoped that all costs of burglar alarms will be paid with revenues from permits and fees in the future.

As protection to the City in case of contractor default, PMAM Corporation will additionally provide a letter of credit of \$1,000,000.00 dollars.

**M/WBE Subcontracting:**

This RFP was issued with an 11% goal for M/WBE participation. PMAM Corporation has designated the below-named company as its certified M/WBE subcontractor.

<u>NAME</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
Access Data Supply, Inc.	Information Technology Services	\$990,000.00

The Affirmative Action Division will monitor this award.

**Pay or Play Program:**

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

Buyer: Greg Hubbard

SUBJECT: Approve an Ordinance Awarding a Contract to Tiburon, Inc. for an Automated Records Management System for the Houston Police Department. RFP S15-T22086  
WBS:X-100010

Page  
1 of 2

Agenda Item #

32

FROM: (Department or other point of origin):

Houston Police Department

Origination Date:

April 21, 2009

Agenda Date:

MAY 06 2009

DIRECTOR'S SIGNATURE:

Harold L. Hurtt, Chief of Police

Council District affected:

All

For additional information contact:

Joeseeph Fenninger *JAF 4/21/09* Phone: 713-308-1708  
CFO, Deputy Director

Date and identification of prior authorizing Council action:

**RECOMMENDATION:** Approve an ordinance authorizing the appropriation of \$1,243,402.38 from the Equipment Acquisition Consolidated Fund (Fund 1800) and approving the award of a contract to the best respondent, Tiburon, Inc., for an Automated Records Management System for the Houston Police Department.

**Amount and Source of Funding:**

\$ 1,243,402.38 – Equipment Acquisition Consolidated Fund No.1800

**SPECIFICATION EXPLANATION:**

**Background**

The Houston Police Department (HPD) currently utilizes a Unisys mainframe-based record management system (known as the On-Line Offense System or OLO) to manage day-to-day record keeping functions of the Department. This system was developed over 25 years ago and very few enhancements have been made to the system since. The current system's functionality is reaching the end of its useful life since the application was written in a programming language (COBOL) that a decreasing number of professionals in the industry are able to support or re-engineer. HPD made a decision during the formulation of the Strategic Information Plan (SIP) in 2004 to seek a modern Commercial-Off-the-Shelf (COTS) product to replace the legacy mainframe RMS and better meet the current and future needs of the department. The award of this contract is a result of those efforts. The selected system utilizes state of the market technology and incorporates best law enforcement practices from across the country.

**Recommendation**

The Houston Police Department recommends that City Council approve an ordinance authorizing the appropriation of \$1,243,402.38 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council award a five-year contract, with eight additional one-year options, to Tiburon, Inc. in the maximum contract amount of \$35,400,802.00 for the Automated Records Management System (ARMS) for the Houston Police Department. The requested appropriation will provide the initial funding in the amount of \$907,433.77 for contract and miscellaneous services plus \$335,968.61 for salary recovery. The remaining contract funding and additional salary recovery costs will be appropriated by future Council Actions.

REQUIRED AUTHORIZATION

10PAC001

Finance:  
*Michelle Mitchell*

Other Authorization:  
*JAF 4/21/09*

Other Authorization:  
*Russell King*

<b>Date</b>  <b>April 20, 2009</b>	<b>Subject::</b> Approve an Ordinance Awarding a Contract to Tiburon, Inc. for an Automated Records Management System for the Houston Police Department	<b>Originator's Initials</b> PC	<b>Page</b> <b>2 of 2</b>
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The scope of work requires the Contractor to provide all labor, equipment, materials, supplies, installation and supervision necessary to implement an automated records management system which consists of hardware, software, professional services, support personnel and maintenance. The implementation and system support will include the following:

- Project Planning
- Application and Interface Design
- Configuration of Applications and Interfaces and System Verification Testing
- Functional Demonstration, Performance Testing and Verification of Application Software
- Transitional Support for Personnel
- System Cutover & Deployment
- Support and Maintenance

The Request for Proposal was advertised in accordance with the requirements of State bid laws. A mandatory onsite pre-proposal meeting in which forty-four vendors participated was held and nine proposals were received. The three top rated proposals after the first phase of the evaluation were Tiburon, Inc., Unisys, Inc. and ATS. The evaluation committee consisted of sixteen evaluators (eleven functional and five technical) with twelve additional subject matter experts from within the Police department. The proposals were evaluated based upon the following criteria:

- Functional Suitability
- Financial Strength
- Experience and References with Similar Projects
- Value of Services Proposed
- M/WBE Participation

The Police Department required the three top-rated vendors to progress to a Phase II of the evaluation process. Phase II consisted of a product demonstration at the George R. Brown Convention Center, as well as vendor participation in a "Trade Show" where HPD employees from across the department could manipulate a prototype of each product. HPD had over 550 employees attend and fill out comment sheets on the three vendor offerings. HPD employees chose the Tiburon product, stating the functionality of the system was very intuitive and that the product was very comprehensive. Tiburon, Inc. was the highest rated proposer by both the evaluators and the HPD employees throughout the evaluation process.

**Tiburon's Collateralization of Contract Obligation**

Subsequent to Tiburon's selection as the best value, the City negotiated "key deal terms" to avoid problems with the implementation. They included the project risk mitigation elements described as follows:

1. Passing a performance test prior to system cutover, which must be successful. Failure to pass the performance test will result in default of contract;
2. Tiburon will provide the City with a Performance Bond totaling \$19.4 million equaling their fees that is callable upon notice of default; and
3. Liquidated damages due to Tiburon's untimely performance of contract obligations at a rate of \$5,000 per day with a cap of \$450,000.

**M/WBE Sub-Contracting**

This RFP was issued as a goal oriented contract with an 11% M/WBE participation level. Tiburon, Inc. has designated the below named companies as their certified M/WBE sub-contractors for an 18% M/WBE goal for services and transitional support for the initial five-year contract term. The work related to the optional five-year periods includes only maintenance, which is a proprietary service of the Contractor.

<b>Subcontractor</b>	<b>Type of Work</b>	<b>Amount</b>	<b>Pct of Award</b>
Mark III Systems, III	Information Technology	\$1,875,000.00	15%
Opulent GC, Inc.	Information Technology	\$ 353,000.00	3%

The Affirmative Action Division will monitor this agreement.

<b>SUBJECT:</b> Lease Agreement with American National Insurance Company at 811 Dallas for the Records Management System Project Team of the Houston Police Department WBS No. X-100010-0001-3		<b>Page</b> 1 of 1	<b>Agenda Item</b>  32A
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 4-30-09	<b>Agenda Date</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E.	<b>Council District affected:</b> 1
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a Lease Agreement with American National Insurance Company for lease space at 811 Dallas for the Records Management System Project Team of the Houston Police Department and appropriate funds.

<b>Amount and Source Of Funding:</b> Equipment Acquisition Consolidated Fund (1800) \$ 1,225,867.56 Rent \$ 158,213.04 Estimated operating expenses/parking \$ 1,384,080.60 Total cost for Initial Base Term	<b>Finance Budget:</b> <i>Michelle Mitchell</i>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve and authorize a Lease Agreement with American National Insurance Company, a Texas corporation, for 14,859 square feet of office space at 811 Dallas for the Records Management System Project Team of the Houston Police Department (HPD). HPD will utilize this space to house the City and contract personnel responsible for implementation of HPD's new Automated Records Management System.

The proposed Lease Agreement provides for a three-year base term with two additional one-year renewal options at the current market rate. The base rental rates are as follows:

Month	Monthly Payment
Months 1-18	\$33,432.75 (\$27.00 psf per year/\$2.25 psf per month)
Months 19-36	\$34,671.00 (\$28.00 psf per year/\$2.33 psf per month)

The Landlord will build out the leased space to meet the requirements of HPD. Construction costs are estimated at \$382,449.00 (\$25.74 psf).

The new lease will commence on the earlier of: (i) the date the City conducts regular business in the Leased Premises, (ii) the date the Certificate of Commencement is signed by the City and the Landlord, or (iii) the Leased Premises is substantially complete as determined by the Landlord and City of Houston.

The Landlord is responsible for maintaining the building and HPD is responsible for paying its pro rata share of operating expenses and parking, which is estimated at \$158,213.00 for the three-year term.

IZD:BC:JLN:FA:ddc  
xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Henry Chavez

**REQUIRED AUTHORIZATION** CUIC ID# 25 FA 19

<b>General Services Department:</b>  <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division		<b>Houston Police Department:</b>  <i>Harold L. Hurt</i> Harold L. Hurt Chief
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Google Maps Address



**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8320

**Subject:** Purchase of Office Furniture from State of Texas Procurement and Support Services Contract for the Houston Police Department

Category #  
1 & 4

Page 1 of 1

Agenda Item

S45-Q23251-S

**32-B-C**

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

**Origination Date**  
  
April 22, 2009

**Agenda Date**  
  
MAY 06 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
1

**For additional information contact:**  
Joseph Fenninger *JF 4/22/09* Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing the appropriation of \$248,866.62 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of office furniture in the total amount of \$248,866.62 from the State of Texas Procurement and Support Services Contract for the Houston Police Department.

Award Amount: \$248,866.62

**Finance Budget**  
*[Signature]*

\$248,866.62 - Equipment Acquisition Consolidated Fund (1800) WBS X-1-00021 TIP#99-09-10-0021

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$248,866.62 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of office furniture in the total amount of \$248,866.62 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department and that authorization be given to issue purchase orders to the State contract supplier, J. Tyler Services, Inc. The Department will use this furniture to outfit its Records Management offices, located at 811 Dallas.

The scope of work requires the contractor to provide all labor, tools, materials, equipment, supervision and transportation necessary to furnish and install workstations, tables, chairs, lateral files and modular desks. This furniture will be used to furnish forty-nine cubicles, seven offices, three conference rooms, two training rooms and one break room. The furniture will come with the manufacturer's standard warranty and the life expectancy is 10 to 15 years.

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

Buyer: Sandy Yen  
Purchase Requisitions: 10077517, 10077548, 10077597 and 10077599

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]* 4/22/09

*357-2*

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Council Member Melissa Noriega,  
Chair Public Safety & Homeland  
Security Committee

FROM: Joseph A. Fenninger,  
CFO and Deputy Director, HPD

DATE: May 1, 2009

SUBJECT: **Records Management  
System (RMS) Purchase**

On behalf of the Houston Police Department, I'd like to thank you for the opportunity to present and discuss the RMS initiative at the April 27, 2009 Public Safety Committee meeting. In response to the questions raised by various council members, we offer the following:

## **Detail of Project Costs:**

The attached analysis provides details regarding the costs of system development, outside contractors, the city's project team and other operating expenses. This analysis shows projected annual expenditures for the first three years of development followed by nine years of vendor maintenance costs. The \$35.4 million contract with Tiburon, Inc. covers all vendor development and maintenance costs for a period of 13 years. The City's project team costs (virtually all salaries) will be \$11.5 million over an approximately 36-month period of time. Other associated costs will be \$1.384 million for facilities rental for the development team, \$249,000 for the purchase of associated furniture and \$445,000 for testing and documentation, consultants, equipment and office supplies. All of the preceding have been budgeted in the Equipment Acquisition Fund.

## **Paperless Environment:**

The new Records Management System is designed to function in a paperless mode with all documents created, stored and transmitted electronically. Unlike the old Unisys system, there will be no need to print production reports from a central facility. The system does provide the user with the ability to locally print documents on an as-needed basis. An example would be an Assistant District Attorney generating hard copy to present as evidence in a court case.

## **Furniture Purchase:**

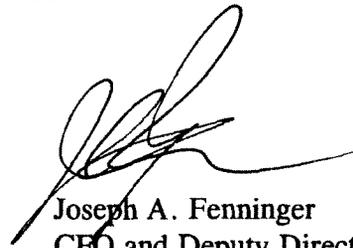
The project includes leasing commercial space to accommodate the thirty-four HPD employees plus additional contractors who will support the development, testing and implementation of the RMS system. As the lease does not include furniture, new modular type furniture systems (which include wiring for power outlets and communications cabling) are necessary items for purchase. The HPD employees dedicated to the project will vacate their former assignments and plans are to backfill these positions. Hence, existing furniture must remain for the incoming replacements. The furniture purchased for the leased space will be absorbed back into HPD at the end of the

project term, decreasing the need for future purchases. Please see the attached site plan and list of proposed furniture items.

**Maintenance Agreement:**

Purchasing a maintenance agreement in conjunction with the implementation of a new computer system is a standard practice. A key aspect of the agreement is the right to receive new versions of the software whenever Tiburon releases them. In addition, it contracts for Tiburon's assistance when we encounter problems after system acceptance with not only Tiburon's software and equipment, but all of the third party's as well.

Again, thank you for the opportunity to discuss the new Automated Records Management System. If we may provide further information, please feel free to contact me at 713-308-1708.



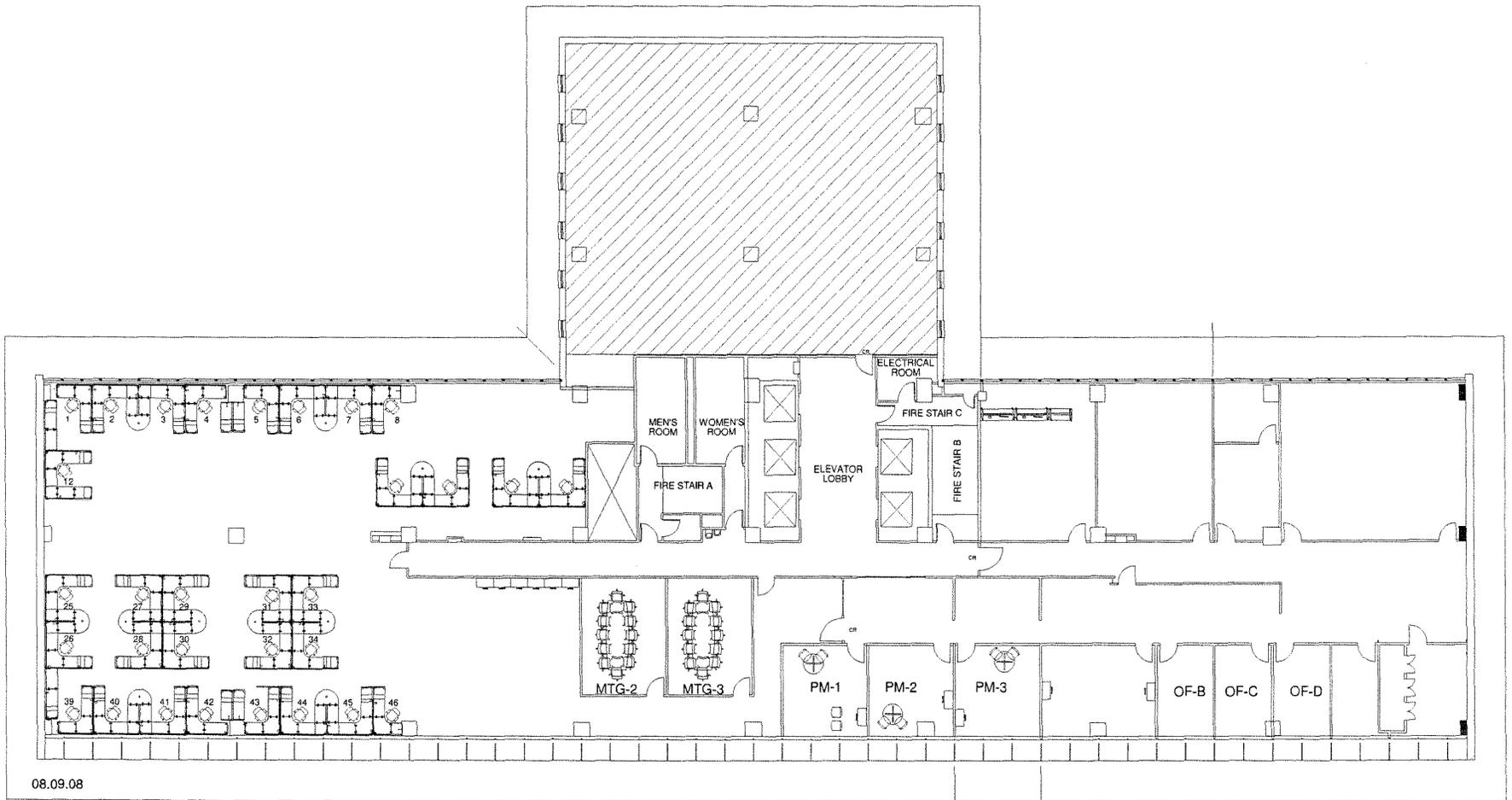
Joseph A. Fenninger  
CFO and Deputy Director, HPD

**Attachment**

cc: Marty Stein, Agenda Director  
Richard Lewis, Chief Information Officer  
Tim Oettmeier, Executive Assistant Chief  
Al Garcia, Deputy Director  
Brian Sedberry, Assistant Director

**Houston Police Department - RMS Project - Cash Flow Analysis**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
<b>System Development Costs</b>														
- Contract Costs	877,434	2,577,753	5,684,194	10,305,014										19,444,395
- Maintenance Costs					1,107,000	1,162,350	4,970,468	1,281,491	1,345,565	1,412,844	1,483,486	1,557,660	1,635,543	15,956,407
<b>Total System Costs</b>	<b>877,434</b>	<b>2,577,753</b>	<b>5,684,194</b>	<b>10,305,014</b>	<b>1,107,000</b>	<b>1,162,350</b>	<b>4,970,468</b>	<b>1,281,491</b>	<b>1,345,565</b>	<b>1,412,844</b>	<b>1,483,486</b>	<b>1,557,660</b>	<b>1,635,543</b>	<b>35,400,802</b>
<b>Other Operating Costs</b>														
- Office Supplies/Equipment	30,000	40,000	50,000											120,000
- eBusiness One		50,000	50,000	50,000										150,000
- Public Safety Consultants, Inc.		25,000	75,000	75,000										175,000
<b>Total Miscellaneous</b>	<b>30,000</b>	<b>115,000</b>	<b>175,000</b>	<b>125,000</b>										<b>445,000</b>
<b>Project Team Costs</b>														
- Salaries	335,968	3,406,776	3,827,977	3,942,825										11,513,546
- Office Lease	229,465	461,361	468,790	224,465										1,384,081
- Furniture Costs	248,867													248,867
<b>Total Project Team</b>	<b>814,300</b>	<b>3,868,137</b>	<b>4,296,767</b>	<b>4,167,290</b>										<b>13,146,494</b>
<b>Total RMS Costs</b>	<b>1,721,734</b>	<b>6,560,890</b>	<b>10,155,961</b>	<b>14,597,304</b>	<b>1,107,000</b>	<b>1,162,350</b>	<b>4,970,468</b>	<b>1,281,491</b>	<b>1,345,565</b>	<b>1,412,844</b>	<b>1,483,486</b>	<b>1,557,660</b>	<b>1,635,543</b>	<b>48,992,296</b>
<b>Less: Elimination of OLO</b>				(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(384,483)	(3,844,830)
<b>Net Project Costs</b>	<b>1,721,734</b>	<b>6,560,890</b>	<b>10,155,961</b>	<b>14,212,821</b>	<b>722,517</b>	<b>777,867</b>	<b>4,585,985</b>	<b>897,008</b>	<b>961,082</b>	<b>1,028,361</b>	<b>1,099,003</b>	<b>1,173,177</b>	<b>1,251,060</b>	<b>45,147,466</b>



08.09.08

SCALE: 1:100  
 0 5 10 20 30

**Attachment A**  
**Furniture Distribution Summary**  
**for**  
**RCA # 8320**

Dept.	Purch. Req.	Item	Short text	Qty.	Un	REPLA CE	LOCATION	ADDRESS
HPD	10077517	10	Circuit, Kimball, 10PECPE1	6	EA	NEW	Records	811 Dallas
		20	Lock, Kimball, KSCD041	2	EA		Management	
		30	Data Pole, Kimball, 10PCDPSP	6	EA		offices	
		40	Trim Top, Kimball, 10PCNXTC1	4	EA			
		50	End Cap, Kimball, 10PCNSREC	16	EA			
		60	Panel, Kimball, 10PCNILP	90	EA			
		70	Circuit, Kimball, 10PESPE1P	10	EA			
		80	Circuit, Kimball, 10PER4	49	EA			
		90	Circuit, Kimball, 10PER2	48	EA			
		100	Circuit, Kimball, 10PER1	51	EA			
		110	End Panel, Kimball, IB2427F	10	EA			
		120	Circuit, Kimball, 10PEJA	115	EA			
		130	Channel L, Kimball, 10P42CNLP	52	EA			
		140	End Cap, Kimball, 10PCNEC	16	EA			
		150	Lock, Kimball, KSCD049	2	EA			
		160	Lock, Kimball, KSCD048	2	EA			
		170	Lock, Kimball, KSCD047	2	EA			
		180	Lock, Kimball, KSCD046	2	EA			
		190	Lock, Kimball, KSCD045	2	EA			
		200	Lock, Kimball, KSCD044	2	EA			
		210	Lock, Kimball, KSCD043	2	EA			
		220	Panel, Kimball, 10P4842APP	1	EA			
		230	Circuit, Kimball, 10PEJC	95	EA			
		240	Panel, Kimball, 10P2442APP	19	EA			
		250	Bracket, Kimball, IB24CL	138	EA			
		260	Panel, Kimball, 10P4242APP	2	EA			
		270	Panel, Kimball, 10P3642APP	7	EA			
		280	Panel, Kimball, 10P3642APP	18	EA			
		290	Panel, Kimball, 10P3642APP	18	EA			
		300	Panel, Kimball, 10P3642APP	10	EA			
		310	Panel, Kimball, 10P3642APP	18	EA			
		320	Panel, Kimball, 10P3642APP	6	EA			
		330	Panel, Kimball, 10P3642APP	82	EA			
		340	Column, Kimball, AC2804SFB	19	EA			
		350	Panel, Kimball, 10P2442APP	1	EA			
		360	Lock, Kimball, KSCD040	2	EA			
		370	Panel, Kimball, 10P2442APP	4	EA			
		380	Panel, Kimball, 10P2442APP	34	EA			
		390	Panel, Kimball, 10P3642ANP	24	EA			
		400	Panel, Kimball, 10P2442ANP	104	EA			
		410	Corner, Kimball, SS24363624	49	EA			
		420	D Shape, Kimball, SS2424WSD	19	EA			
		430	Pedestal, Kimball, 12S2415PUF	49	EA			
		440	Pedestal, Kimball, 12S2415PUB	49	EA			
		450	Channel S & T, Kimball, 10P42CNTP	45	EA			
		460	Panel, Kimball, 10P2442APP	4	EA			
		470	Lock, Kimball, KSCD005	2	EA			
		480	Lock, Kimball, KSCD042	2	EA			
		490	Lock, Kimball, KSCD015	2	EA			
		500	Lock, Kimball, KSCD014	2	EA			

**Attachment A**  
**Furniture Distribution Summary**  
for  
**RCA # 8320**

Dept.	Purch. Req.	Item	Short text	Qty.	Un	REPLA CE	LOCATION	ADDRESS
HPD	10077517	510	Lock, Kimball, KSCD013	2	EA	NEW	Records	811 Dallas
		520	Lock, Kimball, KSCD012	2	EA		Management	
		530	Lock, Kimball, KSCD011	2	EA		offices	
		540	Lock, Kimball, KSCD010	2	EA			
		550	Lock, Kimball, KSCD009	2	EA			
		560	Lock, Kimball, KSCD008	2	EA			
		570	Lock, Kimball, KSCD017	2	EA			
		580	Lock, Kimball, KSCD006	2	EA			
		590	Lock, Kimball, KSCD018	2	EA			
		600	Lock, Kimball, KSCD004	2	EA			
		610	Lock, Kimball, KSCD003	2	EA			
		620	Lock, Kimball, KSCD002	2	EA			
		630	Lock, Kimball, KSCD001	2	EA			
		640	Bracket, Kimball, IBRWSER	112	EA			
		650	Bracket, Kimball, IBRWSEL	113	EA			
		660	Bracket, Kimball, FBG	10	EA			
		670	Bracket, Kimball, IBF1	356	EA			
		680	Bracket, Kimball, IB24CR	140	EA			
		690	Lock, Kimball, KSCD007	2	EA			
		700	Lock, Kimball, KSCD028	2	EA			
		710	Lock, Kimball, KSCD039	2	EA			
		720	Lock, Kimball, KSCD038	2	EA			
		730	Lock, Kimball, KSCD037	2	EA			
		740	Lock, Kimball, KSCD036	2	EA			
		750	Lock, Kimball, KSCD035	2	EA			
		760	Lock, Kimball, KSCD034	2	EA			
		770	Lock, Kimball, KSCD033	2	EA			
		780	Lock, Kimball, KSCD032	2	EA			
		790	Lock, Kimball, KSCD031	2	EA			
		800	Lock, Kimball, KSCD016	2	EA			
		810	Lock, Kimball, KSCD029	2	EA			
		820	Straight, Kimball, SS2424WSS	2	EA			
		830	Lock, Kimball, KSCD027	2	EA			
		840	Lock, Kimball, KSCD026	2	EA			
		850	Lock, Kimball, KSCD025	2	EA			
		860	Lock, Kimball, KSCD024	2	EA			
		870	Lock, Kimball, KSCD023	2	EA			
		880	Lock, Kimball, KSCD022	2	EA			
		890	Lock, Kimball, KSCD021	2	EA			
		900	Lock, Kimball, KSCD020	2	EA			
		910	Lock, Kimball, KSCD019	2	EA			
		920	Lock, Kimball, KSCD030	2	EA			
		930	Panel, Kimball, 10P4842APP	1	EA			
		940	Straight, Kimball, SS2460WSS	98	EA			
		950	Straight, Kimball, SS2448WSS	2	EA			
		960	Straight, Kimball, SS2442WSS	2	EA			
		970	Straight, Kimball, SS2436WSS	46	EA			
		980	Table, Kimball, TBS3427XP	3	EA			
		990	Lock, Kimball, KSCD151	4	EA			
		1000	Straight, Kimball, SS2472WSS	3	EA			

**Attachment A**  
**Furniture Distribution Summary**  
for  
**RCA # 8320**

Dept.	Purch. Req.	Item	Short text	Qty.	Un	REPLA CE	LOCATION	ADDRESS
HPD	10077517	1010	Straight, Kimball, SS2442WSS	3	EA	NEW	Records	811 Dallas
		1020	U Shape, Kimball, SS3072WSU	3	EA		Management	
		1030	Round, Kimball, SS42TTRNL	3	EA		offices	
		1040	Pedestal, Kimball, 12S2415PUF	3	EA			
		1050	Pedestal, Kimball, 12S2415PUB	3	EA			
		1060	Storage, Kimball, IF7221T	3	EA			
		1070	Panel, Kimball, IF4223M	3	EA			
		1080	Panel, Kimball, IF4023M	3	EA			
		1090	End Panel, Kimball, IF3027F	3	EA			
		1100	End Panel, Kimball, IF2427F	3	EA			
		1110	Panel, Kimball, IF1227WSP	6	EA			
		1120	Column, Kimball, AC2804SFB	3	EA			
		1130	Task Light, Kimball, KSU49TL	3	EA			
		1140	Lock, Kimball, KSCD153	4	EA			
		1150	Organizer, Kimball, IF7236HP	3	EA			
		1160	Pedestal, Kimball, IFMNDF	3	EA			
		1170	Lock, Kimball, KSCD152	4	EA			
		1180	Bracket, Kimball, FBG	3	EA			
		1190	Bracket, Kimball, IBF1	12	EA			
		1200	Pedestal, Kimball, IFMNDF	18	EA			
		1210	Bracket, Kimball, IBF1	18	EA			
		1220	Lock, Kimball, KSCD155	4	EA			
		1230	Lock, Kimball, KSCD156	4	EA			
		1240	Panel, Kimball, IF3223M	9	EA			
		1250	Lock, Kimball, KSCD154	4	EA			
		1260	Panel, Kimball, IF2427F	9	EA			
		1270	Panel, Kimball, IF1227WSP	9	EA			
		1280	Task Light, Kimball, KSU49TL	9	EA			
		1290	Lock, Kimball, KSCD162	4	EA			
		1300	Lock, Kimball, KSCD161	4	EA			
		1310	Lock, Kimball, KSCD160	4	EA			
		1320	Lock, Kimball, KSCD159	4	EA			
		1330	Lock, Kimball, KSCD158	4	EA			
		1340	Lock, Kimball, KSCD157	4	EA			
		1350	Straight, Kimball, SS2472WSS	9	EA			
		1360	Straight, Kimball, SS2448WSS	9	EA			
		1370	Pedestal, Kimball, 12S2415PUF	9	EA			
		1380	Pedestal, Kimball, 12S2415PUB	9	EA			
		1390	Organizer, Kimball, IF7236HP	9	EA			
		1400	Storage, Kimball, IF7221T	9	EA			
		1410	Panel, Kimball, IF5623M	9	EA			
		1420	Bracket, Kimball, IBTWS	5	EA			
		1430	Tile, Kimball, HIT4836SS3	1	EA			
		1440	Tile, Kimball, HIT4836A	1	EA			
		1450	Tile, Kimball, HIT4236A	1	EA			
		1460	Tray, Kimball, 99K1217DPT	2	EA			
		1470	Slant, Kimball, 99k1212SS	2	EA			
		1480	Concealment, Kimball, TTCFC	1	EA			
		1490	Lock, Kimball, KSCD200	2	EA			
		1500	Lock, Kimball, KSCD035	1	EA			

**Attachment A**  
**Furniture Distribution Summary**  
**for**  
**RCA # 8320**

Dept.	Purch. Req.	Item	Short text	Qty.	Un	REPLA	LOCATION	ADDRESS
						CE		
HPD	10077517	1510	Panel, Kimball, IF1227WSP	4	EA	NEW	Records	811 Dallas
		1520	Pedestal, Kimball, IFMNDP	2	EA		Management	
		1530	Panel, Kimball, IF2023M	2	EA		offices	
		1540	Bracket, Kimball, FBG	1	EA			
		1550	Bracket, Kimball, IBF1	10	EA			
		1560	Lock, Kimball, KSCD034	1	EA			
		1570	Straight, Kimball, SS3042WSS	1	EA			
		1580	Straight, Kimball, SS2448WSS	2	EA			
		1590	Post, Kimball, IF0727CP	2	EA			
		1600	Straight, Kimball, SS3096WSS	1	EA			
		1610	Corner, Kimball, SS24363624	2	EA			
		1620	Pedestal, Kimball, 12S2415PUB	2	EA			
		1630	Storage, Kimball, LFF1836OF	2	EA			
		1640	Extrusion, Kimball, TTWMT144	1	EA			
		1650	End Trim, Kimball, TTET39	2	EA			
		1660	Panel, Kimball, IF4623M	2	EA			
		1670	Panel, Kimball, IF3027F	2	EA			
		1680	Panel, Kimball, IF2427F	3	EA			
		1690	Panel, Kimball, IF2423M	4	EA			
		1700	Straight, Kimball, SS2436WSS	2	EA			
		1710	Top, Kimball, 77K2472RTL	16	EA			
		1720	Top, Kimball, 77K2448RTL	8	EA			
		1730	Ganging, Kimball, 77KGM462	16	EA			
1740	Circuit, Kimball, 77KELPIF1	8	EA					
1750	Circuit, Kimball, 77KELPDC1	24	EA					
1760	Legs, Kimball, 77K7228FXLECM462	16	EA					
1770	Cable, Kimball, 77KELJ1	16	EA					
1780	Legs, Kimball, 77K4828FXLECM462	8	EA					
1790	Cable, Kimball, 77K12VCM462	8	EA					
1800	Top, Kimball, 77K2460RTL	14	EA					
1810	Legs, Kimball, 77K6028FXLM462	14	EA					
1820	Design Services	10	EA					
1830	Delivery & Installation	1	EA					
HPD	10077548	10	WALL MOUNT, TEAMBOARD, TMEZ6250C	1	EA	NEW	Records	811 Dallas
		20	WALL MOUNT, TEAMBOARD, TMEZ5442C	5	EA		Management	
		30	ADMIN FEE	1	EA		offices	
HPD	10077597	10	MARKERBOARD, EGAN VISUAL, MES7248W	3	EA	NEW	Records	811 Dallas
		20	MARKERBOARD, EGAN VISUAL, MES4848W	4	EA		Management	
		30	TXMAS, ADMIN FEE	1	EA		offices	
		40	DESIGN SERVICES	4	EA			
		50	DELIVERY & INSTALLATION	1	EA			
HPD	10077599	10	DRAWER, HON, 9184R	10	EA	NEW	Records	811 Dallas
		20	LOCK CORE, HON, F23C	5	EA		Management	
		30	LOCK CORE, HON, F23C	5	EA		offices	
		40	MID-BACK, PNEUMATIC, HON, 7628	49	EA			
		50	FAN BACK GUEST, HON, 4077	10	EA			
		60	DRAWER, HON, 9184R	3	EA			

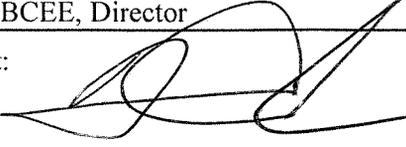
**Attachment A**  
**Furniture Distribution Summary**  
**for**  
**RCA # 8320**

Dept.	Purch. Req.	Item	Short text	Qty.	Un	REPLA CE	LOCATION	ADDRESS
HPD	10077599	70	LOCK CORE, HON, F23C	1	EA	NEW	Records	811 Dallas
		80	LOCK CORE, HON, F23C	1	EA		Management	
		90	LOCK CORE, HON, F23C	1	EA		ofices	
		100	FAN BACK, HON, 4073	6	EA			
		110	MID-BACK, PNEUMATIC, ADJ ARMS, 7628	3	EA			
		120	DRAWER, HON, 9184R	9	EA			
		130	LOCK CORE, HON, F23C	1	EA			
		140	LOCK CORE, HON, F23C	1	EA			
		150	LOCK CORE, HON, F23C	1	EA			
		160	LOCK CORE, HON, F23C	1	EA			
		170	LOCK CORE, HON, F23C	1	EA			
		180	LOCK CORE, HON, F23C	1	EA			
		190	LOCK CORE, HON, F23C	1	EA			
		200	LOCK CORE, HON, F23C	1	EA			
		210	LOCK CORE, HON, F23C	1	EA			
		220	MID-BACK, PNEUMATIC, ADJ ARMS, HON, 7628	9	EA			
		230	DRAWER, HON, 9184R	2	EA			
		240	LOCK CORE, HON, F23C	2	EA			
		250	FAN BACK GUEST ARMLESS, HON, 4073	1	EA			
		260	MID-BACK, PNEUMATIC, ADJ ARMS, HON, 7628	2	EA			
		270	MID-BACK, PNEUMATIC, ADJ ARMS, HON, 7622	40	EA			
		280	MID-BACK, PNEUMATIC, HON, 4703	28	EA			
		290	FAN BACK, HON, 4073	13	EA			
		300	MID-BACK, PNEUMATIC, HON, 4703	24	EA			
		310	CURVED BASE TOP, HON, BLCP01	2	EA			
		320	LAMINATE TOP, HON, LB48144G	2	EA			
		330	SINGLE COLUMM, HON, BBX40	1	EA			
		340	SQR HOSP TOP, HON, 1112	1	EA			
		350	POLYMER SEAT&CHAIRS, HON, 4041	1	EA			
		360	DELIVERY & INSTALLATION	1	EA			

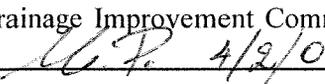
<b>SUBJECT:</b> Professional Construction Management and Inspection Services Contract between the City of Houston and Brian Smith Construction Inspection, Inc. for Kirby Drive Relief Storm Sewer, Phase 2; WBS No. M-000230-0002-4.	<b>Page</b> 1 of 1	<b>Agenda Item</b> #  <span style="font-size: 2em; font-weight: bold;">33</span>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  4/30/09	<b>Agenda Date</b>  MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE., BCEE, Director	<b>Council District affected:</b> G 
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director   <b>Phone:</b> (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** (Summary) Approve Construction Management and Inspection Services Contract with Brian Smith Construction Inspection, Inc. and appropriate funds.

<b>Amount and Source of Funding:</b> \$12,000.00 from Drainage Improvement Commercial Paper Series F, Fund No. 4030.	<b>Finance Department</b>  
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**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Storm Drainage Capital Improvement Program (CIP) and is required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.

**DESCRIPTION/SCOPE:** The contract provides Construction Management and Inspection Services for the Construction branch of the Department of Public Works and Engineering in connection with Kirby Drive Relief Storm Sewer Project.

**LOCATION:** The project is located in Key Map Grids 492P, Q, T and U.

**SCOPE OF THE CONTRACT AND FEE:** This contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, close out documentation and other task requested by the Director. The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City consultants. In this case, the consultant provides health benefits to eligible employees.

**M/WBE PARTICIPATION:** The Consultant has submitted the following proposed M/WBE participation to satisfy the 24% goal for the project.

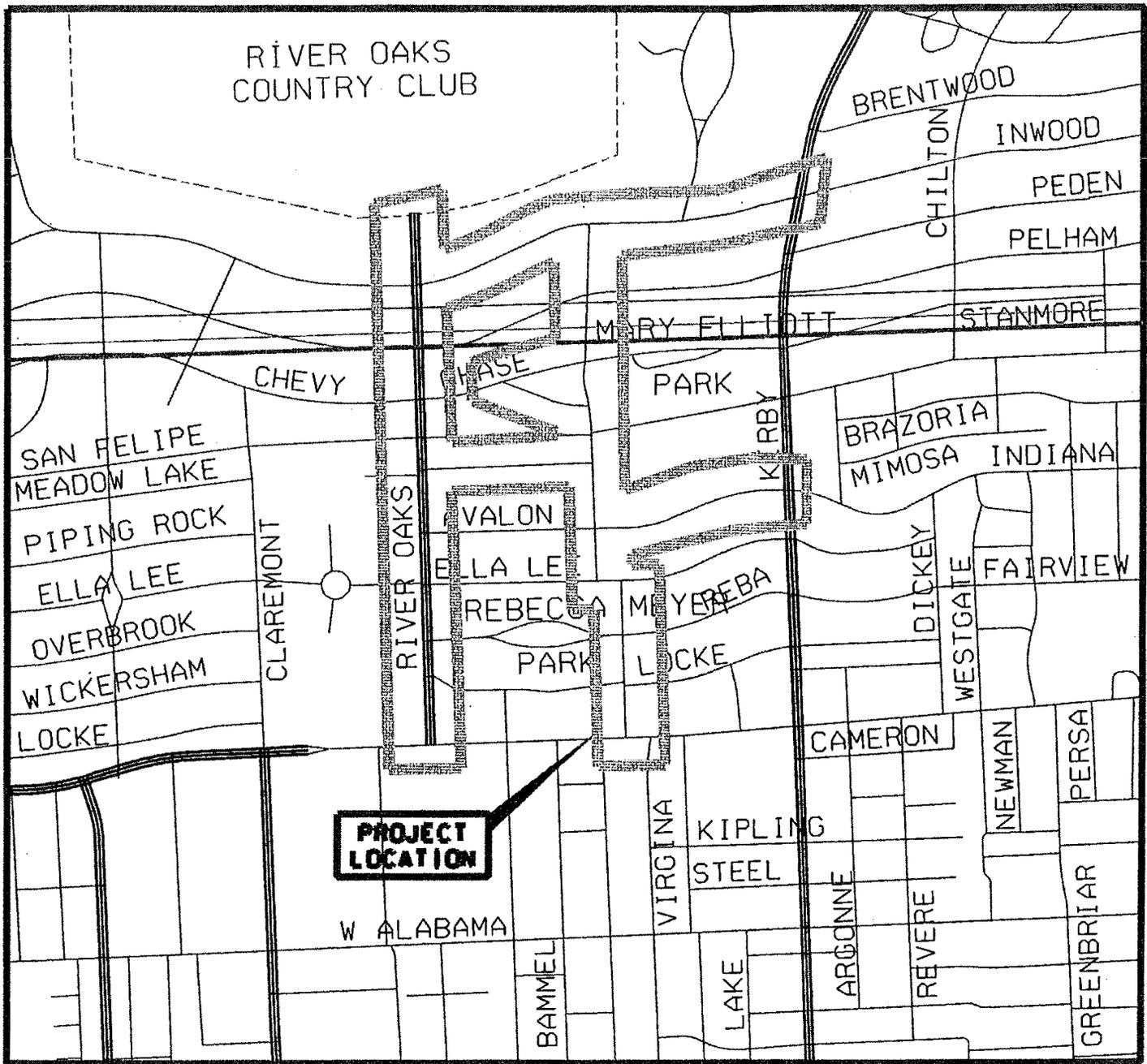
<u>Name of Firm</u>	<u>Work Destination</u>	<u>Percentage</u>
1. United Engineers, Inc.	Inspection/ Administration	8%
2. SES Horizon Consulting Engineers, Inc.	Inspection/ Administration	8%
3. Infrastructure Associates, Inc.	Inspection/ Administration	8%
		24%

MSM : DRM : JTL : JAK : ha  
 S:\E&C Construction\South Sector\CM\Brian Smith\RCA - Closeout.doc  
 cc: Velma Laws Craig Foster Waynette Chan Marty Stein File No.: M-000230-0002-4

**REQUIRED AUTHORIZATION** 20HA48

<b>Finance Department</b>  	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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MCT



**VICINITY MAP**

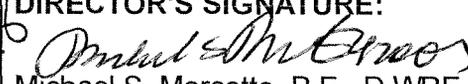
**KEY MAP NO 492 P.O.T.U**

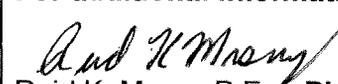
**GIMS MAP NO 5257 D**

**5256 B**

<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Malcolm Pirnie, Inc., for Engineering Services associated with the design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant (EWPP) WBS Number S-000056-0045-3	Page 1 of 2	Agenda Item # 34
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4-22-09	<b>Agenda Date</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> E	
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

Approve Professional Engineering Services contract with Malcolm Pirnie, Inc. and appropriate funds.

**Amount and Source of Funding:**  
 \$384,400.00 from the Water and Sewer System Consolidated Construction Fund 8500. *M.P. 4/15/09*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program and is required to improve operability, maintainability, reliability and to assist the City in meeting existing and proposed requirements of the Surface Water Treatment Rules (SWTR) and Texas Commission on Environmental Quality (TCEQ) requirements.

**DESCRIPTION/SCOPE:** The project consists of providing professional engineering services associated with the design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant.

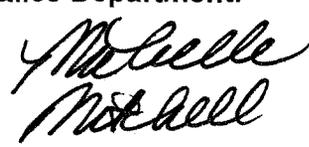
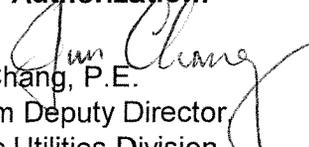
**LOCATION:** This project is located on 12555 Clinton Drive and 2300 Federal Road. The project is located in Key Map grids 496 U and Y.

**SCOPE OF CONTRACT AND FEE:** Under the scope of the contract, the consultant will perform Basic services (Phase II - Final Design, Phase III - Construction Phase Services) and Additional Services. \$268,000.00 is budgeted as Basic Services Fee to be administered on a lump sum or a reimbursable basis.

The contract also includes certain Additional Services to be paid as lump sum or on a reimbursable basis. The Additional Services are currently anticipated to include surveying, geotechnical investigations and traffic control plans, which comprise the bulk of the additional services funds. The total Additional Services appropriation is \$81,442.00.

The total requested appropriation is \$384,400.00 to be appropriated as follows: \$349,442.00 for contract services and \$34,958.00 for City recoverable costs of project management.

REQUIRED AUTHORIZATION CUIC ID #20JWM43A

<b>Finance Department:</b>  Michelle Mitchell	<b>Other Authorization:</b>  Jun Chang, P.E. Interim Deputy Director Public Utilities Division	 Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Malcolm Pirnie, Inc., for Engineering Services associated with the design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant (EWPP) WBS Number S-000056-0045-3	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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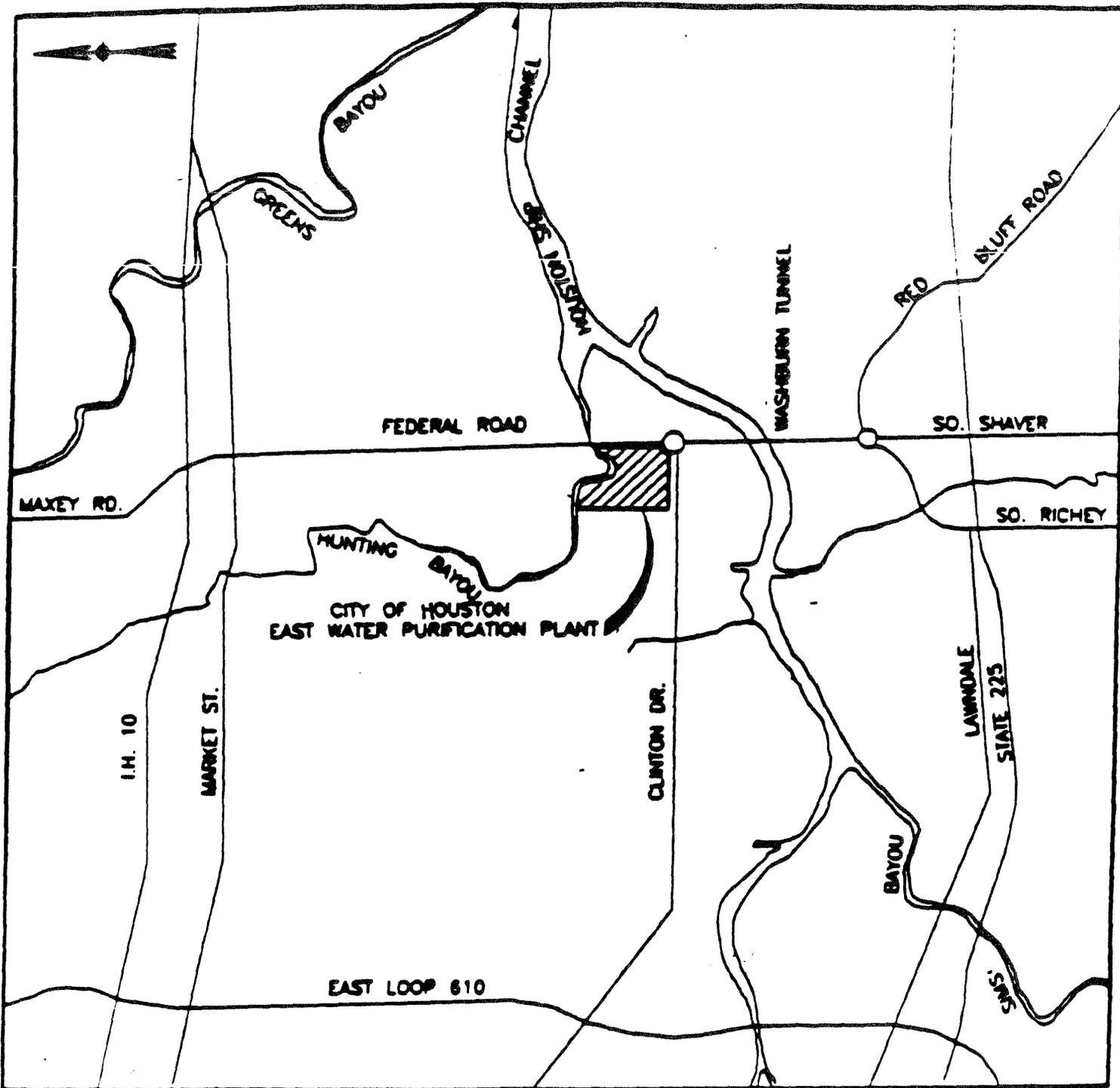
**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24.0%. The consultant proposes the following firms to meet the M/WBE goal participation:

	<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	Kalluri Group, Inc.	Instrumentation & Controls Support Services	\$60,000.00	17.17%
2.	Infrastructure Associates, Inc.	Structural and Roadway Design	\$35,000.00	10.02%
3.	Zarinkel Engineering Services, Inc.	Traffic Controls and Design Services	\$15,000.00	4.29%
4.	Amani Engineering, Inc.	Surveying Services	<u>\$22,250.00</u>	<u>6.37%</u>
	<b>TOTAL</b>		<b>\$132,250.00</b>	<b>37.85%</b>

  
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- c: Marty Stein  
 Velma Laws  
 Susan Bandy  
 Mike Pezeshki, P.E.  
 Craig Foster  
 File S-000056-0045-3 (RCA - 1.2)



**VICINITY MAP**

N.T.S.

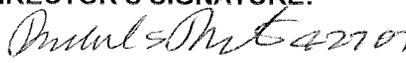
KEY MAP: 496 U, Y

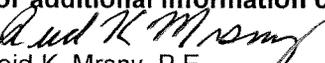
SECURITY ENTRANCES AND TRUCK TURNAROUND  
LANES AT THE EAST WATER PURIFICATION PLANT  
(EWPP) WBS NO. S-000056-0045-3

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

<b>SUBJECT:</b> Contract Award for On-Call Drainage Construction WBS No. M-000126-0060-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <span style="font-size: 2em; font-family: cursive;">35</span>
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> <span style="font-size: 1.5em; font-family: cursive;">4/30/09</span>	<b>Agenda Date:</b> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. D.WRE, BCEE	<b>Council District affected:</b> All <span style="font-size: 1.5em; font-family: cursive;">cyff</span>
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<b>For additional information contact:</b>  Reid K. Mrosny, P.E. <b>Phone:</b> (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Accept low bid, award Construction Contract appropriate and allocate funds.

**Amount and Source of Funding: \$1,570,000.00**  
\$1,070,000.00 from Drainage Improvement Commercial Paper Series F, Fund No. 4030 M.P. 4/20/09  
\$ 500,000.00 from Stormwater Fund, Fund No. 2302; Dany 4/20/09 ✓

**PROJECT NOTICE/JUSTIFICATION:** This Contract provides for negotiated Work Orders to address storm drainage issues citywide. This will provide on-call services on a work order basis to do repairs on the City's storm sewer system as generated by citizen complaints or by the Right-of-Way and Fleet Maintenance Division.

**DESCRIPTION/SCOPE:** This project consists of on-call projects to make various repairs to the drainage system citywide. The Contract duration for this project is 365 calendar days.

**LOCATION:** Locations will be determined as drainage issues are identified and Work Orders are assigned.

**BIDS:** Bids were received on December 4, 2008. The six (6) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. SER Construction Partners, Ltd.	1.100
2. JFT Construction, Inc.	1.144
3. Reytec Construction Resources, Inc	1.180
4. Total Contracting, Ltd.	1.190
5. D.L. Elliott Enterprises, Inc.	1.450
6. C.E. Barker, Ltd.	1.497

Contractors bid on the Adjustment Factor rather than monetary amount. The Adjustment Factor applies to individual bid items in the Contract Documents. Estimated Work Order prices will be calculated by multiplying Unit Quantity of each item in the Work Order by the Unit Price and the applicable Adjustment Factor.

**REQUIRED AUTHORIZATION** **CUIC ID# 20CH09A** *MG*

<b>Finance Department</b> 	<b>Other Authorization:</b>  Eric K. Dargan, Deputy Director Right-of-Way and Fleet Maintenance Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>Subject:</b> Contract Award for On-Call Drainage Construction WBS. No. M-000126-0060-4	<b>Originator's Initials</b> <i>Cyff</i>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this On-Call Construction Contract be awarded to SER Construction Partners, Ltd. with a low bid Adjustment Factor of 1.10 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$1,570,000.00 to be appropriated as follows:

- Bid Amount \$1,360,000.00
- Contingencies \$ 68,000.00
- Engineering and Testing Services \$ 60,000.00
- Project Management \$ 82,000.00

Engineering and Testing Services will be provided by Raba-Kistner Consultants, Inc. under a previously approved contract.

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

**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.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Mar-Con Services, LLC	Storm Sewer/Paving	\$190,400.00	14.0%
<b>TOTAL</b>		<b>\$190,400.00</b>	<b>14.0%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Deanie Hayes, Inc.	Construction Material	\$ 68,000.00	5.0%
<b>TOTAL</b>		<b>\$ 68,000.00</b>	<b>5.0%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. PRV Services, Inc.	Storm Sewer/Paving	\$ 40,800.00	3.0%
<b>TOTAL</b>		<b>\$ 40,800.00</b>	<b>3.0%</b>

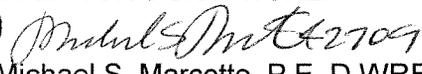
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- c:** Marty Stein  
Susan Bandy  
Velma Laws  
Mike Pezeshki, P.E.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Lockwood Lift Station Rehabilitation. W.B.S. No. R-000267-00B3-4.		<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>36</i>
<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date:</b> <i>4/30/09</i>	<b>Agenda Date:</b> MAY 06 2009
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  Michael S. Marcotte, P.E. D.WRE, BCEE		<b>Council District affected:</b> <i>1</i> <i>IMR</i>	
<b>For additional information contact:</b> <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. <b>Phone:</b> (713) 837-0452 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b>	

**RECOMMENDATION: (Summary)**

Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:**

\$2,596,000.00 Water and Sewer System Consolidated Construction Fund No. 8500.

*W.P. 4/15/09*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's ongoing programs to improve and upgrade its lift station facilities.

**DESCRIPTION/SCOPE:** This project consists of Rehabilitations of the existing lift station, construction of approximately 700 linear feet of 20-inch force main, and reconstruction of asphalt access road. The Contract duration for this project is 365 calendar days. This project was designed by Demopulos & Ferguson Associates, Inc. a division of Neel-Schaffer.

**LOCATION:** The lift station is located at 698 Lockwood Drive, Key Map Grid 494-Q.

**BIDS:** Bids were received on March 19, 2009. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. SER Construction Partners, Ltd.	\$2,191,285.28
2. Peltier Brothers Construction, Ltd.	\$2,599,483.75
3. Industrial TX Corporation	\$2,618,692.00
4. RJ Construction, Ltd.	\$2,726,200.00

REQUIRED AUTHORIZATION

CUIC ID# 20IMR63

NDT

<b>Finance Department</b> <i>Mitchell</i> <i>Mitchell</i>	<b>Other Authorization:</b>  Jun Chang, Interim Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	Subject: Contract Award for Lockwood Lift Station Rehabilitation. W.B.S. No. R-000267-00B3-4.	Originator's Initials IMR	Page 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to SER Construction Partners, Ltd. with a low bid of \$2,191,285.28 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$2,596,000.00 to be appropriated as follows:

• Bid Amount	\$2,191,285.28
• Contingencies	\$ 109,564.26
• Engineering and Testing Services	\$ 65,000.00
• Project Management	\$ 44,150.46
• Construction Management	\$ 186,000.00

Engineering and Testing Services will be provided by H.H. Holmes Testing Laboratories, Inc. under a previously approved contract.

Construction Management Services will be provided by Brian Smith Construction Inspection, Inc. under a previously approved contract.

**PAY OR PLAY PROGRAM:**

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

**MBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE, 5% WBE and 3% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Mar-Con Services, LLC	Install Underground Utilities	\$100,000.00	4.56%
2. PRV Services, Inc.	Install Underground Utilities	\$125,000.00	5.70%
3. Texas Fluid Power Products, Inc.	Pipes & Valves	<u>\$120,000.00</u>	<u>5.48%</u>
<b>TOTAL</b>		<b>\$345,000.00</b>	<b>15.74%</b>

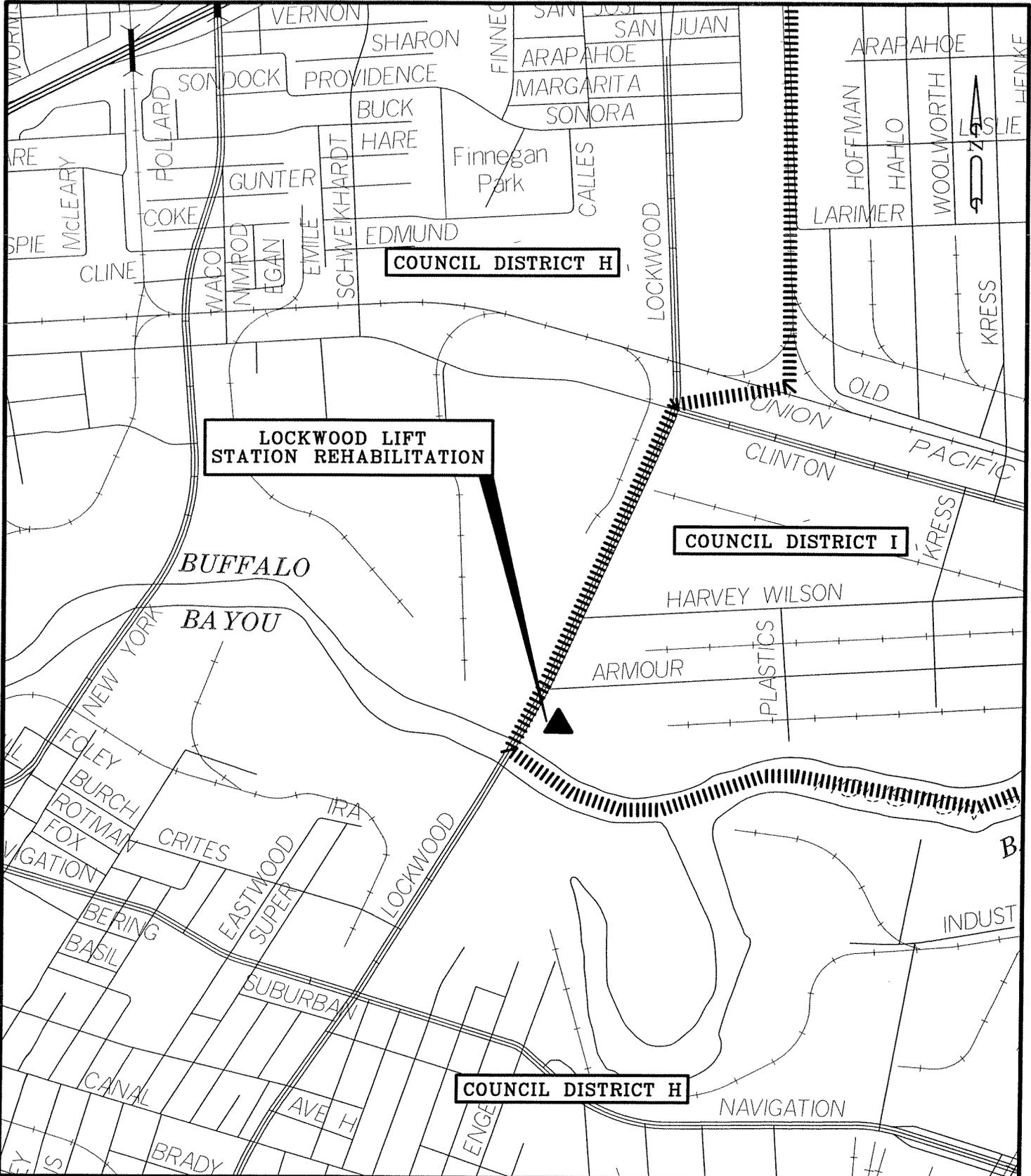
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Deanie Hayes, Inc.	Material Supply & Services	\$115,000.00	5.25%
<b>TOTAL</b>		<b>\$115,000.00</b>	<b>5.25%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Semarck Landscape Services, Inc.	Landscaping Utilities	\$27,000.00	1.23%
2. FS Garza Trucking	Trucking Services	<u>\$40,000.00</u>	<u>1.82%</u>
<b>TOTAL</b>		<b>\$67,000.00</b>	<b>3.05%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

*IMR*  
MSM:DRM:RKM:EN:IMR:pa  
*ES*

- c: Marty Stein  
Susan Bandy  
Velma Laws  
Mike Pezeshki, P.E.



**LOCKWOOD LIFT  
STATION REHABILITATION**

**COUNCIL DISTRICT H**

**COUNCIL DISTRICT I**

**COUNCIL DISTRICT H**

**LEGEND**



PROJECT LOCATION



COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

**GFS No. R-0267-B3-3 FILE No. WW4816-3  
LOCKWOOD LIFT STATION  
REHABILITATION**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

**Category #**

**Page 1 of 1**

**Agenda Item#**

*1<sup>st</sup> Reading*

*37-38*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

4/23/09

**Agenda Date**

MAY 06 2009

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin *JFO* Phone: (713) 837- 9623  
Nikki Cooper *NC* Phone: (713) 837- 9889

**Date and identification of prior authorizing**

**Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchises

**Amount of Funding:**

REVENUE

**Budget:**

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

**SPECIFIC EXPLANATION:**

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

1. ARC Abatement, Inc.
2. Sweeping Services of Texas – Operating, L.P.

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.

The Pay or Play Program does not apply to the solid waste franchises.

**REQUIRED AUTHORIZATION**

**Finance Director:**



*20*

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

**SUBJECT:** Additional Appropriation and Accept Work for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive, WBS No. N- 000750-0002-4.

<b>Category</b>	<b>Page</b>	<b>Agenda Item #</b>
139-39A	39A	6-6A

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

Department of Public Works and Engineering

**Origination Date**

4-9-09

**Agenda Date**

~~APR 29 2009~~  
MAY 06 2009

**DIRECTOR'S SIGNATURE:**

  
Michael S. Marcotte, P.E., D.WRE, BCEE, Director

**Council Districts affected:**

G Row

**For additional information contact:**

J. Timothy Lincoln, P.E.  
Senior Assistant Director



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

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

Ord. #2006-510 dated 05/24/06  
Ord. # 2007-1333 dated 11/28/07  
Motion # 2007-1166 dated 11/28/07

**RECOMMENDATION:** (Summary) Approve an ordinance appropriating \$11,862.41, adopt a motion approving the final Contract Amount of \$6,192,437.11 or 14.25% over the original Contract Amount, accepting the Work, and authorizing final payment.

**Amount and Source of Funding:** Additional appropriation of \$11,862.41 from Metro Project Commercial Paper Series E, Fund No. 4027. Previous (original) appropriation of \$6,324,766.70 with \$4,550,807.70 from the Series E Commercial Paper Metro Fund No. 49M and \$ 1,773,959.00 from Water and Sewer System Consolidation Construction Fund No.755. Previous (additional) appropriation of \$489,420.00 with \$157,961.00 from Water and Sewer System Consolidated Construction Fund No. 8500 and \$331,459.00 from Metro Project Commercial Paper Series E, Fund No.4027).

**Finance Department:**

*UT 3/13/09*

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Street and Traffic Control Improvements Program and was required to improve traffic flow/ circulation and reduce traffic congestion and hazards in service area.

**DESCRIPTION/SCOPE:** This project consisted of the reconstruction of San Felipe Street from Fountainview Street to Chimney Rock Drive with underground utilities, sidewalks, street lighting, and an extension of a 36" water transmission line. Dannenbaum Engineering Corporation designed the project with 307 calendar days allowed for construction. The project was awarded to JFT Construction, Inc. with an original Contract Amount of \$5,420,146.70.

**LOCATION:** The project area is generally bounded by Woodway on the north, Westheimer on the south, Chimney Rock on the east, and Fountainview on the west. The project is located in Key Map Grids 491N and P.

**CONTRACT COMPLETION AND COST:** JFT Construction, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 262 days approved by Change Orders No. 1 thru 4. The final cost of the project including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 thru 4, is \$6,192,437.11. This is an increase of \$772,290.41 or 14.25% over the original Contract Amount.

The increased cost is a result of the differences between planned and measured quantities and previously approved Change Orders No. 1 thru 4. This increase is primarily due to Change Order Nos. 1 thru 3 and overrun in Bid Item No. 43 – Remove and Dispose of Concrete Pavements, Concrete Sidewalks with or without Asphalt Surfaces, All thicknesses, Bid Item No. 48 – 10-inch reinforced Concrete Pavement, including Conc. Headers, Bid Item No. 51 – Temporary Asphaltic Pavement including Installation of Materials, Compaction, Maintenance and Removal, Bid Item No. 75 – 24-inch diameter storm sewer leads and Extra Unit Price Items, which were necessary to complete the work. The project was audited by the Construction Branch after completion to determine the actual field quantities. Final audit of the project confirmed an overrun in bid quantities as indicated above.

**REQUIRED AUTHORIZATION**

**CUIC ID # 20HA43**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**





Daniel R. Menendez, P.E., Deputy Director  
Engineering and Construction Division

*MOT*

*6.A*

<b>Date:</b>	<b>SUBJECT:</b> Additional Appropriation and Accept Work for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive, WBS No. N- 000750-0002-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**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 15.77%. The Contractor's M/WBE performance evaluation was rated satisfactory.

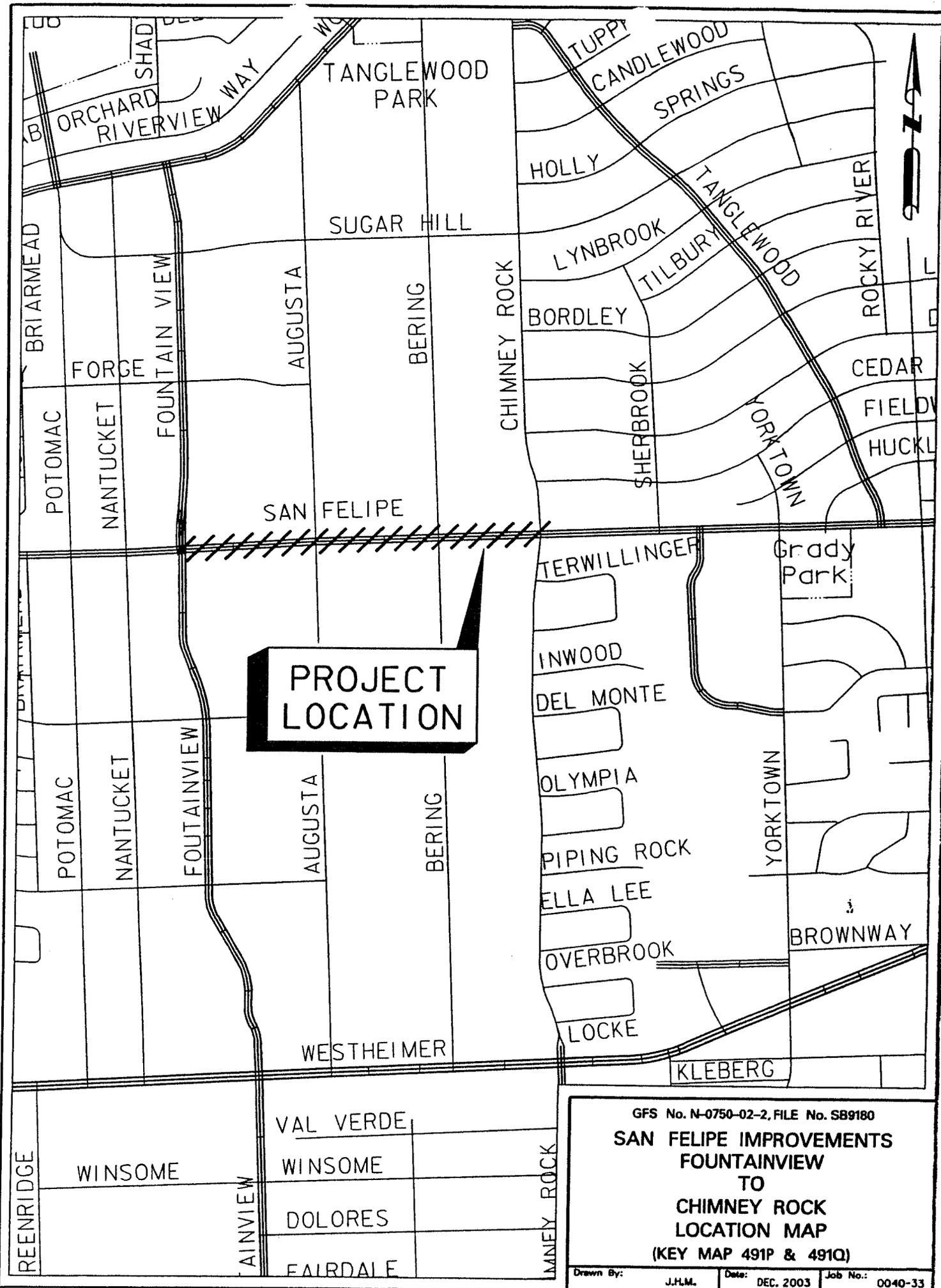


MSM:DRM:JTL:JAK:RJM:ha

S:\E&C Construction\South Sector\PROJECT FOLDER\N-0750-02-3\RCA\RCA - Closeout.doc

cc: Velma Laws Craig Foster Waynette Chan Marty Stein File N-0750-02/21.0

DESIGN FILE:g:\1110\0040-33\San Felipe Administration\Proposal\LOCAT.dgn



**PROJECT  
LOCATION**

GFS No. N-0750-02-2, FILE No. SB9180  
**SAN FELIPE IMPROVEMENTS  
 FOUNTAINVIEW  
 TO  
 CHIMNEY ROCK  
 LOCATION MAP  
 (KEY MAP 491P & 491Q)**

Drawn By: J.H.M. Date: DEC. 2003 Job No.: 0040-33

# **JFT CONSTRUCTION, INC.**

*Excellence in Engineering & Construction*

January 14, 2009

Mr. Morris M. Scott  
Division Manager, Contract Compliance  
Mayor's Office of Affirmative Action and Contract Compliance  
611 Walker, Houston, Texas 77002

Sent Via E-mail: [morris.scott2@cityofhouston.net](mailto:morris.scott2@cityofhouston.net)

Re: San Felipe/GFS No. N-0750-02-3/File No. N-0750-02 / Contract No. 62132, **and**  
Briargrove NSR #436B/GFS No. N-0368-03-3/Contract No. C57099  
**FINAL MWBE PARTICIPATION**

Dear Mr. Scott:

This is to confirm our phone conversation this p.m. that JFT will strive to meet the minimum minority participation on the on going and future jobs including any change orders.

As discussed JFT did meet the original minority participation of above referenced jobs based on Original Contract amounts as shown below but did not meet same participation for the change orders. JFT did not notice this requirement for the change orders and the City Project Engineer did not bring to our attention until the above jobs were at closing stages.

Here are the actual participation factors:

- Based on Original Awarded Contract Amount, MWBE % (17% required):  
San Felipe:  $\$976,729.94 / \$5,420,146.70 = 18.02\%$   
Briargrove  $\$1,514,220.00 / \$8,796,755.03 = 17.21\%$
- Based on Final Contract Amount Including Change Orders, MWBE %:  
San Felipe:  $\$976,729.94 / \$6,192,437.11 = 15.77\%$   
Briargrove:  $\$1,514,220.00 / \$9,549,916.50 = 15.86\%$

Now that we are made aware of this requirement for the change orders, we will insure to include on all on going and future jobs.

We apologize for this overlook and we assure you that we will strive and meet this requirement for the change orders in the future.

Should you need any further information or have any questions, please call. Thank you for your cooperation.

Sincerely,  
JFT CONSTRUCTION, INC.



Joseph Tahtouh, P.E.  
President

Cc: Mr. Donald Black, via e-mail: [Donald.Black@cityofhouston.net](mailto:Donald.Black@cityofhouston.net)  
jftc\_jobs0601-affirmativeactionfinal-A.doc

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P.O. Box 820829 • Houston, TX 77282 • Ph: 281-920-0150 • Fax: 281-920-0130

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## Summary of MWDBE Activities

Project Description/#: San Felipe Street Pavement Improvements from Fountainview to Chimney Rock Drive. N-000750-0002-4. #4600006993  
 Prime Contractor: JFT Construction, Inc. MWDBE Goal at award of contract: 17%  
 Amount of Contract: **\$5,420,146.70** Change Orders: **\$772,290.40** Final Contract Amount : **\$6,192,437.11**  
 Amount of MWDBE goal with change order: **\$1,052,714.30** MWDBE actual participation: **15.77%**

Original MWDBEs listed on RCA & Letter of Intent	MWDBEs Used:	List of original MWDBE, that were not used:
Bedo Construction Products, Inc. C. Sanchez Trucking Perez Construction Company Two-Way Barricade Equipment Sale & Rental, Inc. Central Texas Hauling	Bedo Construction Products, Inc. C. Sanchez Trucking Perez Construction Company Two-Way Barricade Equipment Sale & Rental, Inc.	Central Texas Hauling

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

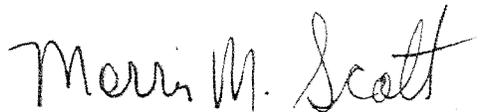
Per Joseph Tahtouh, there was a change order for the project that required an additional \$976,729.94, however, JFT performed all of the extra work themselves. The Prime, prior to the change order, achieved 18.02% of the 17% goal. With the change order included, the prime only achieved 15.77%. The Prime did not use any subcontractors while addressing items pertaining to the change order. We discussed with Mr. Tahtouh and he now understands that when money is added to the contract, he must also consider the effect on the goals. A letter is attached to describe his commitment to address this issue on current and future projects.

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

Javier Rodriguez, Central Texas Hauling stated they were not interested in participating in the San Felipe/Fountainview Project.

**Approved by:**

  
 Donald W. Black  
 Contract Compliance Officer

  
 Morris Scott, Division Manager  
 Contract Compliance Section

December 26, 2008  
Date

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve an ordinance amending the Code of Ordinances, dealing with appeals before City Council.	<b>Page</b> 1 of 1	<b>Agenda Item</b> #
	[40] <del>13</del>	

<b>FROM (Department or other point of origin):</b> Legal	<b>Origination Date</b> April 16, 2009	<b>Agenda Date</b> <del>APR 29 2009</del> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All
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<b>For additional information contact:</b> YuShan Chang Phone: (832) 393-6442	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 Amend Section 2-2 (Rule 12 only) and various sections in the Code of Ordinances, relating to appeals before City Council from the decision of a hearing officer, director, board, or commission; require the appellant to submit the written record of the hearing to the City Secretary within sixty (60) days of the initial decision; eliminate outdated provisions allowing certain appeals by a de novo hearing which is contrary to established practice.

**Amount and Source of Funding:** N/A

**SPECIFIC EXPLANATION:**

Rule 12 of Section 2-2 of the Code of Ordinances currently requires that appeals before City Council be based on the written record, but provides no deadline for submitting the record. Without a record, the appeal cannot be set and could be delayed indefinitely. The proposed changes to Rule 12 would require that a certified copy of the written record, including all exhibits, be provided within sixty days after the action of the hearing officer, director, commission, or board. Rule 12 is also amended to clarify the council may either sustain or deny an appeal or, if the council considers the record incomplete, refer the matter back to the hearing officer or board for further proceedings to complete the record.

The proposed ordinance also amends various outdated sections in the City Code that provide for a de novo hearing before City Council. These sections are being amended to provide that appeals under such sections are to comply with Rule 12 of section 2-2 of the City Code, which provides for an appeal based on the written record. De novo hearings allow the licensee to have a new hearing before City Council with new testimony and new evidence, as if the hearing below never occurred. This is a time-consuming process for City Council and the proposed ordinance amendments conform both Rule 12 and the affected sections also amended to conform all appeals to city council to the current practice of a review on the record, as set forth in Rule 12 of section 2-2 of the City Code.

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

*Rule 12. Appeals to City Council.*

Every appeal that is authorized by federal law, state law, the city Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council. The term 'record' shall include, but is not limited to, a transcript of oral testimony, exhibits offered and considered, written or oral responses, answers or questions, and all documents reviewed or considered by a hearing examiner or officer, commission or agency, board, or department director or his designee at an evidentiary hearing.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

(1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;

(2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and

(3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.

(4) Except as otherwise provided by the city Code, the party appealing to city council shall submit the complete court reporter-certified record to the city secretary as required by this Code within 60 days after the decision of the officer, agency, board, or commission whose decision or action is the basis of the appeal. Failure to submit the requested or required records within the required time period shall render the appeal to city council untimely and shall constitute a waiver by the appealing party of the appeal before city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

(1) The written transcript record of the hearing conducted below; and

(2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency,

board or commission.

The city council shall either sustain or deny the appeal, or, in the event that the city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings to complete the record. All decisions of the council on the record, other than a referral for further proceedings, as described above, shall be final and not subject to further appeal or rehearing.

The provisions of this rule shall not apply to any appeal on which evidence is required to be taken by the city council pursuant to applicable provisions of state or federal law or the city Charter.

#### **Sec. 7-25. Revocation of license.**

(e) In the event that the licensee's license is revoked, such licensee may appeal the revocation to the city council pursuant to Rrule 12 of Ssection 2-2 of this Code and by notifying the city secretary in writing within 14 days after the revocation. A hearing before the city council shall be set as soon as practicable. Failure to appeal within 14 days shall render the decision of the director of administration and regulatory affairs final.

~~(f) At the hearing conducted by the city council, all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. After hearing the evidence presented by both sides, tThe city council shall, based on a preponderance of the evidence, render its decision based on the record of the hearing provided pursuant to rule 12. A copy of the decision shall be sent by the director of administration and regulatory affairs to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days. The city council action shall be final.~~

#### **Sec. 8-57. Approval or disapproval of application.**

(b) If the automotive board refuses to approve an application for a license or revokes or suspends a license under this division, the applicant or licensee therefor shall have the right of appeal to the city council; provided, however, if the license is denied, suspended or revoked due to a conviction pursuant to section 1-10 of this Code, then such applicant or licensee shall have no right of appeal to the city council. ~~Otherwise~~In all other cases, an appeal is perfected may be set by the filing of a written request therefor pursuant to Rrule 12 of Ssection 2-2 of the Code and by filing a written request in the office of the city secretary within ten days after the action of the automotive board disapproving the application or revoking or suspending the license. ~~The city council~~ city secretary shall select a date for the hearing and written notice thereof will be given to the applicant. ~~The hearing before the council shall be de novo and the applicant or licensee shall have the~~

~~burden of proving that he is entitled to the license for which he applied or that his license should not have been revoked or suspended. If such appeal is from the denial of a license and if such license is granted by the city council, the applicant therefor shall be entitled to the issuance thereof in the same manner as other licenses are issued hereunder.~~

#### **Sec. 19-23. Revocation of permits.**

~~(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council pursuant to Rule 12 of Section 2-2 of this Code and upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered; provided, however that . ~~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 pending such an appeal.~~~~

#### **Sec. 21-209. Appeals.**

~~The denial of a permit or the revocation, suspension or revision of a permit may be appealed to the city council pursuant to Rule 12 of Section 2-2 of this Code and by filing a written request with the city secretary within ten days after the hearing officer's written order is rendered; provided that de novo to the city council upon the filing of a written application therefor with the city secretary within ten days after the hearing officer's written order is rendered. Such an appeal of a revocation, suspension or revision of a permit shall not operate to suspend the hearing officer's order thereupon pending such an appeal.~~

#### **Section 27-6**

~~(f) In the event that the licensee's license is revoked, such licensee may appeal the revocation to city council pursuant to Rule 12 of Section 2-2 of this Code and by notifying the city secretary in writing within 14 days after the revocation. A hearing before the city council shall be set as soon as practicable. Failure to appeal within 14 days shall render the decision of the director of administration and regulatory affairs final.~~

~~(g) ~~At~~ The hearing shall be conducted by city council pursuant to Rule 12 of Section 2-2 of this Code, all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. ~~After hearing the evidence presented by both sides, t~~ The city council shall, based on a preponderance of the evidence, render its decision based on the record of the hearing provided pursuant to rule 12. A copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in~~

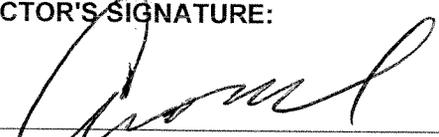
no event more than 30 days. This shall conclude the licensee's administrative remedies and city council's action shall be final.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance Making Findings Concerning the Use of the Median of Martin Luther King Boulevard within MacGregor Park for a METRO Light Rail Line and related Rail Station	<b>Category #</b>	<b>Page</b>	<b>Agenda Item #</b>
		1 of 1	23

<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date</b> April 23, 2009	<b>Agenda Date</b> <del>April 29, 2009</del> MAY 06 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Joe Turner <b>Phone:</b> 713-865-4505 Daniel Pederson                713-865-4507 Robert Johnson                832-393-6284	<b>Date and identification of prior authorizing Council action:</b>
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Approve an ordinance making findings concerning the use of the median of Martin Luther King Boulevard within MacGregor Park for the construction and operation of a light rail line and related rail station by the Metropolitan Transit Authority of Harris County (METRO).

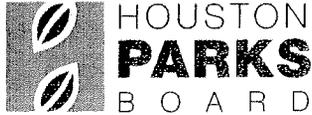
**SPECIFIC EXPLANATION:** The Metropolitan Transit Authority of Harris County (METRO) seeks to construct and operate a portion of its Southeast Corridor light rail line (the Project) within the existing median of Martin Luther King Boulevard within MacGregor Park. METRO also plans to establish a MacGregor Park Rail Station within the median of Martin Luther King Boulevard just north of Old Spanish Trail.

Pursuant to Chapter 26 of the Texas Parks & Wildlife Code, City Council held a public hearing on April 22, 2009, and considered pre-filed evidence by METRO, Joe Turner, John E. Walsh, Jr. on behalf of the University of Houston, Roksan Okan-Vick on behalf of the Houston Parks Board, and Ada Edwards, and the oral testimony of Joe Turner, and Preston Roe, President of and on behalf of the Greater OST/South Union Super Neighborhood and on behalf of the Greater OST Partnership. All MacGregor heirs have provided written support for the Project. After the Hearing, the MacGregor-Palm Terrace Civic Association, and the Old Spanish Trail Community Partnership also submitted letters in support of the Project. There was no testimony opposed to the Project.

The Project, and its alignment within Martin Luther King Boulevard and the MacGregor Park Station, will provide improved access to MacGregor Park, and is an amenity to the Park. The Project, and its alignment within Martin Luther King Boulevard within MacGregor Park, will maintain the use of the land for park purposes and is consistent with and supports park use.

The proposed ordinance makes findings concerning the construction and operation of the light rail line and rail station within the median of Martin Luther King Boulevard within MacGregor Park.

REQUIRED AUTHORIZATION		
<b>FIN Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>



HOUSTON  
**PARKS**  
B O A R D

April 20, 2009

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*Chairman*

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*President*

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W. Charles "Chuck" Carlberg  
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Roksan Okan-Vick, AIA  
*Executive Director*

Houston Parks Board  
2001 Kirby at San Felipe  
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Houston, Texas 77019  
713.942.8500  
Fax 713.942.7664  
[www.houstonparksboard.org](http://www.houstonparksboard.org)

The Honorable Mayor Bill White and Council Members  
c/o Ms. Marty Stein, Agenda Director  
City of Houston  
901 Bagby  
Houston, TX 77002

RE: Use of Martin Luther King Boulevard Median through MacGregor Park for METRO's Southeast Light Rail Line

Dear Mayor White and Council Members:

The Houston Parks Board supports METRO's request to use the Martin Luther King Boulevard median through MacGregor Park for METRO's Southeast light rail line.

This light rail line will improve access to the Park for Houston families and support greater use of the Park. The light rail line will not require additional park land to be used for the Martin Luther King right-of-way. The Federal Record of Decision on the environmental impact of the planned Southeast corridor rail line found, "No impairment of park functions or activities would result."

Sincerely yours,

Roksan Okan-Vick, AIA  
Executive Director